

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 13th January, 2021**

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

### Contacts

Email: [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk) / [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk)

Tel: 0131 529 4283 / 0131 529 4237

## 1. Order of business

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### 1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 11 January 2021** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## 2. Declaration of interests

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### 2.1 Declaration of interests

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## 3. Minutes

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Minute of the Development Management Sub-Committee of the  
16 December 2020 – submitted for approval as a correct record

## 4. General Applications, Miscellaneous Business and Pre-Application Reports

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**The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.**

- 4.1** Northfield House Hotel, 115 Lasswade Road, Edinburgh - 13 - 38  
Demolition of existing hotel and redevelopment of the site for  
purpose built student accommodation including landscaping and  
all ancillary development - application no 20/02562/FUL

It is recommended that this application be **REFUSED**.

- 4.2** BF, 18 Torphichen Street, Edinburgh - Change of use from 39 - 50  
residential flat to residential holiday let - application no  
20/03051/FUL

It is recommended that this application be **GRANTED**.

- 4.3** 74 West Croft, Ratho (Land 17 Metres Northwest Of) - Erection of 51 - 74  
5 No. detached dwellings and garages with associated open  
space, landscaping and site development works (as amended) -  
application no 20/03807/FUL

It is recommended that this application be **GRANTED**.

## 5. Returning Applications

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These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

5.1 None.

## 6. Applications for Hearing

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The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

6.1 None.

## 7. Applications for Detailed Presentation

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The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

7.1	57 Tower Street 1 Bath Road, Edinburgh, EH6 7BB - Proposed residential development and associated landscaping, drainage, roads and infrastructure - application no 20/01313/FUL	75 - 122
	It is recommended that this application be <b>GRANTED</b> .	

## 8. Returning Applications Following Site Visit

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These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit

**the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

**8.1**      None.

## **Andrew Kerr**

Chief Executive

### **Committee Members**

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Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Cameron Rose and Councillor Ethan Young

### **Information about the Development Management Sub-Committee**

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The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Teams and will be webcast live for viewing by members of the public.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Veronica Macmillan / Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283 / 0131 529 4237, email [veronica.macmillan@edinburgh.gov.uk](mailto:veronica.macmillan@edinburgh.gov.uk) / [martin.scott@edinburgh.gov.uk](mailto:martin.scott@edinburgh.gov.uk).

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>

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If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services ([committee.services@edinburgh.gov.uk](mailto:committee.services@edinburgh.gov.uk)).

# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00 am, Wednesday 16 December 2020**

### **Present:**

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Gordon, Griffiths, Mitchell, Mowat, Munn (substituting for Councillor Ethen Young), Osler and Rose.

### **1. Minutes**

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#### **Decision**

To approve the minute of the Development Management Sub-Committee of 9 December 2020 as a correct record.

### **2. General Applications and Miscellaneous Business**

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The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 7 of the agenda for this meeting.

#### **Declaration of Interests**

Councillors Gordon and Munn declared a non-financial interest in Item 5.3 – 23 - 27 Gylemuir Road, Edinburgh as they did not part in the original consideration of the item and did not take part in the discussion and decision on this item.

#### **Decision**

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
<b>4.1 – <a href="#">Report for forthcoming application by CB Edinburgh Investment LLP. For Proposal of Application Notice at 5 Bankhead Avenue, Edinburgh</a></b>	Demolition of all Buildings and Structures and erection of 24x Units Use Class 4 (c) (Business), Class 5 (General Industrial) and Class 6 (Storage or Distribution), with access and servicing arrangements, car parking, landscaping, and associated works - application no. 20/04811/PAN	<ol style="list-style-type: none"> <li>1) To note the key issues at this stage.</li> <li>2) To take account of the following additional issues: <ul style="list-style-type: none"> <li>• To consider the potential for mixed use and housing, subject to discussions with officers.</li> <li>• To consider active travel to ensure movement for pedestrians and cyclists.</li> </ul> </li> </ol>
<b>4.2 – <a href="#">Report for forthcoming application by Barratt &amp; David Wilson Homes &amp; Trustees of the Catchment for Proposal of Application Notice at Land 200 Metres South of 4 Mortonhall Park Gardens, Edinburgh</a></b>	Residential and commercial development with associated roads, landscaping and open space - application no. 20/04554/PAN	<ol style="list-style-type: none"> <li>1) To note the key issues at this stage.</li> <li>2) To take account of the following additional issues: <ul style="list-style-type: none"> <li>• To consider the robust Green Belt policies in the area.</li> <li>• To consider the need for active travel and to have discussions with officers and the local community in respect of this.</li> </ul> </li> </ol>
<b>4.3 – <a href="#">Dimma Park, South Queensferry (At Land South Of)</a></b>	Erect 72x dwellings with associated roads and parking spaces (as amended) - application no. - 20/00802/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.



Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<b>4.4 – <a href="#">Dreghorn Link, Edinburgh (Advertising Hoardings At)</a></b>	Install and display 3 non-illuminated roundabout sponsorship signs on the roundabout facing 3 entrance roads. EDB028 - Straiton, 4 signs, Easting 327451, Northing 666977. EDB029 (as amended) - application no. 20/02461/ADV	To <b>GRANT</b> advertisement consent subject to conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
<b>4.5 – <a href="#">2A Easter Belmont Road, Edinburgh</a></b>	Alter existing garden fence to provide sliding gate and provide dropped kerb along gate line, to provide car parking for a single car on existing paved surface - application no. 20/03983/FUL	To <b>GRANT</b> planning permission subject to the informatives as set out in section 3 of the report by the Chief Planning Officer.
<b>4.6 – <a href="#">65 London Road, Edinburgh</a></b>	Demolition of existing buildings and erection of purpose built student accommodation and associated landscaping and infrastructure - application no. 20/03478/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
<b>4.7 – <a href="#">200 Mayfield Road, Edinburgh</a></b>	Erection of 112 bed spaces of student accommodation (amendment to planning permission 16/04158/FUL) (as amended) - application no. 20/02489/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
<b>4.8 – <a href="#">11 Moray Park, Edinburgh (At Land 71 Metres North East Of)</a></b>	Proposed coffee shop with drive through facility and associated works - application no. 20/03545/FUL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.
<b>4.9 – <a href="#">103 Newcraighall Road, Edinburgh</a></b>	Alterations to listed building to convert to residential use including raising wallhead and roof level, new windows and doors and harling of masonry - application no. 20/03756/LBC	To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>5.1 – <a href="#">194 Fountainbridge (At Land Adjacent To)</a></b></p>	<p>Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 &amp; 13 of 15/02892/PPP for Building E including form &amp; massing, design &amp; materials, daylight &amp; sunlight, design &amp; operation of private/public open spaces, roads, footways/cycleway/access/servicing &amp; parking, venting &amp; electric vehicle charging, drainage, waste management, operational requirements for commercial uses/ sustainability/floor levels/lighting, site investigation/hard &amp; soft landscaping details &amp; noise mitigation. (As Amended) - application no. 19/02993/AMC</p>	<p>To <b>AGREE</b> to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p>
<p><b>5.2 – <a href="#">199 Fountainbridge, Edinburgh (At Site 60 Metres South Of)</a></b></p>	<p>Proposed mixed use development comprising retail (Class 1) financial services (class 2) food and drink (class 3) office/light industrial (class 4) hotel (class 7) housing (class 9) community use (class 10) leisure (class 11) public house (non-classified use) and associated parking, open space, infrastructure and public realm works - application no. 19/03097/PPP</p>	<p>To <b>AGREE</b> to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p>
<p><b>5.3 – <a href="#">23-27 Gylemuir Road, Edinburgh</a></b></p>	<p>Residential development comprising 126 units, associated landscaping, access and other ancillary works (as amended) - application no. 20/01854/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conclusion of a legal agreement relating to infrastructure delivery and an additional condition which would ensure public access in perpetuity through the scheme along the eastern area of the site.</p> <p><b>Dissent</b></p> <p>Councillor Booth requested that his dissent be recorded in respect of the above item.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<b>5.4 – <a href="#">69-71 Marionville Road, Edinburgh</a></b>	Demolition of two existing business units and erection of a residential development comprising four apartment buildings, a terrace of mews houses, associated car parking, car port and associated landscaping - application no. 19/04508/FUL	To <b>AGREE</b> to a further three-month extension to the period to conclude the legal agreement which would enable the planning permission to be released for this application.
<b>5.5 – <a href="#">7 Redhall House Drive, Edinburgh</a></b>	Alteration and conversion of existing building to form six duplex apartments; the erection of a detached garage block accommodating six garages, and the erection of two detached dwelling houses with all associated site development works and landscaping - application no. 18/09642/FUL	To <b>AGREE</b> to a further three-month extension to the period to conclude the legal agreement which would enable the planning permission to be released for this application.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.1 – <a href="#">Granton Harbour, West Harbour Road, Edinburgh</a></p>	<p>Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Granton Harbour, West Harbour Road - application no. 17/02484/AMC</p>	<p>To <b>CONTINUE</b> consideration of the application for the following reasons:</p> <ol style="list-style-type: none"> <li>1) To enable the applicant to work with officers to provide a plan which clearly indicated which part of the proposals the Sub-Committee was being asked to approve and to remove items which did not require approval, or items that had already been approved.</li> <li>2) To request that the applicant consider including the Waterfront Pathway in the plan, as required by the Local Development Plan.</li> <li>3) That the plan would illustrate the conditions on the report with greater clarity.</li> <li>4) That the Chief Planning Officer would discuss with Legal Services ways to address the lack of consultation with the local community council and the apparent gap in the system, even though the statutory requirements had been met.</li> </ol> <p><b>Note:</b> It would be advantageous for the applicant to work more closely with the community, to address their concerns and noting that the community had a right to know about developments in their area.</p> <p><b>Dissent</b></p> <p>Councillor Rose requested that his dissent be recorded in respect of the above item.</p>

## Development Management Sub Committee

**Wednesday 13 January 2021**

**Application for Planning Permission 20/02562/FUL  
at Northfield House Hotel, 115 Lasswade Road, Edinburgh.  
Demolition of existing hotel and redevelopment of the site  
for purpose built student accommodation including  
landscaping and all ancillary development.**

**Item number**

**Report number**

**Wards**

B16 - Liberton/Gilmerton

### Summary

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The principle of student accommodation is acceptable in this location and the development will not result in an excessive concentration of students in the locality. However, the proposal is not of an appropriate scale, form or design and will not draw from positive characteristics of the surrounding area. The features worthy of retention within the site have not been identified, incorporated and enhanced through the proposals design. The development will have a damaging impact upon the TPO protected trees within the site.

Whilst adequate levels of cycle parking will be incorporated on site, the proposed cycle stores will not be located in suitable locations and will not be completely weatherproof and secure. The proposal does not comply with the Local Development Plan and there are no material planning reasons which would justify approval. There are no material planning considerations which outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN12, LEN16, LEN21, LHOU01, LHOU03, LHOU07, LHOU08, LTRA02, LTRA03, LTRA04, NSG, NSGSTU, NSGD02,

# Report

## **Application for Planning Permission 20/02562/FUL at Northfield House Hotel, 115 Lasswade Road, Edinburgh. Demolition of existing hotel and redevelopment of the site for purpose built student accommodation including landscaping and all ancillary development.**

### **Recommendations**

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**1.1** It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 Site description**

The application site relates to No. 115 Lasswade Road, Edinburgh. The overall site area is 0.296ha.

The current legal use of the site is a hotel. The main building on the site is a two-storey stone built villa, which has been altered and extended over time, with the addition of a single storey side extension. It remains a relatively compact and attractive building overall. It is, however, not listed and is not of sufficient architectural or historic interest to justify listing.

Throughout the site are a number of mature and semi mature trees which are protected by a blanket Tree Preservation Order (TPO). These contribute significantly to the wooded villa setting of the site. There is also a concrete car park to the front and areas of grass to the side and rear. The site slopes down quite steeply from the principal elevation on Lasswade Road to Ellen's Glen Road to the rear. The Stenhouse Burn lies to the north.

Planning permission was granted under application 14/04049/FUL for the erection of a detached dwelling house on land which was previously part of the hotel site. This building has now been constructed and lies to the north east of the main building

Liberton Hospital lies to the north and there is a two-storey housing development to the south. There are new build flats on the other side of the road ranging from two to four storeys.

Lasswade Road is a main arterial road into the city.

## 2.2 Site History

18 September 1991 -Planning permission granted to erect extension to hotel (application reference: 19/02351/FUL).

23 June 2000 -Planning permission granted to alter and extend hotel (application reference: 00/01652/FUL).

10 June 2015 - Planning permission refused to erect a dwelling house with detached garage and change of use of hotel grounds to domestic use. Decision overturned, approved at LRB (application reference: 14/04049/FUL).

9 September 2019 - Application for tree work granted for the removal of an ash tree leaning over building (application reference: 19/02902/TPO).

## Main report

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### 3.1 Description of the Proposal

It is proposed that the existing two storey building within the site be demolished. In its place, a large new building, four storey to the front and five storey to the rear, will be constructed. It will have a flat roof and will be externally finished in a mixture of weathered steel, buff coloured brickwork and aluminium framed windows and doors.

It will have a footprint of 724 square metres and will house 99 students in total. The development will have 90 studio rooms, 5 accessible studio rooms and two 2 bedroom apartments. All rooms will provide a cooker for the occupant as well as their own toilet and shower. There will also be two amenity spaces proposed within the building.

The majority of the site will be landscaped with hard and soft amenity spaces within the site and retaining walls proposed.

It is proposed that a total of five TPO protected trees be removed within the site and pruning will also be required.

There will be no car parking on the site. Cycle parking for 99 bikes will be provided, with cycle parking stores located externally.

Two accesses to the site will be provided, one directly off Lasswade Road and another near the junction between Lasswade Road and Ellen's Glen Road.

The following documents have been provided to support the application:

- Planning Statement;
- Design and Access Statement;
- Surface Water Management Plan;
- Ecological Survey;
- Daylight and Sunlight assessment;
- Tree Survey;
- Noise Impact Assessment.

These documents are available to view on the Planning Portal.



### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the principle of the proposed development on the site is acceptable;
- b) the scale, form and design of the building is appropriate;
- c) the potential impact on neighbouring amenity is acceptable;
- d) amenity for future occupiers is acceptable;
- e) the proposal will impact upon the TPO protected trees within the site;
- f) the proposal will impact upon any protected species within the site;
- g) the proposal will raise any parking, traffic or road safety issues;
- h) there are any other material considerations and
- i) any comments have been addressed.

#### a) Principle of development

The site lies within the urban area and the principle of development needs to be assessed under Local Development Plan (LDP) policies Hou 8 (Student Accommodation) and Hou 1 (Housing Development), along with the non-statutory Student Housing Guidance (SHG).

#### *Student Accommodation*

LDP Policy Hou 8 (Student Accommodation) supports purpose-built student accommodation where:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport, and
- b) where the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The supporting non-statutory SHG provides additional locational and design guidance

### *Location*

The site is within the urban area immediately adjacent to Lasswade Road meaning it is served with direct access to public transport and thereby to university and college facilities. Edinburgh University King's Buildings is located within easy cycling distance as is the Edinburgh University faculty at the Edinburgh Royal Infirmary. Consequently, the proposal accords with the requirements of criterion (a) of Hou 8.

### *Concentration*

Part b) of policy Hou 8 seeks to protect areas from an excessive concentration of student accommodation to maintain balanced communities or maintain the established character and residential amenity of the locality.

The application site is within a predominantly residential area and as indicated within the Edinburgh Student Housing Guidance, does not comprise a large student population. In a review of the 2011 Census data, the Liberton/Gilmerton Ward area, where the site is located, only comprises a student population of around 8.2%. There were 1,192 full time students residing within the area at this time. The proposed development to house 99 students will only result in a relatively small increase to this percentage ensuring the proposal will not result in an excessive concentration of student accommodation/population.

Overall, the proposed student accommodation would not result in an excessive concentration of student housing which would be of detriment to character of the area and the site is suitably accessible to university and college facilities. The proposal accords with LDP policy Hou 8 parts a) and b).

### *Housing*

The non-statutory Student Housing Guidance (SHG) sets out requirements for purpose-built student accommodation and criterion (c) requires sites with 0.25ha or greater developable area, which do not share a boundary with a main university or college campus, to provide a proportion of housing as part of the development. This is to be calculated at 50% of the gross new build residential floor area.

The SHG defines developable area as "the application site area, less any areas of existing highway retained within the boundary"

It is not proposed to deliver housing or a proportion of housing as part of the development. The applicant has submitted a Planning Statement and additional information which puts forward the applicant's reasoning for developing the site as exclusively student accommodation.

The overall area of this site is 0.296ha. However, the applicant contends that a percentage of the site cannot be developed due to it being occupied by dense vegetation and the TPO protected trees. The applicant therefore argues that the actual net developable area is 0.23ha (i.e. less than 0.25 Ha.)

The applicant makes reference to a previous application at 61 and 63 London Road, for the erection of a mixed-use development including student accommodation and ancillary uses, commercial unit, and associated landscaping and infrastructure which was determined at Development Management Sub Committee under application 19/01149/FUL. The Committee report for that application accepted that some of the site was undevelopable due to the presence of underlying Scottish Water pipes and therefore the developable site area in that instance was under 0.25 Ha.

This site is quite heavily covered by TPO protected trees. The majority of these trees are worthy of retention and would not be permitted to be removed in order to facilitate development. Therefore, it is accepted that in this instance, an area of the site, as noted by the applicant, is quite likely to be undevelopable.

It is also stated that the proposed development complies with LDP Policy Hou 8 and that the development of this site for housing is not essential nor is it the intention of LDP policy Hou 1 to be a housing first policy.

Additionally, the applicant has cited the Scottish Government's Planning and Environmental Appeals Division (DPEA) recent decision for Gorgie Road (reference: PPA-230-2298). This is with reference to the weight which can be given to the SHG, in particular the stipulation for 50% provision of housing. This appeal was allowed on the basis that the Reporter did not consider that LDP Policy Hou 1 required all sites to be prioritised for mainstream housing, whilst it was also felt that as the SHG is non-statutory it therefore carries less weight than the policies adopted in the LDP, such as policy Hou 8.

Despite not fully complying with the SHG due to the size of the site and the non-provision of housing, the presence of the TPO protected trees within the site does impact on the site's developable area and the non-conformity with the non statutory guidance is justified in this instance.

#### *Mix of accommodation*

Criterion (d) of the Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. The application proposes 90 studio beds, 5 accessible studio beds and 2, two bedroom apartments. It therefore broadly complies with criterion (d) of the Student Housing Guidance.

#### *Conclusion*

The principle of the proposed development is in accordance with LDP policy Hou 8. Whilst the application does not accord with part c) of the non-statutory Student Housing Guidance, as no residential housing is proposed, given the recent DPEA decision and the justification provided, the breach in the non-statutory Student Housing Guidance is acceptable in this instance.

## b) Scale, form and design

Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The site currently contains a traditional, extended, two storey stone villa in an attractive wooded setting surrounded by large mature TPO protected trees. It is proposed that the existing original villa on the site be demolished. As this building is not listed nor residential accommodation it can be demolished without the requirement for planning permission. It is noted that the building has been extended and altered over the years but still remains an attractive building overall.

The existing building is only two storeys in height, is set back from the road and has a limited footprint given the size of the site. Overall, the existing building on the site is still sympathetic to its villa setting and does not encroach upon the numerous TPO protected trees which are located nearby. While there are quite large areas of hardstanding present for the car parking and access areas these have been incorporated into its setting and are not overly noticeable from the most public elevations of the property.

It is now proposed that a new building, four storey high at its principal elevation and five storey to the rear, be constructed in its place. The footprint of the structure will incorporate far more of the site than the existing two storey building and it will be sited closer to the road.

The external finishing materials of the proposal are a mixture of weathered steel, buff coloured brickwork and aluminium framed windows and doors. Whilst these materials are more modern than the stone and slate on the existing structure, they are considered high quality and are acceptable.

The applicant in their design statement has noted that there is a relatively modern four storey building which has been constructed further north along Lasswade road and a two and three storey building has also been recently constructed across the road from the site.

Whilst this is accepted, it is noted that these buildings have been constructed on the other side of Lasswade Road and they did not possess the secluded, wooded, villa nature of the application site. The majority of buildings located on the same side of Lasswade Road as the application site are two storey residential properties, not four or five storey buildings. It is also noted that the site is located at a much higher level than the two storey residential dwellings located directly to the rear (east) of the site. The proposed five storey building, to the rear, has the potential to tower over these dwellings, especially if the site's existing tree coverage was to be diminished.

It is anticipated that the development would likely result in the loss of many of the TPO protected trees within the site despite the applicant's tree survey. This would greatly impact upon the character and appearance of the site and would importantly also reduce the levels of screening present around the proposed building. The proposed development would be sited too close to many of the TPO protected trees and therefore it does not have regard to one of the most important features of the site.

Whilst it is acknowledged that the site is quite large, due to the levels changes present, concerns are also raised about how usable the amenity space shown will actually be in practice.

The design of the proposal is not based on an overall design concept that draws upon positive characteristics of the surrounding area. This site has a special importance being largely defined and enhanced by the TPO protected trees that are positioned within it. The development has not identified the existing characteristics and features worthy of retention on the site, namely its secluded villa setting, open space and TPO protected trees. These features will not be incorporated or enhanced through its design.

The development also does not respect the character of the wider townscape in terms of height and form and signifies overdevelopment of the site.

The proposal does not comply with policy Des 1, Des 3 and Des 4 of the adopted LDP.

### c) Neighbouring amenity

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

Policy Hou 7- (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The Edinburgh Design Guidance (EDG) states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The site is currently utilised as a hotel with a restaurant/bar. Concerns have been raised that development of student accommodation within the site introduces an increased risk of noise and disturbance to existing nearby residents.

A Noise Impact Assessment (NIA) was submitted as part of the application. Environmental Health have confirmed that they have no objections to the proposal in terms of potential noise/odours. A condition relating to ground contamination investigation is recommended if the application was to be approved.

The majority of the proposed windows in the building are suitably set off mutual boundaries. However, three windows, to the rear of the site, will directly overlook the rear garden of the newly constructed dwelling house which abuts the site at a distance of approximately 8-9 metres. It is acknowledged that the Edinburgh Design Guidance states that there should be 9 metres between boundaries. However, it is also noted that some of these windows shall be screened by the existing tree cover within the site and that according to the plans submitted more than 18 metres will be present between the windows in the proposal and that of the dwelling house, which is in accordance with the Edinburgh Design Guidance.

Overall, on balance, the proposal will not have a material impact upon neighbouring privacy levels or compromise the future development of other sites.

The nearest property on Carnbee Dell would be located approximately 16 metres away from the proposed building. Given the position of the development relative to the sun's daily path from east to west during the day and the separation distances involved the proposal would not materially impact upon the residential properties within this street in terms of loss of sunlight/daylight.

A sunlight/daylight analysis submitted with the proposal shows that whilst the development shall overshadow part of the property recently constructed directly to the north of the site during certain times of the day, this would not be to an unacceptable level.

The proposal broadly complies with LDP Policy Des 5 in terms of neighbouring amenity and LDP Policy Hou 7.

#### d) Amenity for future occupiers

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. It expects that design to be of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles.

The Edinburgh Design Guidance also applies to student accommodation with regard to daylight, sunlight, privacy and outlook.

The proposed development proposes a total of 97 units. 90 of the units proposed are single bed studio units, whilst 5 will be accessible studio beds and two will be two bedroom apartments. The majority will have a floor space of approximately 20 square metres, whilst the accessible bedrooms will be approximately 29 square metres and two bedroom units roughly 49 square metres. Each unit includes adequate cooking and storage facilities for each resident. Whilst some of the proposed units are dual aspect the majority of them are not.

The applicant's Average Daylight Factor (ADF) Assessment concludes that all of the bedrooms proposed within the building which would potentially be most restricted in terms of daylight will achieve in excess of the minimum average daylight factor as required. The rooms located at different locations within the building or at a higher level are less restricted in terms of overshadowing and will also be acceptable. Two large internal amenity spaces are proposed, at lower ground floor level within the building, whilst a hard and soft landscaped shared outdoor amenity space is proposed within the front, side and rear courtyard. This includes formal lawns, planting and seating. Concerns have, however, been raised about how useable the amenity area shown to the rear of the site would be in practice given the level changes that are present.

The proposed level of amenity for residents is, overall, acceptable with residents having access to shared managed outdoor space. Rooms while largely uniform in size have broadly adequate space and facilities along with the majority of them having a good outlook within established separation distances. It is noted that there are five bedrooms proposed on the ground floor (basement level to the front) which will look out onto a external courtyard area which is surrounded by a 3 metre (approximately) high retaining wall. The depth of this courtyard will be approximately 3.3 metres. The ADF provided states that adequate sunlight levels will still be achieved within these rooms. A condition should be applied to this consent, if granted, to ensure that adequate landscaping and planting of this area will ensure that a satisfactory direct outlook from these rooms is also achieved. The proposal generally complies with policy Des 5, in terms of occupant amenity, and the relevant guidance.

#### e) Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact upon a tree protected by a Tree Preservation Order (TPO).

All of the trees within the site are protected by a TPO (TPO 16). The trees contribute highly to the amenity of the site and the streetscape of the surrounding area.

The applicant has submitted an arboricultural tree survey. This shows that there are three trees within the site that should be removed because they are unhealthy or potentially dangerous. Two trees within the site are proposed to be removed in order to facilitate the development. They are category B listed trees although their life span is said to be limited.

The arboricultural survey has insufficient information. In particular there is a lack of information regarding the proposed hardstanding to be utilised within the site, the retaining walls proposed, required excavations and a lack of information regarding existing and proposed levels. This means that the applicant has not adequately shown that the development will not harm the valuable, protected, trees on the site.

Some examples of specific concerns are raised below:

- A flight of steps and retaining wall is proposed at the north of the site which is within the RPA of Tree Tag 2949 which is a mature Category B Ash tree. To construct the wall and steps will require earthworks, level changes and excavations which in turn will damage tree roots.
- A large bike shelter is proposed directly under the canopy of Tree Tag 2952 which is a mature Category A beech Tree. It is also extremely close to the trunk of the tree.
- A large bike shelter is also proposed within the RPAs of 3 trees (Tags 2947, 2946 and 2944). Tree Tag 2947 is a mature Category B Noble Fir tree. Tree Tag 2946 is a mature Sycamore with an unknown category/retention class. Tree Tag 2945 is a mature Ash tree with an unknown category/retention class. These trees are regardless TPO protected.
- Many trees will likely be affected by the new hard landscaping proposed. The site is sloping and so to accommodate the new paths, it is highly likely that regrading works will be required. There could be retaining walls required in places to create level terraces. All of this is not detailed. However, the plans do indicate that approximately 19 trees will have new paths/paving constructed directly within their root protection areas.
- The new building will be at a lower level than the current building in order to accommodate the 5th storey as a semi-basement level. In order to build that, it will require substantial earthworks on the site. Without seeing the proposed levels and a disturbed Earth line, we cannot assess the extent of level changes under the protected trees.
- The extent of the facilitative pruning required appears to be unknown at this stage. This work could affect the form of the trees as well as their future vigour.

Of the 35 individual trees surveyed, there are 20 that are Category A or B; most are mature or early mature and 24 are in a good or moderate condition. So these are all worthy of retention and protection. However, 80% of the trees on the site will have some work happening within their RPAs and it is still unclear to what extent this will affect tree roots and how much pruning will be required.

It is also noted that the area to the north, which was previously part of the site, has recently had a dwelling house constructed on it. Within this area, 8 of the 11 TPO trees were removed to make way for the house development. Since it has been constructed there has been a TPO application (19/02902/TPO) approved to remove another protected tree within the site as it was leaning over the new house.



The tree survey submitted also states that four trees near the boundary between the site and the new dwelling have likely had some root loss due to recent excavation works. This is seen as likely being a result of the works to enable the new dwelling. It is therefore felt that there is a real risk that due to the close proximity of the trees to the proposed development that roots would be damaged during construction and in the future there would be additional pressure for some of the remaining trees within the site to be removed due to safety concerns.

The proposal will likely have a damaging impact upon the TPO protected trees within the site. It is not in accordance with LDP policy Env 12.

#### f) Protected Species

Policy Env 16 (Species Protection) ensures development will not have an adverse impact on species protected under European or UK law.

A Bat Survey was submitted with the application. This has been reviewed by the Council's Ecology Officer who has confirmed that one bat roost used by a solitary Soprano pipistrelle was present within the application site. Therefore, it is concluded that roosting bats are an ecological constraint for redevelopment of this site and it will be necessary to apply for a developmental licence to permit lawful disturbance to the roosting bat (if planning permission is approved).

If granted, the bat report, bat protection plan, site design and a copy of the planning approval letter must all accompany a completed bat licence application form that will be sent to Nature Scot. Appropriate roost compensation will be provided in the form of two bat boxes placed on other trees within 100m of the roost.

The application therefore complies with LDP policy Env 16 as long as a suitable condition was applied to the consent, if granted, relating to ensuring there were no works which would disturb the tree roots, as identified in the application, until a licence has been issued by SNH and a copy provided to the Planning Authority.

#### g) Transport

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

Policy Tra 4 states that cycle parking should be provided closer to building entrances than general car parking spaces and be designed in accordance with the standards set out in council guidance.

The development is proposed as car free, with no parking proposed on site and vehicle access restricted.

100% cycle parking is proposed. These spaces are largely spread over different dedicated cycle storage locations on the site to the south west and north east boundaries.

As the proposal will be car free, the security and usability of the cycle storage proposed within the site is therefore paramount.

The Roads Authority was consulted as part of the assessment of the application and it objected to the proposal. It had no objections to the proposal having no car parking on site. However, it stated that the proposed cycle store is located at a position which lacks natural surveillance and that the proposed store is not completely weatherproof and secure.

The proposal therefore does not comply with LDP policy Tra 4.

#### h) Other planning matters

##### *Developer Contributions*

LDP policy Del 1 - (Developer Contributions and Infrastructure Delivery) states that proposal will be required to contribute to the following infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on a individual or cumulative basis) and where commensurate to the scale of the proposed development.

The site in question falls within healthcare contribution zone 7-Gilmerton. The Developer Contributions and Infrastructure Guidance states that a contribution of £167 per student will be required. In this case, given that there will be 99 beds proposed, a developer contribution towards healthcare of a total of £16,533 should be sought through a legal agreement.

The Roads Authority also stated that the developer will be required to contribute the sum of £2,000 to progress a suitable order to re-determine sections of footway and carriageway as necessary for the development

##### *Flood Protection*

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

The applicant has provided a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP) demonstrating that the development provides suitable drainage and flood protection. These measures have been confirmed as acceptable by the Council's Flood Protection Officers as long as a condition relating to an assessment of the existing culvert was applied, if the application was to be granted. SEPA were consulted as part of the assessment of the application and provided no objections.

It is noted that since the Flood Risk Assessment and Surface Water Management Plan have been assessed the applicant has slightly reduced the footprint of the development. This should not materially change the flood measures proposed but, if granted, it is advised that an amended FRA and SWMP be conditioned for the approval of Flood Planning and SEPA.

### *Archaeology*

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded that no significant archaeological features are likely to be affected by the development.

LDP Policy Env 8 (Protection of Important Remains) states that the development will not be permitted which would damage or destroy non designated archaeological remains which the Council considers should be preserved in situ.

The Council's Archaeologist was consulted as part of the assessment of the application. The proposal broadly complies with LDP policy Env 8 and Env 9 as long as a condition relating to the requirement for a historic building survey is applied to the consent, if granted.

### *Waste*

Waste Services have confirmed that they have no objections to the proposal.

### *Air Quality*

The proposal is car free and encourages active travel and the use of public transport. This will ensure that there will be no significant impact on air quality.

### *Coal Mining*

The site falls within a defined low risk area for coal mining related hazards. As a result, a standing advice informative from the Coal Authority should be applied to the consent, if granted.

### i) Public comments

#### **Material Comments - objections**

- Principle of student housing and overprovision in the area - addressed in Section 3.3 a);
- Does not comply with student housing guidance - addressed in Section 3.3 a);
- Lost opportunity for housing - addressed in Section 3.3 a);
- Need for the provision of family and affordable housing - addressed in Section 3.3 a);
- Lack of transportation and bus links - addressed in Section 3.3 g);
- Road and pedestrian safety concerns - addressed in Section 3.3 g);

- Impact upon visual amenity of the area - addressed in Section 3.3 b);
- Demolition of the existing building - addressed in 3.3 b);
- Overdevelopment and poor scale, massing and design - addressed in Section 3.3 b);
- Noise impacts from students, bike sheds, fire alarms and heating and ventilation addressed in Section 3.3 c);
- Impact on amenity, privacy, outlook, overshadowing, daylight and sunlight to neighbouring properties and garden - addressed in Section 3.3 c);
- Impact on parking - addressed in Section 3.3 g););
- Loss of trees - addressed in Section 3.3 e);
- Risk of flooding - addressed in Section 3.3 h);
- Impact on wildlife - addressed in Section 3.3 f);
- Impact upon services- addressed in Section 3.3 h);
- Loss of an important amenity within the area- addressed in section 3.3a and
- Insufficient neighbour notification carried out - The neighbour notification process has been carried out correctly.

## **Support**

- Students will bring economic benefits and support the area- addressed in section 3.3a;
- The removal of the existing buildings on the site is permitted development- addressed in section 3.3a;
- The existing buildings on the site have been poorly extended and are of no architectural merit- addressed in section 3.3b;
- Good sustainability with being car free, lots of bike spaces proposed and close to University campuses- addressed in section 3.3 a and g;
- Design, scale and mass is good and appropriate- addressed in section 3.3b;
- Removes the existing non-conforming use on the site-addressed in section 3.3a; and
- Fulfils the requirement for student accommodation. More purpose-built student housing means more accommodation for local residents as students are not renting flats- addressed in section 3.3 a.

## **Neutral comments**

- Need for the provision of family and affordable housing - addressed in Section 3.3 a);
- Numbers of students will decrease with coronavirus- This is not a material planning consideration.

## **Non-material comments**

- Students keep anti-social hours - this is not a planning matter;
- Development could become short-term lets - this would require further planning applications;
- Does not contribute to council tax - this is not a planning matter;
- Numbers of students will decrease with coronavirus- This is not a material planning consideration

## Conclusion

The principle of student accommodation is acceptable in this location and the development will not result in an excessive concentration of students in the locality. However, the proposal is not of an appropriate scale, form or design and will not draw from positive characteristics of the surrounding area. The features worthy of retention within the site have not been identified, incorporated and enhanced through the proposals design. The development will have a damaging impact upon the TPO protected trees within the site. Whilst adequate levels of cycle parking will be incorporated on site, the proposed cycle stores will not be located in suitable locations and will not be completely weatherproof and secure. The proposal does not comply with Local Development Plan and there are no material planning reasons to justify approval. There are no material planning considerations which outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

### 3.4 Conditions/reasons/informatives

#### Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the development would be damaging to the character and appearance of the area around it.
2. The proposal is contrary to the Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as it has not been demonstrated that the existing characteristics and features worthy of retention on the site have been identified, incorporated and enhanced through its design.
3. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as the development will not have a positive impact upon its surroundings, including the character of the wider townscape and landscape, due to its height and form, scale and proportions.
4. The proposal is contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it is likely to have a damaging impact upon trees protected by a Tree Preservation Order.
5. The proposal is contrary to the Local Development Plan Policy Tra 4 in respect of Design of Off-Street Car and Cycle Parking, as the proposed cycle storage is not located internally within the building and not all the external bike storage proposed is located in a safe and secure location.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 3 July 2020.

A total of 127 representations were received relating to the proposal. These included 98 objections, 28 support comments and one neutral comment.

The representations are summarised and addressed in the assessment section of this report.

## Background reading/external references

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- 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**

**Date registered** 3 July 2020

**Drawing numbers/Scheme** 01,02, 03A, 04B, 05A-14A, 16, 17, 18, 19,

Scheme 2

### **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

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



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

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

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

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

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 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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.

### **Relevant Non-Statutory Guidelines**

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

**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.

# Appendix 1

## **Application for Planning Permission 20/02562/FUL At Northfield House Hotel, 115 Lasswade Road, Edinburgh Demolition of existing hotel and redevelopment of the site for purpose built student accommodation including landscaping and all ancillary development.**

### **Consultations**

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#### **Roads Authority**

Further to the memorandum dated the 24th of July 2020 and the subsequent amendments made the application should be refused

Reasons:

1. Whilst it is acknowledged that Transport is willing to accept external cycle stores that the applicant has made improvements to the proposed stores. The proposals are still considered contrary to LDP Policy Tra 4 - Design of Off-Street Car and Cycle Parking for the following reasons:
  - a. The location of the external store to the rear of the property is not considered an acceptable location due to the lack of natural surveillance;
  - b. The cycle store is not considered to be completely weatherproof and secure;

Should the application be approved please include the following as condition or informative as required:

1. The applicant will be required to:
  - a. Remove the vehicular access point from Lasswade road as it is no longer required;
  - b. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
3. 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;

Note:

- I. The application has been assessed under the CEC's parking standards (Jan 2020). These permit the following:
  - a. A maximum of 17 car parking spaces (1 space per 6 beds). 0 car parking spaces are proposed;

- b. A minimum of 103 cycle parking spaces (1 space per bed). The applicant is proposing 70 communal cycle parking spaces and 38 electric bikes;
- c. As 0 car parking is proposed there is no requirement for EV or Accessible car parking;
- d. A minimum of 4 motorcycle parking spaces (1 space per 25 beds). 0 dedicated motorcycle parking is proposed;
- II. Car ownership and usage associated with Student accommodation generally is relatively low, and with the site being adjacent to bus stops that is served by a city centre bound service (Lothian 31) and the proposals related to the e-bike hire, the level of car parking is considered acceptable and it complies with the current parking standards;
- III. With regards to the level of cycle parking, whilst there is nothing definitive regarding bike/e-bike hire as a substitute for cycle parking within CEC's policies or guidance, the proposal of 38 e-bikes to be provided by the applicant to aid the future residents travel requirements (pg 31 of D&A statement) instead of the required amount of communal cycle parking is considered acceptable;
- IV. There is an expectation that cycle parking for new build developments be internal within the buildings, mainly for security reasons and ease of accessibility. Whilst exceptions can be made to accept external stores, these must be designed to a high standard and be placed in areas of easy access and good natural surveillance. The proposed location of the store in the northern corner of the site is not considered to be a part of the site that will have good natural surveillance. The design of the store is not considered to be adequately weatherproof and secure due the proposed slatted sides and open metal mesh doors. The following guidance documents are relevant when assessing this application:
  - a. Cycle by Design (2010) - Transport Scotland;
  - b. Edinburgh Street Design Guidance Fact Sheet C7 - Cycle Parking (Draft);

## Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the demolition of existing hotel and redevelopment of the site for purpose-built student accommodation including landscaping and all ancillary development.

The Victorian Northfield House was constructed in 1870 as a standalone villa on what 19th century OS maps show as a triangular piece of open ground (farmland) formed by the junction of Lasswade Road, the historic road access road to the medieval settlement of Stenhouse the line of the Stenhouse Burn. Although no sites have been recorded from the site itself, such a prominent location would lend itself to earlier settlement.

Although unlisted Northfield House is regarded as having local historic interest in terms of the 19th century development of rural Edinburgh and the wider Liberton area and so is seen as occurring within an area of archaeological potential given its historic crossroads location. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) 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.

The proposals seek to demolish the current Victorian villa, an action which would have an obvious significant adverse impact. However, although regrettable the loss on balance of this historic building is not seen as significant enough to warrant refusal of planning permission. However it is essential that a detail historic building survey (annotated plans, elevations, photographic and written description) prior to demolition as part of the overall programme of archaeological works.

As stated, the site is regarded as being of archaeological potential given its historic location at the cross roads of two historic roads and Stenhouse Burn. Although affected by the current use of the site, the proposed development will require extensive excavations in terms demolition and construction of new buildings, utilities etc. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development / demolition.

This will require a phased archaeological excavation. The initial phase will be an archaeological evaluation up to a maximum of 10% prior to demolition, to assess what may survive on site. The results will determine the scope of further mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.

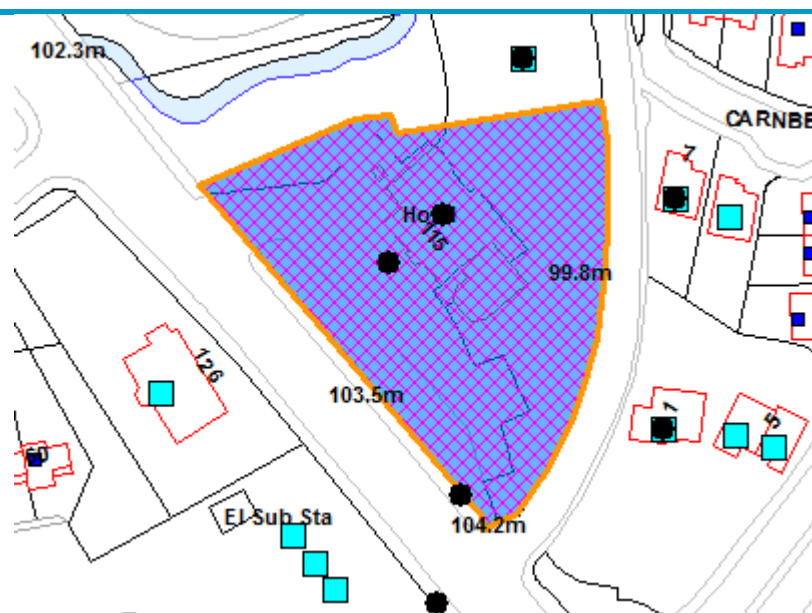
Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'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 and analysis 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.

## Location Plan

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## Development Management Sub Committee

**Wednesday 13 January 2021**

**Application for Planning Permission 20/03051/FUL  
at BF, 18 Torphichen Street, Edinburgh.  
Change of use from residential flat to residential holiday let.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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The change of use to short-term holiday/commercial visitor accommodation (SCVA) is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, LTRA02, LTRA03, LTRA04, LHOU07, NSG, NSBUS, NSLBCA, CRPWEN, HES, HESUSE,

# Report

## **Application for Planning Permission 20/03051/FUL at BF, 18 Torphichen Street, Edinburgh. Change of use from residential flat to residential holiday let.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site relates to a main door, lower ground floor level, two bedroom flat.

The main door is accessed down a flight of stairs which leads to a private courtyard. There is also a rear door which leads to a private area and then steps which provide access to a car parking area and then Dewar Place Lane.

It is a category B listed building (Listed 14/12/19 LB Ref: 29850)

This application site is located within the West End Conservation Area.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

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#### **3.1 Description of the Proposal**

The application proposes the change of use of the flat to a short-term holiday/commercial visitor accommodation (SCVA). This is a sui generis use.

No external alterations are proposed.

Supporting information was provided and its contents have been summarised below:

- The SCVA has been operational constantly since 2013;
- There are no dwellings or commercial units located below the property;
- Many of the properties surrounding the site are non-residential, like the Edinburgh City Suites (holiday lets), other SCVAs and offices;
- The property has its own private front and rear door and
- The space in front of the building is private and is not used to access any other property.



### 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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposal is acceptable in principle;
- b) the development has special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest;
- c) the development preserves or enhances the special character or appearance of the conservation area;
- d) the development will have a materially detrimental effect on the living conditions of nearby residents;
- e) the development raises any issues in respect of car and cycle parking and road safety and
- f) comments raised have been addressed.

#### a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies against the loss of residential use.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- The character of the new use and of the wider area;
- The size of the property;
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand and
- The nature and character of any services provided.

The guidance states that a change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *"The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest"*.

In addition, policy Del 2 states development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The site lies within this area.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

These appeals have also found that short stay visitor accommodation units can be acceptable in predominately residential areas.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits are a material planning consideration, and this is compatible with policy Del 2.

The use is relatively small scale and the flat is located on a busy road in a city centre location. It has its own private access. The surrounding uses are a mixture of business, residential and commercial.

Based on the criteria established above, the proposal is acceptable in principle.

#### b) Impact on the Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*

Historic Environment Scotland's (HES) Guidance Notes on Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states; *"New uses may enable us to retain much of the fabric and special interest of a building, but they will always have an impact on its intangible value. The process of conversion will have some impact on a building's special interest, regardless of how well it is handled. The continued use of a listed building for its original function will normally be the best way to retain its historic character"*.

LDP Policy Env 4, Listed Buildings - Alterations and Extensions, permits alterations to listed buildings when they are justified, in keeping with its character and can be undertaken without damage to historic structures or diminution of interest.

No external or internal alterations are proposed to the listed building. Whilst it is acknowledged that the use of the building will change from residential to a SCVA, the change will not have a material impact on the special interest of the listed building. The proposal complies with LDP Policy Env 4 and the relevant HES guidance.

#### c) Impact on the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2) , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

LDP Policy Env 6 - Conservation Areas - Development states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The West End Conservation Area Character Appraisal also notes that *"The area is characterised by mixed, residential commercial buildings with the Georgian and Victorian tenements being mainly 4-6 storeys, constructed of stone with pitched, slated roofs. In the central section of the conservation area, there is a major modern financial section consisting of modern offices, which spills over the conservation area to the south. This central section is more characteristic of big city commercial districts which are untypical in an Edinburgh City Centre context."*

No external alterations are proposed and the change of use of the one relatively small flat will not have any material impact on the appearance of the conservation area. The site is on a busy thoroughfare with mixed uses and the change of use would not impact on the intrinsic character of the conservation area. The proposal complies with LDP Policy Env 6.

#### d) Impact on Residential Amenity

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), restricts developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents.

The site is located on Torphichen Street, which is within the defined city centre. The West End Conservation Area Character Appraisal states that within the western Area of the West End, to which the site lies *"The public realm consists of busy streets affected by one way systems to ease the flow of traffic around and approaching Haymarket. Consequently, footways are constrained by pedestrian barriers, traffic signs, route signs and other street furniture. Haymarket provides a convergence point for three major vehicular routes as well as a busy railway station. This major meeting point is currently dominated by vehicular traffic, resulting in constrained pedestrian movement and does not reflect its importance as a gateway into the World Heritage Site"*

The West End Conservation Area Character Appraisal also notes of the western area - *"One characteristic of the area is that the former Georgian residential properties along West Maitland Street and Torphichen Street are largely given over to office use"*

Torphichen Street is a busy street in terms of traffic and pedestrian movement as would be expected being so close to main arterial routes in and out of the city and Haymarket. The agent states that the flat has a variety of offices and SCVA accommodation located directly around it. Information from the Scottish Assessors Association confirms that the street has a mix of office, SCVA and residential accommodation present. The property directly next door to the site, No. 16 Torphichen Street, is utilised as Edinburgh City Suites (SCVA accommodation). The two storeys above the unit appear to be utilised as an office. Just further along at No. 24, there is the new Hotels by Premier Inn development.

The property is a lower ground floor flat which is self-contained. Its main entrance to Torphichen Street is not shared with any other residential properties. The property has doors to the rear which on the plans are shown to open up to a shared area. However, a site visit showed that this area is in fact partitioned and provides no access to the other lower ground floor flat. Any occupants of the flat would therefore not come into contact with residents living nearby.

The dwelling is composed of two bedrooms and separate living room, the latter of which could, in principle, be used as supplementary overnight accommodation. The agent has, however, confirmed that the potential level of occupancy will be similar to neighbouring residential uses, with up to four occupants renting the two bedroom unit, most commonly for between 2-4 nights.

The relatively small size of the flat would restrict usage by an excessive number of visitors and means that the unit will retain a comparable occupation level to neighbouring residential properties. An SCVA of this size will not materially intensify demand on local services. The agent has also stated that the flat has been used continually as SCVA accommodation since 2013. There is no history of enforcement complaints.

The site is not located on a quiet residential street. Instead it is located on a busy route in and out of the city and has a number of non-residential and potentially intrusive uses nearby. In conjunction with the self-contained nature of the site, this one, relatively small-scale SCVA unit, which has been operational for the last 7 years, would not result in an unacceptable impact on existing levels of residential amenity. Environmental Protection was consulted on the application and offered no objection with regards to the proposals potential impact upon amenity of nearby residents.

It complies LDP Policy Hou 7 and the non-statutory Guidance for Businesses.

#### e) Parking and Road Safety

LDP Policy Tra 2, Private Car Parking, and LDP Policy Tra 3, Private Cycle Parking, state that planning permission will be granted for development where proposed car and cycle parking provision complies with and does not exceed the parking levels set out in the Non-statutory Edinburgh Design Guidance.

The guidance does not define car or cycle parking standards for a SCVA. Whilst the agent involved has stated that there is a car parking area to the rear of the site which is within the applicant's ownership, this area has not been included within the red line boundary. Regardless of whether the property has access to off-street car parking, the site is located near to roads which are well served by buses, trams and Haymarket Train station. Given the nature of the use, it is likely that the majority of visitors shall arrive by public transport. Sufficient internal space for cycle storage is available.

The proposal complies with LDP Policy Tra 2 and LDP Policy Tra 3.

#### f) Public Comments

##### **Material Comments - Objections**

- Impact on the character, authenticity and integrity of the conservation area, not in compliance with LDP policy Env 6. This is addressed in section 3.3 c)
- Concerns relating to noise and disturbance, not in compliance with LDP policy Hou7. This has been addressed in section 3.3 d)

## **Non-Material Comments - Objections**

- Loss of potential residential housing- This is a commercial consideration which is not covered by current planning policy.

## **Material Comments - Support**

- Brings employment in terms of people looking after the property and encouraging tourists to the city. This is addressed in section 3.3 a)

## **Conclusion**

The change of use to SCVA is acceptable in principle in this location and will not harm the special interest of the listed building or the defined character of the conservation area. It will not result in an unreasonable loss of amenity for neighbouring residential properties or raise any transport concerns. The proposal complies with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

## **3.4 Conditions/reasons/informatives**

### **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application received two objection comments and two support comments. The points raised are addressed in section 3.3 of this report.

## **Background reading/external references**

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- 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 located within the Urban Area as identified by the Edinburgh Local Development Plan.

**Date registered**

4 August 2020

**Drawing numbers/Scheme**

1, 2,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: [robert.mcintosh@edinburgh.gov.uk](mailto:robert.mcintosh@edinburgh.gov.uk)

**Links - Policies**

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**Relevant Policies:****Relevant policies of the Local Development Plan.**

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

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



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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

### **Relevant Government Guidance on Historic Environment.**

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

# Appendix 1

## Application for Planning Permission 20/03051/FUL at BF, 18 Torphichen Street, Edinburgh. Change of use from residential flat to residential holiday let.

### Consultations

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#### Environmental Protection

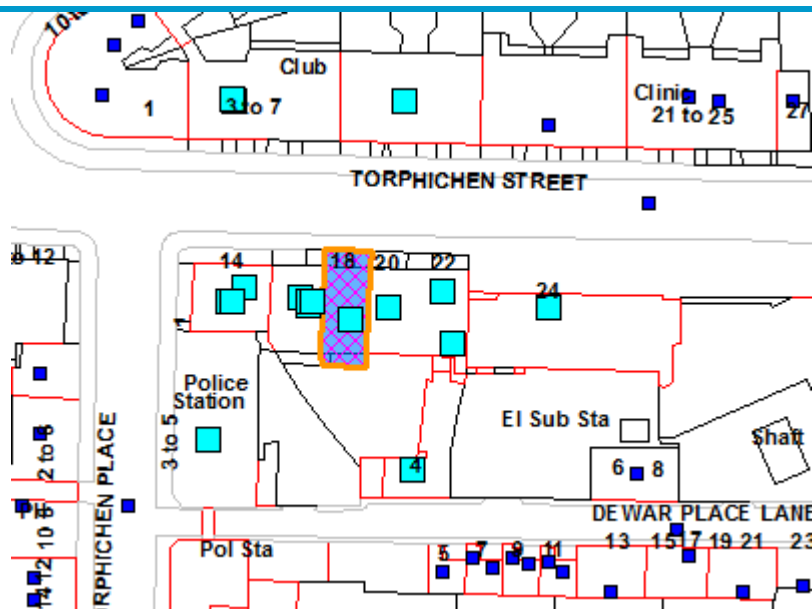
*I did manage to visit the site from the street and from what I could make out there are no connecting residential uses. Based on this and the additional information provided by the applicant, Environmental Protection would offer no objection with regards amenity impacts.*

#### The Roads Authority

*No comments.*

### Location Plan

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END

## Development Management Sub Committee

Wednesday 13 January 2021

**Application for Planning Permission 20/03807/FUL  
at Land 17 Metres Northwest Of 74, West Croft, Ratho.  
Erection of 5 No. detached dwellings and garages with  
associated open space, landscaping and site development  
works (as amended).**

**Item number**

**Report number**

**Wards**

B02 - Pentland Hills

### Summary

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable. A legal agreement is required to improve transport infrastructure and to mitigate pressure on local school accommodation.

### Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES01, LDES04, LDES05, LEN03, LEN06, LEN09, LEN18, LEN21, LHOU01, LHOU03, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, OTH, CRPRAT,

# Report

## **Application for Planning Permission 20/03807/FUL at Land 17 Metres Northwest Of 74, West Croft, Ratho. Erection of 5 No. detached dwellings and garages with associated open space, landscaping and site development works (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is an area of 0.3 hectares within the settlement of Ratho. A large part of the site is currently designated as open space within the Edinburgh Local Development Plan (LDP) and is undeveloped with overgrown vegetation. The site slopes down in the northern section towards the canal with an area of amenity land providing a buffer between the site itself and Union Canal, a Scheduled Ancient Monument. Ratho Park playing fields border the site to the south.

To the east is West Croft, a residential street featuring two storey terraced blocks. Directly to the west of the site are the rear gardens of the properties which front onto Baird Road. A number of these properties are category B listed.

This application site is located within the Ratho Conservation Area.

#### **2.2 Site History**

29 April 2014 - Planning permission granted - erection of 2 dwelling houses (as amended) (application reference: 07/00442/FUL).

08 September 2015 - Planning permission in principle granted - erection of a single dwelling house (application reference:15/04140/PPP).

13 May 2016 - Matters specified in conditions approved - approval of matters specified in Conditions 1 and 2 (in part) of planning permission reference 15/04140/PPP to erect a dwelling house (application reference:16/00852/AMC).

12 August 2016 - Planning permission varied - non material variation to planning consent 16/00852/AMC (application reference:16/00852/VARY).

20 November 2019 - Planning permission refused - proposed erection of 11 residential dwellings (application reference:18/02606/FUL).

14 April 2020 - Appeal against refusal dismissed - proposed erection of 11 residential dwellings (application reference: 20/00017/REF).

## **Main report**

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### **3.1 Description of the Proposal**

The proposal is for the formation of five 1.5 storey dwellings to be accessed from West Croft. The new dwellings are to be finished with facing whinstone on primary elevations and wet dash render on secondary elevations. Sills and surrounds are to be finished with ashlar stone. Windows are to be white timber framed sash and case and doors are to be timber. The gable roofs will be finished with slate and grey, timber fascias.

Plot 1 will be a five bedroom detached house, with a gross internal floor area (GIFA) of approximately 149 square metres and a rear garden covering 202 square metres. Plot 1 will have access to a twin garage which is to provide cycle parking. One off-street car parking space is also provided. Plots 2-4 will be four bedroom detached houses with a GIFA of approximately 138 square metres and rear gardens with a footprint ranging from 73-77 square metres. Plot 5 will be a four bedroom, detached house with an approximate GIFA of 142 square metres and a garden to the rear covering approximately 85 square metres. Each plot will have access to a garage for cycle storage and one off-street parking space. All five units will have electric charging points.

The proposal includes new tree and hedge planting and the formation of a new asphalt bound, public path, between the southern side of the Union Canal and the open space to the south of the site.

#### Previous Scheme

The amended scheme introduces whinstone to primary elevations. Proposed garages have been converted to bike stores. The proposed pedestrian path as been amended to include a raised table and to specify the proposed use of asphalt.

### **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 the development is acceptable in this location;
- b) the proposal raises any issues in respect of the impact on the setting of a listed building;
- c) the proposal will detrimentally impact on the character and appearance of the conservation area;
- d) the proposal will affect the scheduled ancient monument;
- e) the loss of open space is acceptable;
- f) the scale, design and materials for the proposal are acceptable;
- g) the proposal will provide acceptable levels of amenity for neighbouring and future residents;
- h) the proposal will raise any traffic, parking or road safety issues;
- i) any other planning matters have been addressed and
- j) any public comments have been addressed.

#### a) Principle

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is largely designated as open space in the adopted LDP with a small area defined as being part of the urban area. The principle of housing development at the site could be acceptable as long as the proposals are compatible with other policies in the plan.

#### b) Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

Eight properties on the east side of Baird Road are listed buildings. Of these, 12/14 Baird Road and Clearance Cottage, 18 Baird Road, both category 'B' listed buildings, adjoin the appeal site. These are early nineteenth century cottages built by Robert Liston as part of his ambition to make Ratho a model village. The proposed development would not have a direct impact on these buildings. These buildings were designed to be viewed from Baird Road and these views will remain unaffected by the proposed development.

The properties adjoining the site have long rear gardens leading to the west boundary and the distance between the closest part of the existing and proposed buildings would be in excess of 30 metres. This is adequate separation. The setting of the listed buildings would be preserved.

The proposal complies with Local Development Plan policy Env 3.

### c) Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The Ratho Conservation Area Character Appraisal emphasises the strong representation of vernacular development within the village core, the predominant building form of small-scale vernacular cottages providing a unified character, the consistency in the use of traditional building materials, the uncluttered streetscape and the prevalence of residential use.

A previous proposal for the development of 11 residential units was refused due to the excessive height of the proposed dwellings (11.2 metres), the inappropriate density of the proposal and the excessive use of brick and timber cladding. The overall form, design and choice of materials was contrary to development which typifies the historic core of Ratho Conservation Area. By contrast the current proposal utilises a palette of broadly traditional materials including natural slate roofs; whinstone, render; ashlar stone surrounds, cills and cornerstones, as well as timber door and window units, clay chimney pots and conservation roof lights. The proposed density of 16.6 units per hectare and the linear form of the proposed buildings reflect the original settlement pattern of the area.

The ridge height of the 1.5 storey houses ranges between 7.16m and 8.1m. This is a significant reduction from the previous scheme and contextual drawings provided show the new dwellings will sit comfortably against existing dwellings to the west of Baird Road, the newly constructed detached house to the north of the site and the terraced properties to the east of the site on West Croft.

The proposal will result in the clearing of overgrown land and the introduction of a public path will improve connectivity of the site to the Union Canal and offer better access to the remaining open space.

The proposal will have a positive impact on the Ratho Conservation Area and complies with LDP policy Env 6.

#### d) Scheduled Monument

LDP Policy Env 8 (Protection of Important Remains) states development will not be permitted where it adversely affects a scheduled monument.

The development has limited interface with the Union Canal, a scheduled monument. The nearest house is some distance away from it and its setting will be unaffected. The proposals comply with policy Env 8.

#### e) Open Space

A large part of this site is designated as open space in the LDP. LDP Policy Env 18 criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. The open space in this instance is of poor amenity value. The site has had previous issues with fly tipping and litter and is currently used as an informal thoroughfare to the canal path. The proposal would enhance and formalise these desire lines with a 'Canal Link' footpath providing a link from West Croft to Union Canal, enhancing the quality and character of the environment.

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over-provision in the area. Given that the site is neighbouring playing fields, it could be considered to form a small part of a larger area. The South West Locality Open Space Action Plan does identify an area of homes in Ratho that are not served by the Large Greenspace Standard, indicating a deficit of good quality large greenspaces in the town. On balance, it is considered that due to the location next to formal playing fields and links to the canal path, the loss of a small area of open space in this location would not have a significant impact on the provision in the immediate area.

Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The site is a small part of a wider network of open space including the canal path, playing fields and community woodland. A Phase 1 Habitat Survey was undertaken in relation to the site to assess the impact of the proposal on biodiversity. Two main habitats were identified; bare earth and amenity grass. The Ecology Assessment found the bare earth to be of negligible habitat value and the grass to have only site value. The only protected species anticipated as potentially resident on site was badgers.



No indication of badgers using the site was found. Inspection of the land revealed no significant habitat potential for bats, great-crested newts, otters or water voles. The proposal would not be detrimental to the wider open space network given the limited site-specific value of the space. The proposed new planting of grass trees and hedges represents an opportunity to improve the biodiversity value. A detailed landscape plan, outlining all removals and new planting must be submitted to, and agreed with, the Planning Authority prior to development.

Criterion d) ensures that any loss of open space must provide benefits to the local community through alternative provision or improvements to existing open space. Whilst the quantity of designated open space would be reduced through this proposal, it is considered that the quality of open space would be improved through the provision of formalised footpath connections, and a landscaped area of public open space.

The proposal broadly complies with LDP Policy Env 18 and on balance the loss of open space is acceptable.

#### f) Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) states planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- i) height and form
- ii) scale and proportions, including the spaces between buildings
- iii) position of buildings and other features on the site
- iv) materials and detailing

As outlined above, the proposal utilises a palette of broadly traditional materials including natural slate roofs; whinstone, render; ashlar stone surrounds, cills and cornerstones, as well as timber door and window units, clay chimney pots and conservation roof lights. The proposed density of 16.6 units per hectare and the linear form of the proposed buildings reflect the original settlement pattern of the area.

The ridge height of the 1.5 storey houses ranges between 7.16m and 8.1m. This is a significant reduction from the previous scheme and contextual drawings provided show the new dwellings will sit comfortably against existing dwellings to the west of Baird Road, the newly constructed detached house to the north of the site and the terraced properties to the east of the site on West Croft.

The proposal draws upon positive characteristics of the area. It is of an appropriate scale form and design and complies with LDP policies Des 1 and Des 4.

### g) Amenity

Policy Des 5 (Development Design-Amenity) states planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

*Edinburgh Design Guidance* sets out minimum internal space requirements for new residential development.

### Future Occupiers

In this instance, the proposed dwellings will have an internal floorspace well in excess of the minimum recommended in guidance. The arrangement of the proposed living spaces and windows will ensure that future occupiers will have sufficient levels of daylight. The proposed garden space to the rear of plot 1 reaches a depth of over 18 metres and will provide good useable space. Gardens proposed for plots 2-5 by contrast are smaller, providing between 74 and 77 square metres of useable private green space. This is relatively small when considered against the large gardens which are typical of the historic development within the conservation area. However, it is consistent with the garden sizes associated with the terraced houses of West Croft to the east of the site.

The proposal will create a satisfactory residential environment for future occupiers.

### Neighbouring Amenity

First considering the existing residential dwelling to the north of the site. Plot 1 is approximately 2.39 metres away from the shared boundary to the north of the site. The proposal complies with the daylighting criterion outlined in *Edinburgh Design Guidance*. Given the south-east orientation of Plot 1 in relation to the neighbouring property and the height of the proposed dwelling; Plot 1 will not overshadow the neighbouring garden space. A window is proposed on the north elevation of the proposed dwelling which will overlook the neighbouring garden. However, this garden is already clearly visible from the Canal Towpath and as such the existing garden is already extensively overlooked.

Plots 2-5 are over 30 metres away from neighbouring properties to the west. The proposed dwellings comply with relevant guidance set in *Edinburgh Design Guidance* in relation to the protection of daylight, sunlight and privacy.

The proposal will not result in a loss of neighbouring amenity.

## h) Traffic and Parking

Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. The proposal includes one off-street parking space per dwelling and private stores for bikes. All parking spaces will be equipped for electric vehicle charging.

As part of the development, a pedestrian route will be introduced through the site. This will connect residential developments along West Croft and the proposed dwellings within the application site to the Union Canal Towpath. Plans indicate the proposed path is to be formed of asphalt. This will be agreed and formalised through subsequent permit applications to the Council's Roads Authority. The route will form part of a high-quality landscaped link, with raised table provided, supporting permeability and enhancing the accessibility of the existing active travel network. The Transport Authority have included indicative costings and it is considered that these are proportionate and reasonable to the proposed development. This includes £2000 to promote a suitable order to introduce a 20-mph speed limit within the development and subsequently install all signs and markings. The applicant must contribute a sum of £2000 to progress an order to redetermine sections of footway and carriageway as necessary for the development. The applicant must also contribute a sum of £2000 to progress a suitable order to introduce waiting and loading restrictions. It is recommended that this will be secured through a S75 agreement [legal agreement or s75 obligation].

The Roads Authority was consulted and raised no objections to the application in relation to proposed parking, increase in traffic or safety, subject to the infrastructure works outlined.

The proposals comply with LDP policies Tra 2 and Tra 3.

## i) Other Planning Matters

### *Education Contribution*

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

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area SW-3 of the 'South West Education Contribution Zone' within the Developer Contributions and Infrastructure Delivery Supplementary Guidance. The assessment was based on five houses. The development will have an impact on secondary schools. School roll projections for Balerno High School indicate that there will not be sufficient spare capacity to accommodate the additional secondary school pupils in the area as a result of this development.

Although the Council's current Action Programme does not identify a requirement for additional capacity at the school (this is based on the impact of new housing sites allocated in the LDP and other land within the urban area), additional capacity will be required to accommodate pupils from additional development sites. The pro-rata contribution rate for secondary school extensions, which is set out in the Supplementary Guidance, should also be applied to the proposed development (£6,536 per house - as at Q4 2017). The total infrastructure contribution required is £32,680.

### *Flooding*

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

Public representations have raised concern about potential alterations to drains and the potential for surface water flooding in the area. The location of drains and issues relating to the sewer are not planning matters. These issues would be addressed through Building Standards and, where appropriate, Scottish Water. The application site itself is not identified as at risk of surface water flooding on the SEPA flood map, though some areas surrounding the site are. The Planning Committee on 30 March 2017 approved the implementation of a certificate procedure in relation to assessing potential flood impacts as a result of new development proposals during the application process.

Accordingly, a Surface Water Management Plan and Drainage Impact Assessment is required to assess the impact of the proposal on surface water on the site. This has not been provided. Before development on site can begin, this must be provided to the Planning Authority. Where required, appropriate action must be taken to ensure the development does not increase flood risk. This has been made a condition of this consent.

### *Archaeology*

LDP Policy Env 9 (Development of Sites of Archaeological Significance) states planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and, if requested by the Council, a field evaluation, that either; no significant archaeological features are likely to be affected by the development or any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation.

The north-eastern redline application boundary of the site lies adjacent to the southern bank of the Union Canal. This monument is scheduled under the 1979 Ancient Monuments and Archaeological Areas Act (Ref No. AMH: 4291). In addition, the site's location places it on the eastern limits of the historic village of Ratho. The settlement is first recorded in the mid-13th century though the nearby parish church dates from a century earlier. The site appears vacant in the 1st Edition OS map of the 1850's however by the end of the century a small Gas works has been constructed, probably to feed Ratho Village, to the north and along the northern boundary of the site.

The site may contain archaeological evidence associated with the construction and use of the Union Canal and also evidence for the development and occupation of Ratho from the medieval period onwards. The impact therefore of associated ground-breaking works for this development (construction, services, landscaping etc.) must be regarded as having a potential moderate archaeological impact. It is recommended therefore that prior to development that a phased programme of archaeological works is undertaken to fully excavate, record and analysis all significant remains both buried and upstanding.

Accordingly, the Council's Archaeologist has recommended a condition is attached requiring an archaeological programme of works is undertaken prior to work commencing on site.

Subject to compliance with the attached condition, the proposal accords with LDP policy Env 9.

### *Aerodrome Safeguarding*

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

However, given the nature of the proposed development, it is possible that a crane may be required during construction. In line with the requirement set out in the British Standard Code of Practice for the safe use of Cranes, crane operators must consult the aerodrome before erecting a crane in close proximity to an aerodrome.

### *Trees*

A neighbour has raised concern that should the sewer require upgrading that work may damage a tree on their property. Any work potentially affecting trees within a conservation area would require notification to the Planning Authority. This is a separate process.

### j) Public Comments

#### **Material Considerations**

- Proposed density is an improvement on previous application; this is addressed in section 3.3(c) of the report.
- Impact on surface water; this is addressed in section 3.3(i) of the report.
- Road safety measures required for traffic; this is addressed in section 3.3(h) of the report.
- Proposed path should meet Council's standards, ensuring it is suitable for wheelchairs and of a standard tarmac construction; this is addressed in section 3.3(h) of the report.

## **Ratho Community Council**

Ratho Community Council objected to the application for the following reasons:

- Re-routing of sewer may be required; this is not a material planning consideration.
- Water and Drainage Impact Assessment required; this is addressed in section 3.3(i) of the report.
- Pedestrian footpath proposed material; this is addressed in section 3.3(h) of the report.
- Impact of increased traffic; this is addressed in section 3.3(h) of the report.

### **Non-Material Comments**

- Concern about alterations to drains and sewer capacity; this is a matter for Building Standards and Scottish Water;
- A sewer upgrade may damage trees and boundary walls; it would be the responsibility of Scottish Water to ensure all relevant consents in place. This is not material to this application.
- Construction work should take place within set hours between Monday and Friday; planning does not control hours of construction.

### **Conclusion**

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area or the scheduled monument.

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and there will be no adverse impact on residential amenity, traffic or road safety. The loss of open space is acceptable. A legal agreement is required to improve transport infrastructure and to mitigate pressure on local school accommodation.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions :-**

1. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of development, a Surface Water Management Plan and Drainage Impact Assessment shall be submitted for further consideration by the Planning Authority, demonstrating that the proposal will not increase flood

risk. The approved SWMP shall thereafter be implemented prior to the first occupation of the dwellings hereby approved.

3. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, tree removal, replacement tree planting and all other planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. It shall thereafter be implemented within 6 months of the first occupation of the dwellings hereby approved.

**Reasons: -**

1. In order to safeguard the interests of archaeological heritage.
2. To ensure the proposal does not increase flood risk.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

*Transport*

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development.

The applicant will be required to 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.

*Education*

Sub-Area SW-3 of the South West Education Contribution Zone: £6,536 x 5 units = £32,680.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Given the nature of the proposed development it is possible that a crane may be required during its construction. In line with the requirement set out in the British Standard Code of Practice for the safe use of Cranes, crane operators must consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)
6. a. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
- b. 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;
- c. 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;
- d. 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.

**Note:**

- The application has been assessed under the Council's parking standards (updated January 2020). These permit the following:
- A maximum of 5 car parking spaces (1 space per residential unit in zone 3). 5 car parking spaces are proposed, this is considered acceptable;
- No requirement for dedicated cycle parking as proposals include private stores;



- All parking spaces will be equipped for electric vehicle charging;
- No requirement for Accessible and motorcycle parking;
- The applicant should note that the proposed surfacing for the footpath is not agreed at this stage and will need to be discussed further through subsequent permit and consents applications to the Council as Roads Authority;

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Following neighbour notification and advertisement four representations were received, all taking a neutral stance.

Ratho Community Council responded as a statutory consultee and objected to the proposal. The full content of its response is included in the appendix of the report.

## Background reading/external references

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- 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**

Edinburgh Local Development Plan.

**Date registered**

9 September 2020

**Drawing numbers/Scheme**

01, 02A, 03A, 04, 05A, 06A, 07A, 08A, 09A, 10A, 11A,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail: [christopher.sillick@edinburgh.gov.uk](mailto:christopher.sillick@edinburgh.gov.uk)

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

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 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.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**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.

### **Other Relevant policy guidance**

The Ratho Conservation Area Character Appraisal emphasises the strong representation of vernacular development within the village core, the predominant building form of small-scale vernacular cottages providing a unified character, the consistency in the use of traditional building materials, the uncluttered streetscape and the prevalence of residential use.

# Appendix 1

## **Application for Planning Permission 20/03807/FUL At Land 17 Metres Northwest Of 74, West Croft, Ratho Erection of 5 No. detached dwellings and garages with associated open space, landscaping and site development works(as amended).**

### **Consultations**

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#### **Ratho Community Council**

With regard to the above application Ratho and District Council have consulted the community via social media and our mailing lists as no public meetings are permitted.

The concerns raised are as follows:

Re-routing of the sewerage system.

The location plan shows that the re-routing of the existing sewer from the combined drain in Ratho Park Road has yet to be determined. There is concern that this may be via existing properties and will cause significant damage to property damaging existing boundary walls and destruction of mature trees, as a conservation area would require separate planning permission.

We note that there is no comment from Scottish Water on the impact on the existing sewerage system given the recent problems that have arisen. There is also a surface water drain running across the proposed access to the site and there is no mention of this on the plans.

We suggest that a Water and Drainage Impact Assessment be required and that the re-routing is contained within the site as far as possible to minimise damage to adjacent properties

#### **Public Footpath**

We note that a new public footpath is proposed to replace the existing path. We would request that this path should comply with the Equalities Act 2010 (former legislation being the Disabilities Discrimination Act) and would suggest a monoblock or tarmac. We would also request that a path is maintained during any period of development.

#### **Additional traffic**

Concerns have been raised by neighbouring residents about the increase in traffic in the quiet cul de sac and more widely on the access roads leading there. As a result of the above concerns the Ratho and District Community Council must OBJECT until these matters are resolved

#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 5 detached dwellings and garages with associated open space, landscaping and site development works.

The north-eastern redline application boundary of the site lies adjacent to the southern bank of the Union Canal. This monument is scheduled under the 1979 Ancient Monuments and Archaeological Areas Act (Ref No. AMH: 4291). In addition, the site's location places it on the eastern limits of the historic village of Ratho. The settlement is first recorded in the mid-13th century though the nearby parish church dates from a century earlier. The site appears vacant in the 1st Edition OS map of the 1850s however by the end of the century a small gas works has been constructed, probably to feed Ratho Village, to the north and along the northern boundary of the site (remains recorded in 2019 by AOC prior to the construction of house; AOC report 23351).

This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies 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

Firstly, any works arising from this development must avoid any disturbance to the physical remains of the adjacent scheduled Union Canal. The views of HES should also be sought in this regard and in terms of setting.

Out with the scheduled area of the canal, the site may contain archaeological evidence associated with the construction and use of the Union Canal and also evidence for the development and occupation of Ratho from the medieval period onwards. The impact therefore of associated ground-breaking works for this development (construction, services, landscaping etc.) must be regarded as having a potential moderate archaeological impact. It is recommended therefore that prior to development that a phased programme of archaeological works is undertaken to fully excavate, record and analysis all significant remains both buried and upstanding.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains prior to construction.

Therefore, it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, 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.

## **Airport**

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

### **Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

## **Communities and Families**

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 2019).

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:

## 5 Houses

This site falls within Sub-Area SW-3 of the 'South West 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 Appraisal considered the impact of new housing sites allocated in the LDP, including some sites within the Urban Area. No requirement for new primary infrastructure to accommodate additional pupils from new development within this sub-area was identified.

The development will have an impact on secondary schools. School roll projections for Balerno High School indicate that there will not be sufficient spare capacity to accommodate the additional secondary school pupils in the area as a result of this development. Although the Council's current Action Programme does not identify a requirement for additional capacity at the school (this is based on the impact of new housing sites allocated in the LDP and other land within the urban area), additional capacity will be required to accommodate pupils from additional development sites. The pro-rata contribution rate for secondary school extensions, which is set out in the Supplementary Guidance, should also be applied to the proposed development (£6,536 per house - as at Q4 2017).

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:  
£32,680

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

## Transport

Further to the memorandum dated the 2nd of October 2020 and the subsequent amendments made Transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:
  - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
  - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
  - c. 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;
2. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;



3. 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;

4. 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;

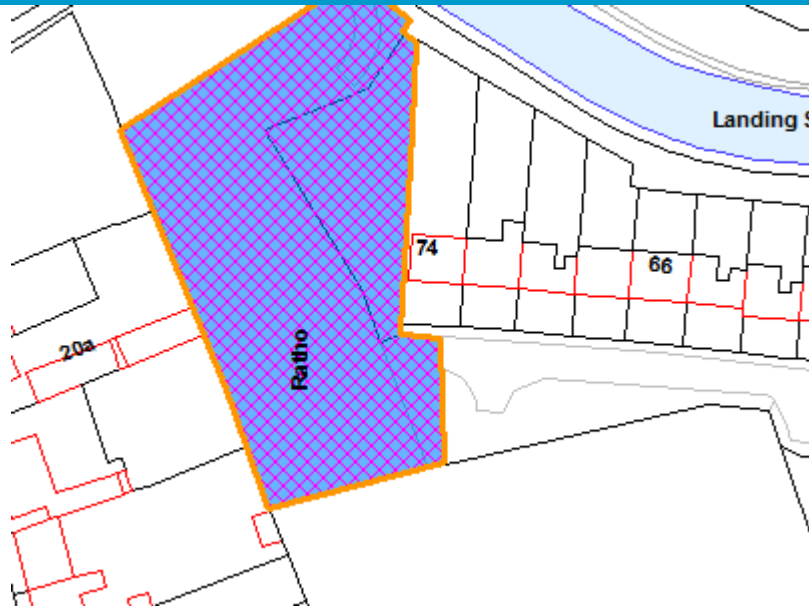
5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

Note:

- o The application has been assessed under the Council's parking standards (updated January 2020). These permit the following:
- o A maximum of 5 car parking spaces (1 space per residential unit in zone 3). 5 car parking spaces are proposed, this is considered acceptable;
- o No requirement for dedicated cycle parking as proposals include private stores;
- o All parking spaces will be equipped for electric vehicle charging;
- o No requirement for Accessible and motorcycle parking;
- o The applicant should note that the proposed surfacing for the footpath is not agreed at this stage and will need to be discussed further through subsequent permit and consents applications to the Council as Roads Authority;

## Location Plan

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**END**

## Development Management Sub Committee

**Wednesday 13 January 2021**

**Application for Planning Permission 20/01313/FUL  
At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB  
Proposed residential development and associated  
landscaping, drainage, roads and infrastructure.**

**Item number**

**Report number**

**Wards**

B13 - Leith

### Summary

The proposed use on the site is acceptable. Subject to conditions, there is no significant adverse impact on neighbouring amenity and the future occupiers of the residences will be afforded adequate amenity. The development is acceptable in transportation terms and the parking provision, including cycle parking, meets the Council's standards. The development has no detrimental impact on significant archaeological remains.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed buildings and the associated works would harmonise with, and thereby would preserve the setting, of the assemblage of listed buildings on the former Edinburgh and Leith Gasworks site. In addition, the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of Leith Conservation Area.

The proposals comply with the Development Plan.

There are infringements of the Edinburgh Design Guidance in terms of the proportion of three bed units suitable for growing families; the proportionate split of family and non-family units between the private and affordable components; flats suitable for growing families not having direct access to a private garden; and daylighting to some of the dwellings. However, the infringements are minor and considered acceptable in the context of delivering housing on this urban site.

There are no material considerations that outweigh this conclusion.

## Links

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### [Policies and guidance for this application](#)

LDEL01, LDEL03, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LDES08, LEN20, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSHAFF, NSGD02, LEN21, LEMP09, LEN03, LEN06, CRPLEI, HESSET, LEN22,

# Report

## **Application for Planning Permission 20/01313/FUL At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB Proposed residential development and associated landscaping, drainage, roads and infrastructure.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is roughly triangular shaped in plan and covers 0.81 hectares. The site is presently used by the City of Edinburgh Council as a car pound and has in the past been used to store grit.

The site is bounded to the north by cleared land that that forms part of Forth Ports Authority docks and basins. Bath Road; which is the access road to Forth Ports docks and basins, bounds the site to the east. The site the subject of planning permission ref.18/08206/FUL granted to the same applicant for a flatted development of 212 flats and ground floor commercial units and associated works bounds the site to the south, beyond which is Salamander Street (the A119). The commercial buildings in Tower Street bound the site to the west.

There is an existing access to the site off Bath Road and an existing access to the site off Tower Street.

The surrounding area is a mixture of industrial use and residential uses.

The assemblage of Category B listed buildings and structures of the former Edinburgh and Leith Gasworks are located nearby to the south west of the site. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The buildings within the old gasometer site fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies to the south west of the Gasworks site (LB27140) listed 14 December 1970. To the south of Gasworks site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The site of the former Edinburgh and Leith Gasworks lies within Leith Conservation Area.

## 2.2 Site History

25 September 2019 - Proposal of Application Notice submitted for a mixed use development and associated drainage, roads and infrastructure on the site. (application number 19/03870/PAN).

### **Neighbouring sites:**

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the neighbouring site to the immediate south at 1 Bath Road. (application number 18/08206/FUL).

28 October 2020 - The Planning Committee resolved to grant planning permission subject to conditions and the conclusion of a section 75 legal agreement for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended ) at the site of the former Edinburgh and Leith Gasworks at 1-5 Baltic Street and 7-27 Constitution Street. (application number 20/00465/FUL).

28 October 2020 - The Planning Committee resolved to grant Listed building consent subject to conditions for Internal and external alterations to Category B- listed gas works buildings and conversion to residential use; removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls at the site of the former Edinburgh and Leith Gasworks. (application number 20/00466/LBC).

# Main report

## 3.1 Description Of The Proposal

The proposal is for the construction of 95 flatted residences comprising of 72 private flats and 23 affordable flats.

The proposal includes: (i) a U-shaped block at the western end of the site. At its highest, this block is 6-storey in height. This block contains a total of 66 flats, 3 of which are be affordable; (ii) an L-shaped block roughly in the middle of the site, containing 17 affordable flats. At its highest, this block is 5-storey in height; and, (iii) a three-storey rectangular plan terrace of colony flats positioned nearby to the east elevation of the middle flatted block. The colony block contains 12 private flats, three of which are affordable. The split between the private and affordable is as follows:

Private		Affordable	
number of units		number of units	
1 bed	0	1 bed	3
2 bed	49	2 bed	17
3 bed	23	3 bed	3
Total	72	23	<b><u>95</u></b>

The U-shaped block encloses a landscaped courtyard which is open to the south . The L-shaped middle block has a dual frontage to the south and west. The rectangular colony block fronts south.

The design of all three buildings is contemporary. The roof of the western most block and the middle block is flat and PV panels are mounted on them. The pitched roof of the rectangular colony terrace is clad in dark grey roof tiles. External wall materials are a mixture of two colours of facing brick and render panels. The distribution of external materials has not been confirmed. The framing of windows and external doors are grey in colour. Balconettes are located on some elevations of the flatted blocks, and balconies are proposed on the south facing elevation of the western most block.

Vehicular access will be taken from three points: (i) from the existing access off Tower Street at a point on the west boundary of the site, which will be the primary access; (ii) from Bath Road at a point on the eastern boundary of the site; and, (iii) off Baltic Street at a point on the western end of the south boundary off the site via the spine road within the consented development to the immediate south which is the subject of planning permission 18/08206/FUL. On the site layout plan, an area of land is identified for the future realignment of the access road off Tower Street, including an extension to the off-road cycle network.

The principal road within the proposed development is the east - west aligned road that was consented as part of the neighbouring consented development to the south. Accessed off that road is two proposed parking courts to serve the proposed flatted blocks. Parallel to and along the length of the principal road is a 3.5 metres wide shared cycleway/footway which is separated from the road by a linear open swale.

34 Thirty four car parking spaces (33%) are proposed within the two parking courts consisting of 25 standard bays, 3 disabled bays, 6 bays equipped with charging for electric vehicles and 2 City Car Club bays. The two car parking courts is are interspersed with landscape pockets of tree planting.

Cycle stores are distributed throughout the residential blocks in 5 communal stores. A total of 197 cycle racks are provided.

The enclosed landscaped courtyard which is open to the south of the westernmost block includes a rain garden, low formal hedging and vertical specimen shrubs and trees. This area will be semi public/private. A further rain garden is proposed to the east of the L-shaped middle block and it incorporates shrubs, hedgerows and trees. A communal soft landscape community space and orchard is proposed on the eastern extremity of the site.

A full landscaping scheme for the site has been submitted.

- Supporting Statements:
  - Planning Statement
  - Pre- Application Consultation Report
  - Design and Access Statement
  - Transport Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Ecology Report
  - Noise Impact Assessment
  - Site Investigation
  - Air Quality Assessment.
  - Archaeological Desk Based Assessment
  - An illustrative annotated version of the Leith Development Framework Masterplan.

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

Previous Scheme One

Since the application was validated the applicant/agent has submitted a revised scheme. The original scheme contained more flats, set out in a different layout.

### **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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development



which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 the proposed use is acceptable on this site;
- b) the proposal preserves the setting of nearby listed buildings;
- c) the proposal preserves the setting of the Conservation Area;
- d) the proposed density, layout, scale, form and design are acceptable;
- e) the proposal is not detrimental to the amenity of neighbours and the proposal provides sufficient amenity for the future occupiers of the development;
- f) the proposal affects transport and road safety;
- g) Infrastructure has been addressed; including affordable housing, transport proposals, education and healthcare;
- h) flood mitigation and drainage are acceptable;
- i) other material planning matters have been addressed; and,
- j) public comments have been addressed.

#### **(a) Use of Site**

The site is part of the urban area and is within the Central Leith Waterfront Area and thereby Proposal EW1b applies. The site is part of a larger area identified in the Local Development Plan (LDP) as suitable for housing-led mixed use development. 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 Hou 1 supports housing as part of mixed-use regeneration proposals at Edinburgh Waterfront including Proposal EW1b. The proposal complies with Policy Hou 1 as it provides housing on a brownfield site.

The site is covered by the Leith Docks Development Framework, the aim of which is to create a mixed and balanced community which exemplifies the principles of sustainability in terms of use, mix, accessibility and design.

LDP Policy Del 3 (Edinburgh Waterfront) 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 housing development in the Leith Waterfront Area.

The site's former use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered. For the reasons explained below, the proposal would contribute to the comprehensive regeneration and improvement of the area and thereby it accords with Policy Emp 9.

Therefore, the principle of the proposals is acceptable.

(b) Setting of listed buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

Owing to their position, height, scale, massing, form and detailing, the proposed buildings and associated works would harmonise with the assemblage of Category B listed buildings on the neighbouring former Edinburgh and Leith Gasworks site (listed building ref. LB26744). With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would preserve the setting of these neighbouring listed buildings.

Therefore, the proposals are acceptable in terms of the impact on the listed buildings.

(c) Setting of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area or affecting its setting will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site lies outwith but near to Leith Conservation Area. The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the

importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The assemblage of listed buildings on the neighbouring former Edinburgh and Leith Gasworks site make a significant contribution to the character and visual amenity of Leith Conservation Area in which they are located. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed development would sit comfortably within the context of the conservation area. The height, scale and massing are appropriate and would not detract from the character of the conservation area when viewed as a whole.

Therefore, the proposals would preserve the character and setting of Leith Conservation Area.

#### (d) Density, layout, scale, form and design

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The development principles for the Edinburgh Waterfront are set out in Table 11 in the LDP. The aim is to ensure that the regeneration of Edinburgh's Waterfront comes forward in a planned manner within the context of a long-term vision. The requirements in principle include comprehensively designed proposals which maximise the development potential of the area; provide a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods; provide for a mix of house types, sizes and affordability, and the provision of open space; and create local identity and a sense of place. These and other requirements are discussed in more detail below.

LDP Policy Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land. The Leith Docks Development Framework identifies the adjacent Forth Ports site to the north as suitable for housing-led redevelopment. That adjacent site is at a higher level than the application site. The proposed layout shows an access road and footpaths/cycleways extending northwards up to adoptable verges abutting the northern boundary retaining wall. The proposal includes the raising of levels on the western part of the site sufficiently such that the proposed roads, footpaths and cycleways can in the future be extended at grade northwards into Forth Ports land. In addition, roads, footpaths/cycleways link to existing/consented roads, footpaths/cycleways on adjacent sites to the south and west. Accordingly, the proposed development is a comprehensive development and it will not compromise the effective redevelopment of the adjacent land and thus it complies with Policy DES 2.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also requires that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

The proposed development site would have a density of 126 dwellings per hectare, which is a relatively high-density development. This is generally 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 similar to neighbouring recently built developments and is acceptable.

LDP Policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form, scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The established urban grain is generally buildings hard on to the heel of the footpath. The consented development to the south which comprises 3 U-plan blocks enclosing a landscaped green space on three sides with an open aspect onto Baltic Street, deviates from the established grain. However, this adds variety and interest to the area. The proposed western most block in the current proposal copies the plan form and orientation of the consented 3 blocks on the neighbouring site and in this regard, it is complementary in its relationship to them.

The proposed scale and massing of new buildings are well-suited to the character of this part of Leith and the proposals respond well to the wider setting. The variety of building heights in the locality largely defines the visual character. The heights of recent and consented developments respond positively. A variety of building heights is proposed across the application site, which respects the urban grain and character of the area. The heights and position of the proposed buildings responds positively to neighbouring buildings. In terms of their heights, positioning, form and style the proposed three blocks sit comfortably with each other. The pitched roofs of the colonies block references pitched roofed buildings in the area.

Policy Des 7 (Layout Design) sets out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

Active frontage and surveillance over the principal east-west orientated street is achieved by south facing windows/balconies in both the u-plan block and in middle block and also south facing windows in the colonies block. The varying positions of the buildings in relation to the street helps to create an interesting sequence of streets and spaces in the development. The position of the proposed three buildings on the site follow the grid structure of the consented neighbouring development to the south, thereby maintaining permeability through the site. The proposed layout encourages the use of cycling and walking.

Hard surfaces on external spaces including car parking areas are broken up with pockets of soft landscaping and the overall landscaping of the public realm results in an attractive streetscene.

The proposed use of brick and render on external walls will tie in with the neighbouring consented development to the south and are appropriate materials in this area.

#### (e) Amenity of future occupiers and neighbours

##### *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 raingarden courtyard for the western most block that is open on its south side, with an area of some 730 square metres. The open south side of the courtyard allows daylight to the communal central space and also to the windows facing onto the courtyard. A second raingarden is located to the rear of the middle block with an area of some 300 square metres. Both these raingardens provide SUDS attenuation and owing to them being shallow they are also useable amenity spaces. They are planted with shrubs and formal hedgerows, specimen shrubs and trees. In addition, on the eastern part of the site there is a formal planted area and an adjoining linear landscape strip planted as a community orchard with a combined area of 478 square metres. The colonies block includes small private front gardens and small private rear gardens backing onto a raingarden. The proposed layout meets the open space requirements and complies with LDP Policy Hou 3 and the Urban Design Guidance.

##### *Privacy, Daylighting and Overshadowing of Open Space*

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The Edinburgh Design Guidance (EDG) states - The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The distances from the proposed buildings to the consented buildings on the adjacent site to the immediate south is some 21 metres, which is adequate to achieve mutual privacy.

In order to assess the impact on daylight of the consented development to the immediate south to the proposal and vice versa, the simple 25 degree method can be used. The Edinburgh Design Guidance requires the vertical sky component (VSC) to be either a minimum of 27% or 0.8 of the former value. A 27% VSC is achieved where new development is below a 25 degree line drawn in section from the horizontal at the mid-point of the existing window. The relationship between the consented development to the south and the currently proposed development in places cannot meet a 27% VSC. This is not unusual for denser areas of Edinburgh. However, owing to the spacing between the proposed and consented blocks the degree to which the situation fails the test is not significant. Moreover, the proposed spacing between buildings is similar to the existing layout of buildings in the locality and there are many instances in the area where the parameters are not met. The infringement to the Edinburgh Design Guidance in the circumstance of this case is acceptable.

##### *Noise*

The applicant's Noise Impact Assessment (NIA) considers the potential noise source from traffic noise from Baltic Street/Salamander Street nearby to the south. It also

considers occasional commercial and industrial noise from the various neighbouring industrial sites including from port related activities on neighbouring land to the north occupied by Forth Ports. The NIA identified that noise from Baltic Street/Salamander Street is the dominant noise affecting the site. The applicant has provided details of the required minimum glazing specifications to mitigate traffic noise impacts. This mitigation is considered to be adequate. The neighbouring development to the south when built would also provide a significant level of acoustic protection from the road noise.

The Council's Environmental Protection Service highlight that the neighbouring land to the north occupied by Forth Ports is authorised for industrial use. They raise concern about the potential for industrial operations on that neighbouring land to give rise to noise nuisance. The applicant proposes two measures to address potential noise nuisance to the proposed residences from operations on Forth Port's land. Firstly, the installation of a mechanical ventilation system and secondly acoustic glazing on noise sensitive facades of the proposed buildings as identified in the noise assessment report. Environmental Protection confirm that they do not support mechanical ventilation because enforcing this is too difficult. In addition, they raise concern that the locations of the acoustic glazing in the new dwellings has not been clarified. Consequently, they advise that the application should be refused on noise grounds.

The Planning Authority considers that the proposed acoustic glazing and mechanical ventilation proposed are the best options to minimise noise impacts on this site. They are the same solutions put forward in the neighbouring consented development to both the south and south west. Subject to these measures being implemented prior to the first occupation of the flats, the amenity of their occupiers would not be significantly adversely impacted in terms of noise and thereby the proposal complies with Policy Des 5. Subject to the noise mitigation being implemented, the proposal would not prejudice or inhibit the activities of neighbouring industrial uses and thereby would not conflict with part a) of Policy Emp 9.

### *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 applicant proposes mechanical ventilation and filtration as a form of mitigation against the PM 10 levels at the application site, which is the same mitigation proposed and consented for the neighbouring development to the south. The use of MVHR (mechanical ventilation with heat recovery) would also provide additional noise mitigation with the MVHR system removing the requirement for trickle ventilators to all windows. The heat recovery element would 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. The Environmental Protection Service are not supportive of this as they cannot enforce this.

In making an assessment in relation to this application, consideration has been given to the appeal decision on a site nearby at 2 Ocean Drive (ref.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 was 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. Subsequently; having due regard to that appeal decision, the Planning Committee granted planning permission 18/0820206/FUL for the residential mixed-use development on land to the immediate south of the site and more recently a residential mixed use development on the former Edinburgh Gas Works site.

Notwithstanding that there has already been residential use on neighbouring sites consented inside the AQMA, the Environmental Protection Service recommends the application is refused on air quality grounds. However, they recommend that if planning permission is granted, the applicant provide more than the minimum required six electric vehicle charging points.

All matters relating to air quality and this current proposal have been considered including the past appeal decision and subsequent planning permissions granted for residential development on neighbouring sites. On balance, it is considered that the proposed mitigation measures in the form of the proposed mechanical ventilation is adequate air quality mitigation. It would not be reasonable or justifiable for the Planning Authority to insist that the application provide more than the minimum required six electric vehicle charging points as recommended by the Environmental Protection Service.

### *Odours*

The site is located approximately 800m from the Seafield Waste Water Treatment Work (WWTW) and therefore there is the potential for odour nuisance. However, the degree of nuisance is not considered to be significantly detrimental to the amenity of the future occupants of the proposed residences.

### *Contamination/ground remediation*

A condition would be imposed on a grant of planning permission requiring that land contamination on the site is appropriately addressed.

#### *(f) Transport and road safety*

Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The scheme has been assessed against policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking). Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

The proposed accesses to the site are acceptable in transportation terms. Adequate footpaths/cycleways have been provided within the development. The layout delineates a safeguarded future east-west alignment of the access road and footpaths/cycleways off Tower Street. To facilitate this in the future, soft landscaped verges along the west boundary of the site would be adopted by the Council.

A Transport Assessment (TA) has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of the estimated traffic generated by the development. From the TA it can be concluded that the net impact of the proposed development on the surrounding road network will be negligible.

The development would provide 34 off-street car parking spaces. This equates to 33% 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 (370 metres) of the site. The site also benefits from being near to the proposed tram line completion, where a tram stop/halt is proposed 140 metres from the western boundary of the site (Constitution Street). The provision of the proposed two car club spaces further would make it more convenient for the future residents of the development to not own a car and further justifies the lower provision. A minimum of 8% of car parking is required to be accessible. Three accessible spaces are required which meets the requirements. Six spaces are shown to be equipped for electric vehicle charging. This is acceptable. Four motorcycle spaces are proposed which meets the requirements. The proposed car parking provision complies with Policy Tra 2 (Private Car Parking).

The proposed five cycle stores include 121 double racks and 76 single racks. The location of the cycle stores is strategically positioned to ensure easy accessibility. The proposed cycle parking meets the minimum requirements.

#### (g) Infrastructure

##### *Affordable Housing*

LDP Policy Hou 6 states the residential developments, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For the proposed development, this equates to 23 affordable units. The applicant is proposing to provide 23 affordable units comprising: 3 Golden share units within the U-plan block; 17 affordable rented units within the L-plan block and 3 units within the colony block.

The affordable unit split is: (i) 3 one bed units (13%), 17 two bed units (74%) and 3 three bed unit (13%). The market (private) units comprises: zero one bed units, 49 two bed units (68%) and 23 three bed units (32%).



Locating the affordable flats for rent all within the L-plan block is preferred by social housing landlords for management and is thus acceptable.

The proportion of family units suitable for growing families (three bed units with a minimal internal floor space of at least 91 square metres) proposed across the site is 18.94%. This proportion marginally falls short of the minimum 20% set in the Edinburgh Design Guidance. However, the proportion of 3 bed family units overall across the site (which include flats with an internal floor space of 81 square metres) is 23%. Given this and the fact that there is a range of sizes for all flats starting from the minimum and that the sizes of all of the proposed flats comply with the minimum standards set in the Edinburgh Design Guidance, the small infringement of the Guidance in terms of the proportion of three bed units suitable for growing families is acceptable.

None of the proposed units suitable for growing families have direct access to private gardens, although their future occupants will have access to the proposed communal gardens. This infringement to the Guidance is justified given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective reuse of an urban site.

The provision of the affordable units will be required to be secured on site through a Section 75 legal agreement.

### *Transport Proposals*

LDP Policy Del 1 sets out the developer contributions required towards transport interventions necessary to mitigate the effects of development or meet sustainable travel targets.

The Roads Authority was consulted and raised no objections, subject to the following developer contributions for the following infrastructure works which are identified in the LDP Action Programme. The contribution is based on the proposed 95 units: -

Tram	£47,578
Bernard Street/ Salamander Street	£80,560
Ocean Drive Eastward Extension	£166,820
Leith Links to Bath Road	£23,275
Salamander Street to Foot of Leith Walk	£9,975
Henderson St-The Shore- Commercial Street	£4,794
Bernard St /The Shore Junction	£2,850
2 car club spaces	£12,500
Introduction of waiting and loading restrictions	£2,000
Introduction of 20 mph speed limit & signage	£2,000
<b>TOTAL</b>	<b>£352,352</b>

The developer has agreed to implement these infrastructure works and it is recommended that this will be secured through a Section 75 legal agreement.

## *Education*

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

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 would be requested to accommodate the cumulative number of additional pupils from developments coming forward in this area. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Leith Trinity Education Contribution Zone. The assessment was based on 92 flats (3 one-bedroom flats excluded) using the established 'per flat' rates for that zone. The total infrastructure contribution required is £90,160 (Index from Quarter 4 2017 to the date of payment). A S75 legal agreement is recommended as the suitable method of securing this contribution and ensuring the scheme complies with policy Del 1.

## *Healthcare*

The site is within the Leith Waterfront developer contribution zone as identified in the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The Edinburgh LDP action programme identifies the need for a new medical practice to mitigate the impact of new residential development in Leith Waterfront. Policy Hou 10 Community Facilities of the LDP states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities. The intension of the policy is to ensure that new housing development goes hand in hand with the Supplementary Guidance. The guidance requires a developer contribution of £945 per dwelling for proposals within the zone which equates to £89,775 for the 95 flats proposed.

The applicant will be required to enter into a Section 75 legal agreement to secure the delivery of this contribution.

## (h) Flooding and Drainage

Scottish Water raise no object to the planning application. They inform that there is currently sufficient water capacity to serve the proposed development. They advise that once planning permission is granted the applicant can apply to Scottish Water for a formal waste water connection and Scottish water will advise the applicant accordingly. With regards to surface water capacity, they confirm that for reasons of sustainability and to protect their customers from potential future sewer flooding, they will not accept any surface water connections into their combined sewer system. They state that there may be limited exceptional circumstances where they would allow such connection for brownfield sites only, however they will require significant justification taking account of various factors including legal, physical and technical challenges. The proposal includes a mixture of SUDS including raingardens, swales, porous paving to attenuate surface water. It is unknown at this time whether Scottish Water will allow surface water to discharge at a reduced rate into the combined sewer system. Scottish Water

confirm that this would be considered and decided once the applicant has submitted to them a full Pre-Development Enquiry (PDE). It would not be reasonable to delay the determination of this planning application until the applicant has obtained permission from Scottish Water to connect surface water from the site into the combined sewer system. If a connection is not secured, then the applicant would have to find an alternative means of discharging surface water from the site. In this circumstance the applicant may be required to submit a revised planning application for a revised SUDS scheme.

#### (i) Other Matters

##### *Sustainability*

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant has submitted a sustainability statement in support of the application. The proposed development would be constructed on brownfield land and would meet a 30% carbon reduction. Photovoltaic panels are to be mounted on roofs to maximise solar gain. Recycled materials would 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.

##### *Archaeology*

The Council's Archaeology Officer informs that the site occurs within an area of potentially national archaeological significance forming part of the marshalling yards for the North British Railways Leith Station constructed in the 1840s. Prior to this, the site overlay the low tide expanse of Leith's beach. This area formed part of the racecourse for Leith Races, the precursor for Musselburgh Racecourse. The site also occurs adjacent to the Leith glass works constructed by the Edinburgh Glasshouse Company in the 1760s. Consequently, the Archaeology Officer advises that the proposed development would have the potential for disturbing archaeological remains. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development. This recommended control can be secured by a planning condition.

##### *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.

## *Waste*

The layout of the development delineates a direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores contained within each of the flatted buildings. Waste Services does not raise a concern with the proposal.

### (j) Public Comments

#### **Material Comments - Objection:**

- Development on the site should not hinder the effective future residential redevelopment of the adjacent land to the north and arrangements should be in place to ensure that road/cycleway and footway connects into that neighbouring land from the site can be realised in the future without cost to the owner of that neighbouring land. This is addressed in section 3.3 a).

#### **Non-Material Comments**

- The Development Framework 'Masterplan Ref: 19142(PL)006 A submitted with the application should not be assessed in the application. - The development framework 'Masterplan' submitted in support of the application is an illustration by the applicant of how the wider development framework area could be developed. It does not form part of the proposed development and thereby is not assessed in this application.

### Conclusion

The proposed use on the site is acceptable in planning terms. Subject to the conditions of a grant of planning permission, there is no significant adverse impact on neighbouring amenity and the future occupiers will be afforded adequate residential amenity. The development is acceptable in transportation terms and the parking provision; including cycle parking, meets the Council's standards. The development has no detrimental impact on significant archaeological remains.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, owing to their position, height, scale and massing the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of the assemblage of listed buildings on the former Edinburgh and Leith Gasworks site (LB26744). Therefore, the proposal complies with adopted Edinburgh Local Development Plan Policy Env 3 Listed Buildings - Setting).

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, owing to their position, height, scale and massing the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of Leith Conservation Area. Therefore, the proposal complies with adopted Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development).

There is an infringement of the Edinburgh Design Guidance both in terms of the proportion of three bed units suitable for growing families (units with a minimum of 91 square metres) and there not being a proportionate split of family and non-family units between the private and affordable components. However, given that the proposed

proportion of 3 bed units (of 91 square metres and below) across the site exceeds 20% and the fact that there is a mixture of sizes of units across the site and which all meet the minimum internal floor space set by the Guidance, the infringement to the Guidance is considered minor and acceptable in the particular circumstances of this case.

There is an infringement of the Edinburgh Design Guidance in terms of the flats suitable for growing families not having direct access to a private garden. However, this is acceptable in this case given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective reuse of an urban site.

There is an infringement to the Edinburgh Design Guidance in terms of daylight to some of the proposed residences. However, the infringement is minor and not significant and is therefore acceptable.

There are no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

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. Development shall not begin until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each residential phase of development, the provision of affordable housing, the provision of open space, SUDS, landscaping and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting, analysis, interpretation and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the use of any external finishing materials a sample panel(s) of them no less than 1.5m x 1.5m shall be produced and made available for the prior written approval of the Planning Authority.
5. Prior to any external finishing materials being used on the buildings a specification and detailed drawings of adequate scale, delineating the distribution of the external finishing materials and colours be submitted for the prior written approval of the Planning Authority. The details shall be implemented as approved.
6. Prior to the first occupation of any of the proposed residential units hereby approved, glazing units with a minimum insulation value of (Rw, Ctr 26dB) shall be installed for the external doors and windows of the bedrooms and living rooms within the facades highlighted in Appendix C (Indicative Mitigation Mark-Up) in the KSG Acoustics Noise Impact Assessment report dated 13 March 2020. Thereafter the acoustic glazing units shall be retained.
7. Prior to the first occupation of any of the proposed residential units hereby approved the mechanical ventilation system including ISO coarse glass G3 filters all as specified/delineated on docketed drawing Nos. 40-MVHR-One Bed; 41-MVHR-two bed; and 42-MVHR-Three bed, shall be installed within the residences and made operational. Thereafter the mechanical ventilation system shall be retained in each property.
8. The adopted verges delineated on docketed drawing No.E118/1602 Rev C; which shall be adopted by the Council as Roads Authority, shall extend upto and on the boundary of the application site.
9. The 3.5 metre wide active travel link located adjacent to the south west of the two city car club spaces on the western end of the site and delineated on docketed drawing No.19142(PL)010\_K, shall extend up to and on the boundary of the application site.

**Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. In order to safeguard the interests of archaeological heritage.

4. In order to enable the planning authority to consider this/these matter/s in detail in the interests of safeguarding the character and visual amenity of the area.
5. In the interests of safeguarding the amenity of the future occupants of the residential properties hereby approved.
6. In the interests of safeguarding the amenity of the future occupants of the dwellings hereby approved.
7. To ensure that the road/cycleways/footways within the site can in the future be extended over the verges and link to future roads/cycleways/footway connections within the adjoining land, thereby ensuring co-ordinated development in compliance with adopted Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development).
8. To ensure that the active travel route connects within the active travel route on adjoining land, thereby ensuring co-ordinated development in compliance with adopted Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development).

## Informatives

It should be noted that:

1. 1. Consent shall not be issued until a suitable legal agreement relating to healthcare, education, affordable housing and transport infrastructure has been concluded and signed. The legal agreement shall include the following:

a. Healthcare- Contribute the sum of £89,775.00 to healthcare infrastructure.

b. Education- Contribute the sum of £94,080 to education infrastructure (indexed from Quarter 4, 2017 to the date of payment).

b. Affordable Housing - affordable housing is to be provided in accordance with Council policy.

c. Transport - A contribution towards the LDP Action Programme for the following transport works;

i. Contribute the sum of £47,578 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;

ii. Contribute the sum of £166,820 to Ocean Drive Eastwards extension. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

iii. Contribute the sum of £80,560 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- iv. Contribute the sum of £23,275 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- v. Contribute the sum of £9,975 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- vi. Contribute the sum of £4,794 to the Henderson St/The Shore/Commercial St (Bus Priority). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- iv. Contribute the sum of £2,850 to the Bernard St/The Shore junction. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- v. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- vi. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

and

d. 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;

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. -The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

--The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;

-In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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;

-The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non -adopted lighting applicable to the application address;

-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;

- 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;

- A Quality Audit, as set out in Designing Street, should be submitted prior to the grant of Road Construction Consent;

- All accessed must be open for use to 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 road, 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, and a cycle parking numbers including location, design and specification. Particular attention must be paid to ensure the refuse collection vehicles are able to serve the site. The applicant is advised to contact the Council's Waste Management Team to agree details.

- The applicant should give consideration to the following points to further enhance the cycle stores:

- a. The access doors to the stores should be centred to further improve the access to the stores, currently the access will require a slight turn that may cause difficulties;

- b. Provision for parking non-standard bikes as the proposed two-tier racks do not accommodate large bikes such as tandems and cargo bikes; and,

- c. Bike maintenance facilities such as stands, tools and pumps;

6. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity)

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

A Proposal of Application Notice was submitted and registered on 16 August 2019.

Copies of the notice were also sent to:

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

A public exhibition was held on 16 October 2019 from 3pm 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 24 April 2020. One representation was received. A full assessment of the representation can be found in the main report in the Assessment section.

## **Background reading/external references**

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- 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 and Proposal EW1b applies.

**Date registered**

19 March 2020

**Drawing numbers/Scheme**

08C, 09C, 14c, 16B, 17B, 19B, 21B, 22B, 25B, 26C, 40, 41, 42,

Scheme 2

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

Contact: Adam Thomson, Planning Officer  
E-mail: adam.thomson@edinburgh.gov.uk

## **Links - Policies**

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### **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 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 affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

**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.

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

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

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

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

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

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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

# Appendix 1

## **Application for Planning Permission 20/01313/FUL At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB Proposed residential development and associated landscaping, drainage, roads and infrastructure.**

### **Consultations**

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#### **Scottish Water - Date 16/07/2020**

##### Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

##### Waste Water Capacity Assessment

- This proposed development will be serviced by Edinburgh Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

##### Please Note

- 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.

##### Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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:
- 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 information on how to submit application to Scottish Water at our Customer Portal.

### Next Steps:

## **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal 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 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](http://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 the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto: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 [here](#).
- 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](http://www.resourceefficientscotland.com)

## **SEPA - First Consultation Response - Date 15/04/2020**

*Advice for the planning authority*



We object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

## 1. Food risk

1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

## 1.3 Technical Report

1.4 SEPA Flood Risk Hydrology (FRH) has been consulted on a planning application to erect 102 units as part of a residential development at 57 Tower Street, 1 Bath Road, Edinburgh, EH67BB (327517, 676511). The site has been adopted as part of the 2014 local development plan.

1.5 Kaya Consulting has produced a Flood Risk Assessment (FRA) for the current application site. The FRA advises that the ground levels on the application site are between ~4mAOD and ~5mAOD.

1.5 The sources of potential flood risk to the application site and the development are fluvial risk from the Water of Leith, tidal risk from the Forth Estuary, and a combination of fluvial and coastal risk and surface water.

1.6 A number of studies have been carried out in this area regarding fluvial flood risk. It has concluded that a 0.5% (1 in 200 year) fluvial event on the Water of Leith, including an allowance for climate change up to 2057, will reach 4.04 mAOD or below providing that the flood control apparatus on the shipping lock functions effectively. If there is a complete failure of the apparatus then the flood level could exceed 5.27 mAOD. At this level floodwater would start to overtop the sealing dam and discharge into the Firth of Forth.

1.7 The Kaya Consulting FRA recommends that finished floor levels should be no lower than 5.6mAOD, however SEPA recommends that finished floor levels should be set at a minimum of 6.0mAOD in the Leith Docks area. This will provide a 600mm freeboard allowance above the estimated flood level. We therefore object to the proposed development until it is confirmed that finished floor levels will be set at a minimum of 6.0mAOD.

1.8 As stated within the FRA, according to climate change projections (UKCP18 and SEPA) the site will be within the 1 in 200 year coastal level by 2075. We therefore strongly suggest that consideration is given to the sustainability of this development.

## Summary of Technical Points

1.9 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

Confirmation that finished floor levels will be set at a minimum of 6mAOD

## 2. Air quality

2.1 The development is proposed within the Salamander Street AQMA declared due to exceedances of the Scottish PM10 annual mean objective. Ambient PM10 concentrations have declined in this area since 2012 such that the exceedance is now marginal. CEC monitoring indicates NO2 objectives are not exceeded in this AQMA. The impact assessment has modelled with and without development scenarios which demonstrate that there will be no significant changes in NO2 or PM10 concentrations if the development is consented. This is largely due to the low additional vehicle movements that the development is predicted to generate. However, the development does have the potential to introduce new human receptors to an area of known poor air quality.

2.2 There may be a positive impact if the wall to the north of Salamander Street is demolished as dispersion will be improved. However, the positive effect of removing this wall could be offset if the development itself creates a new canyon on Salamander Street. The Council should work with the developers to ensure the development is designed to improve dispersion of air pollutants and not trap them in a canyon design. Consideration should also be given to conditioning the developer to resurface the cobbled area of Bath Street which has been highlighted as being a contributor to dust resuspension due to the uneven cobbles.

## 3. Standing advice

3.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Detailed advice for the applicant

## 4. Flood risk

4.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> 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.

4.2 We refer the applicant to the document entitled: 'Technical Flood Risk Guidance for Stakeholders'. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

4.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

4.4 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.

4.5 The flood risk 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).

#### Regulatory advice for the applicant

The applicant will note that we have objected to the proposal and should take account of the advice provided above.

#### 5. Regulatory requirements

5.1 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).

5.2 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.

5.3 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 SEPA's 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.

5.4 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.

5.5 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 at:

5.6 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).

5.7 If you have any queries relating to this letter, please contact me by email at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

## **SEPA - Second consultation response - Date 09/06/2020**

We previously objected to this planning application on the 15 April 2020 (our ref: PCS/170774). Having considered the information provided (including KAYA response of the 28th April 2020, ref. KC1769/CA/MS), we are withdrawing our objection in relation to flood risk.

Please note that we have not reviewed the Surface Water Management Plan as surface water is a responsibility of the City of Edinburgh Council.

Please also note our previous advice.

Advice for the planning authority

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

### **Flood risk**

We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Risk Management Authority.

### **Technical Report**

We previously responded to a planning consultation for this application (planning ref: 20/01313/FUL) and objected on the basis of the proposed finished floor level (FFL) being only 5.6 mAOD.

Kaya Consulting has since submitted a letter dated 28 April 2020 laying out again the basis for its recommended FFL of 5.6 mAOD. We note that the ground levels in the vicinity are low particularly in relation to the 6.0 mAOD recommended by SEPA and an FFL will provide a freeboard allowance of only 270 mm above the design flood level based on a scenario of a failure of the locking gates at Leith Dock. The City of Edinburgh Council should consider if it is satisfied with this reduced freeboard allowance.

Caveats and detailed advice for the applicant

The applicant will note that we have removed our previous objection.

## Flood risk

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.

The flood risk 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).

## Regulatory advice for the applicant

### Regulatory requirements

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).

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.

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 SEPA's 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.

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 Regulation section of our website or by contacting [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) or [wastepermitting@sepa.org.uk](mailto:wastepermitting@sepa.org.uk).

## **Housing Management and Development - Date 12/06/2020**

The Housing Management and Development Service is not able to support the current proposal for the reasons set out below. We would welcome the opportunity to work with the applicant so that a scheme with an appropriate mix of affordable homes can be progressed.

This application is for a development comprising 102 flats and colonies. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (25.5 units).

The applicant has submitted an 'Affordable Housing Statement' which confirms that 25 affordable homes will be provided on-site. Three units will be in Block 1 and 22 will be in Block 2. This is acceptable as the AHP states that the Council will round down the number of affordable housing units required to the nearest lower whole number of units when those units are provided on-site.

The affordable homes will be integrated in a central part of the site and "tenure blind" in appearance. Leith Town Centre and extensive public transport links are in easy walking distance.

The affordable home residents will have access to communal garden spaces. An equitable and fair share of cycle and vehicle parking, consistent with the relevant parking guidance, should be provided for the affordable homes.

The applicant has confirmed the intention that 20 (80%) of the homes will be delivered by a RSL (Registered Social Landlord) either as social rent or mid-market rent, and five (20%) of the affordable homes will be delivered as 'Golden Share' (unsubsidised low-cost home ownership with a purchase price set at 80% of market value in perpetuity). The final tenure type of the affordable homes is still to be agreed with the Council. Housing Management and Development's expectation is that a minimum of 70% of the affordable homes should be available for social rent as this is the Council's highest priority tenure type.

The applicant has indicated that the five 'Golden Share' properties will be in Block 1. However, the submitted plans indicate that this block will only have three affordable units. It is not clear if this means that other 'Golden Share' properties will be in Block 2 alongside the units that are to be managed by a RSL. This should be clarified as RSLs tend to prefer homes that are in self-contained blocks to allow for effective management.

The applicant has not yet confirmed which RSL they will partner with to deliver these homes. The applicant should engage with an RSL at an early stage to ensure that the design of affordable housing is informed by guidance such as Housing for Varying Needs and relevant Housing Association Design Guides.

Although some aspects of the proposed affordable housing provision are acceptable, overall the Housing Management and Development service is not supportive of the current proposal as the proposed mix of affordable flat sizes is not appropriate. This is explained below.

There is a need and demand for all size and type of affordable housing. The Council's planning guidance on 'Affordable Housing' therefore states that 'the proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided'.

This is to make sure that development sites make a proportionate contribution to the provision of a range of affordable homes across the city to help meet need and demand, including larger family homes where practical.

The 25 proposed affordable units comprise the following:

- one (4%) three-bedroom flat, which compares with 15 (19%) of the market homes;
- 19 (76%) two-bedroom flats, which compares with 62 (81%) of the market homes;
- 5 (20%) one-bedroom flats. None of the market homes have only one bedroom.

The proportion of three-bedroom homes within the affordable element is significantly below the proportion that is being provided on the rest of the site and a representative mix of house sizes will not be delivered. Affordable homes with three bedrooms can accommodate families with children of different genders.

The applicant has not provided information that justifies why a more representative mix of affordable homes could not be delivered. The Housing Management and Development service is not aware of any reason why more three-bedroom units could not be delivered to a RSL on this site.

The current scheme therefore does not comply with the Council's planning guidance on 'Affordable Housing'. To address the above concerns more of the affordable homes should have three-bedrooms, particularly those on the ground floor to allow families to benefit from direct access to open space.

## Summary

The Housing Management and Development service is not able to support the current proposal. The proposed mix of affordable homes does not comply with the Council's planning guidance on 'Affordable Housing'. The proportion of affordable housing suitable for families with children does not match the proportion of such housing on the wider site and a representative mix of house types and sizes will not be provided. The Housing Management and Development service would welcome the opportunity to work with the applicant so that a scheme with an appropriate mix of affordable homes can be progressed.

## Waste Services - Date 30/03/2020

I have been asked to consider the below application on behalf of the Waste Management Service.

I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our instruction for architects guidance to ensure waste and recycling requirements have been fully considered.

1. Direct access from bin store to vehicle, under 10 m and a straight pull, drawings show car parking blocking access.
2. confirmation all points raised in our architect's guidance have been adhered to.

In view of these factors and the size of this development I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered.

### **Environmental Protection - 01/04/2020**

The applicant proposes installing a mechanic heat and ventilation system which will filter particulates out the atmosphere, can the applicant provide further details on this and include detailed designs and drawing to enable such a mitigation measure to be conditioned. The applicant is proposing to develop a residential block in the middle of an air quality management area therefore it would be advisable if they maximised all forms of air quality mitigation. For example, the developer is proposing to installed electric vehicle charging (EV) points to the lowest minimum standard, they should include more EV chargers.

### **COMMUNITIES AND FAMILIES - Date 03/04/2020**

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 2019).

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:

96 Flats (6 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:  
£94,080

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

### **Archaeology - Date 06/04/2020**

The site is regarded as occurring within an area of potential archaeological significance forming part of the marshalling yards for the North British Railways Leith Station constructed in the 1840's. Prior to this the site overly the low tide expanse of the Leith's beach. This area formed part of the racecourse for Leith Races depicted on William Reed's early 19th century painting (see fig.1), the precursor for Musselburgh Racecourse. This course was one of Scotland's premier race courses with the earliest reference to it being in 1504 when records show that James IV paid for jockey. Royal patronage continued through the 17th century with the future James VII/II sponsoring events. During the 18th century the site drew major crowds with the main 'festival' events and races such as the 100 Guineas and the Royal Plate being held. In 1816 the races were move permanently to Musselburgh.

The site also occurs adjacent to the Leith glass works constructed by the Edinburgh Glasshouse Company in the 1760's.

Edinburgh 2019: Leith 57 Tower Street & 1 Bath Street.

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.

### **Buried Remains**

The proposed development will require significant ground works which have the potential for disturbing archaeological remains ranging from 19th century Railway yard, material and artefacts derived from the adjacent glass works and potentially also from the Leith Race course. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development. This will see a phased archaeological programme of works the initial phase will be the undertaking of an archaeological evaluation of the site (10%). The results from this initial phase of work will inform the scope of further mitigation to be undertaken, to ensure the appropriate

protection and/or excavation, recording and analysis of any surviving archaeological remains.

### Archaeological Public Engagement & Interpretation

Given the potential importance of these remains it is essential that the excavations contain provision for a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS. In addition to the above given that the site overlies the site of the 18th/19th century Leith Race course the final public realm should also include interpretation to reflect this important local heritage Accordingly, it is recommended that this rich heritage is interpreted within the final public realm/landscape design of this development. This could include public art works as well as more traditional interpretive panels.

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 development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, interpretation 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.

### Roads Authority - 14/05/2020 - First consultation response

#### ROADS AUTHORITY ISSUES

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

1. The applicant will be required to:

- a. Contribute the sum of £57,202 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 VIII for further info);
- b. Contribute the sum of £179,112 to the Ocean Drive Eastwards Extension as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- c. Contribute the sum of £86,496 to Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- d. Contribute the sum of £24,990 to the Leith Links to Bath Road project as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- e. Contribute the sum of £10,710 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - f. Contribute the sum of £4,794 to the Henderson Street - The Shore - Commercial Street (Bus Priority) project as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - g. Contribute the sum of £3,060 to the Bernard Street - The Shore Junction Improvements as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
  - h. See note IX for further info on transport contributions;
  - i. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
  - j. 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;
2. For avoidance of doubt the proposed road layout (including on-street car parking) is not agreed at this stage (see note VI for further detail);
  3. 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;
  4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
  5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
  6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
  7. 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;
  8. 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;

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

10. 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;

Note:

I. The application has been assessed under the 2017 parking standards (updated January 2020). These permit the following:

- a. A maximum of 102 car parking spaces (1 space per unit). 34 car parking spaces are proposed;
  - b. A minimum of 220 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit). 220 cycle parking spaces are proposed;
  - c. A minimum of 1 of every 6 car parking spaces to be equipped for electric vehicle (EV) charging. This results in a requirement for 6 EV parking spaces. 6 EV parking spaces are proposed;
  - d. A minimum of 8% of the car parking to be designated as accessible. This results in a requirement for 3 accessible spaces. 3 accessible spaces are proposed;
- T/DC/Response to Planning 14May20
- e. A minimum of 4 motorcycle parking spaces (1 space per 25 units). 0 dedicated motorcycle parking spaces are proposed;

II. Whilst no definitive justification for the proposed level of car parking was provided but as the site is located in an area with good accessibility to public transport as well as local services and amenities it is considered acceptable. The proposed level of parking complies with the current parking standards;

III. It should also be noted that the Leith Area is part of phase 1 of the proposed expansion to the Controlled Parking Zone (CPZ) which is currently estimated to be implemented in summer 2021;

IV. The proposed cycle parking is distributed over 4 internal stores throughout the blocks each with a single external access. The cycle parking is made up of high-density two-tier racks. The cycle parking design is considered to be of an acceptable standard, but the applicant should give consideration to the following points to further enhance the cycle stores:

- a. The access doors to the stores should be centred to further improve the access to the stores, currently the access will require a slight turn that may cause difficulties;
- b. Provision for parking non-standard bikes as the proposed two-tier racks do not accommodate large bikes such as tandems and cargo bikes;
- c. Bike maintenance facilities such as stands, tools and pumps;

V. A transport assessment has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development. The submitted document is generally in line with the published guidelines on transport assessments and utilises the TRICs database and 2011 census data to estimate that a development of this size and nature would generate 20 two-way AM peak vehicle trips and 19 two-way PM vehicle peak. Whilst no definitive figure was provided for vehicle trip generation based on the existing use it is anticipated that this would still generate a small number of peak time trips that would already be on the network. Considering these points, it is anticipated that the net impact of the proposed development on the surrounding network will be negligible;

VI. It is not clear if a number of the proposed footways associated with this development comply with current guidance. A minimum footway width of 2.5m is required to ensure that the vehicle overhang from the proposed end-on parking does not negatively impact on the pedestrian environment (see Edinburgh Street Design Guidance Fact Sheet P3 - Footways for further information). There are still some minor issues with the proposed road layout, mostly related to junction design and pedestrian priority measures. It is anticipated that these issues can be dealt with through a quality audit and RCC process.

VII. Currently the proposed active travel route on the north side of the development road/street does not comply with current guidance for shared use footways/cycle tracks as the proposed end on parking will impact on the "effective" width of the route and will impact on the pedestrian and cyclist environment. When considering cycle infrastructure for this development, the traffic speed - Flow table contained within the Edinburgh Street Design Guidance Fact Sheet C1 - Designing for Cycling needs to be considered. With the low traffic speeds and very low traffic flow expected on these roads it can be considered a "Quiet Street" where shared on-road infrastructure is considered acceptable;

VIII. The tram contribution is a net contribution that takes the existing use into consideration when calculated. The proposed site is within zone 1 of the tram contribution zone which for the proposed use of 102 residential units would generate a contribution of £180,353. The existing use of a car pound which is considered as warehousing and storage generates a contribution of £123,151. Net contribution = Proposed use - Existing Use = £180,353 - £123,151 = £57,202

IX. The transport contributions were calculated by firstly identifying the relevant actions within the LDP Action Programme 2020 as well as the total action costs, which are as follows **superseded**:

- 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

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- 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

The estimated housing capacity of relevant LDP areas:

- Leith Waterfront (Western Harbour) = 3,000
- Central Leith Waterfront = 2,720
- Leith Waterfront (Salamander Place) = 1,500

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 / 7,220 (LW(WH) + CLW + LW(SP)) = £848 per unit x 102 units = £86,496 (28%)
- Ocean Drive Eastward Extension - £12,678,750 / 7220 (LW(WH) + CLW + LW(SP)) = £1,756 per unit x 102 units = £179,112 (58%)
- Leith Links to Bath Road = £367,500 / 1500 (LW(SP)) = £245 per unit x 102 units = £24,990 (8%)
- Salamander St to Foot of the Walk = £441,000 / 4220 (CLW + LW(SP)) = £105 per unit x 102 units = £10,710 (3.5%)
- Henderson Street - The Shore - Commercial Street (Bus Priority) - £209,856 / 4500 (CLW + LW(SP)) = £47 per unit x 102 units = £4,794 (1.5%)
- Bernard St - The Shore Junction - £133,458 / 4500 (CLW + LW(SP)) = £30 per unit x 102 units = £3,060 (1%)

Total Transport Contributions = £309,162 (Percentages provided for the benefit of the legal agreement)

### **Roads Authority - 09/12/2020 - second and final consultation response**

Based on 95 units (revised scheme) the transportation contribution would be:

Tram = £47,578

Ocean Drive Eastwards Extension = £166,820

Bernard Street/Salamander St AT & PR Project = £80,560

Leith Links to Bath Road = £23,275

Salamander St to Foot of Leith Walk = £9,975

Henderson St/the Shore/Commercial St (Bus Priority) = £4,794

Bernard St/the Shore junction = £2,850

### **Transportation (Flooding Prevention) - response date 09 April 2020**

The following should be addressed by the applicant:

1. The Flood Risk Assessment has been reviewed and is accepted. Could the applicant please confirm that the recommended 50m<sup>3</sup> of compensatory storage is included in the development proposals?
2. Could the applicant please confirm the finished floor levels of the proposed developments?
3. I have reviewed the Drainage Layout drawing. This seems promising and looks to have addressed many of the concerns raised during a pre-application meeting. Is there a supporting SWMP report? Apologies if I have missed it on the portal.

4. In addition to the SWMP report, could the applicant provide a SWMP checklist and the required declaration certificates covering the surface water management proposals?.

### **Affordable Housing - response dated 22 December 2020**

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

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

25% of the total number of units proposed should be affordable housing.

The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

### **2. Affordable Housing Provision**

The applicant has submitted a revised scheme. The application is now for a development comprising 95 flats and colonies. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (23 units).

The applicant has confirmed that 23 affordable homes will be provided on-site as required by the AHP and will be secured through a Section 75 agreement. Three will have three-bedrooms, 17 will have two-bedrooms and three will have one bedroom. The affordable homes are well integrated in several parts of the site and "tenure blind".

20 of the affordable homes will be delivered by a Registered Social Landlord (RSL) and three will be sold as Golden Share (a form of low cost home ownership where properties are sold at 80% of market value). It should be noted that the applicant has not confirmed how many of the homes to be delivered by a RSL will be for social rent, the highest priority tenure. This must be agreed with the Council in advance of any works. The expectation is that a minimum of 70% (16) of the affordable homes are delivered as social rent.

Housing Management and Development could not support the original scheme on the basis that it did not comply with the Council's planning guidance on 'Affordable Housing' as the proportion of three-bedroom homes within the affordable element was significantly below the proportion that was to be provided on the rest of the site and a representative mix of house sizes would not be delivered.

The applicant has made significant improvements to the proposed affordable housing provision in the amended scheme:

- The number of three-bedroom affordable homes has increased from one to three, one of which will be on the ground floor so particularly suited to larger families;
- The range of affordable housing types now includes three colony units;
- The proportion of affordable homes expected to be delivered by a RSL has increased from 80% to 87% (20 units). This means that a high proportion of the affordable homes will be delivered as either social or mid-market rent, the two highest priority tenures.

However, the amended scheme still falls short of what is expected by the planning guidance as 13% (3) of the affordable homes have three or more bedrooms in comparison to 27% (26) across the site as a whole. The applicant has submitted an updated Affordable Housing Statement which explains that efforts were made to include more three-bedroom affordable units, but the current scheme was proposed as it maximises the number of homes to be delivered by a RSL

The developer is yet to engage with a RSL to deliver the affordable housing. This is disappointing as early engagement ensures that a scheme meets their design standards and requirements. However, the applicant has consolidated units within a contained stairwell in order that RSL delivery can be achieved. The affordable homes should be fully compliant with latest building regulations and informed by guidance such as Housing for Varying Needs.

### Overall assessment

The amended scheme does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided.

However, the mix of affordable housing sizes and types in the amended scheme is a significant improvement on the original proposal.

The proposed mix of affordable housing tenures includes a high proportion to be delivered by a RSL as social or mid-market rent, the two highest priority tenures to meet local housing needs.

On balance, the provision of affordable housing proposed in the amended scheme is acceptable to Housing Management and Development.

### 3. Summary

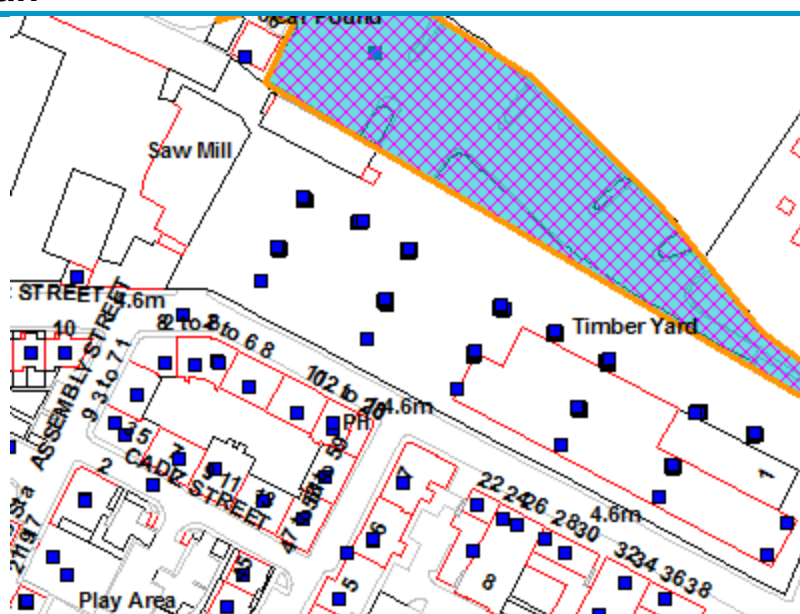
The applicant is proposing to deliver 23 (25%) on-site affordable homes as required by LDP Policy Hou 6, to be secured through a S75 legal agreement.

The amended scheme does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided.



The proposed mix of affordable housing tenures includes a high proportion to be delivered by a RSL as social or mid-market rent, the two highest priority tenures to meet local housing needs.

## Location Plan



END

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