

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 7th June, 2023**

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

### Contacts

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## 1. Order of business

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- 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 5 June 2023** (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 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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- 3.1 None.

## 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.

### Pre-Applications

- 4.1 Report for forthcoming application by Vita Group for Proposal of Application Notice At Land East of Sibbald Walk, Edinburgh - Erection of mixed-use development comprising student accommodation, affordable housing and commercial/community uses with associated landscaping, infrastructure, and access arrangements - application no. 23/01777/PAN - Report by the Chief Planning Officer 9 - 16

It is recommended that the Committee notes key issues at this stage and advises of any other issues.

### Applications

- 4.2 27 Arthur Street, Edinburgh, EH6 5DA - The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 22/06119/FUL - Report by the Chief Planning Officer 17 - 46

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

- 4.3 27 Arthur Street, Edinburgh, EH6 5DA - The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 23/00174/CON - Report by the Chief Planning Officer 47 - 54

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

- 4.4 17 George Iv Bridge, Edinburgh, EH1 1EE - Change of use from Class 4 office to aparthotel (serviced apartments only) to be operated and managed as one business. Internal alterations 55 - 66

include removal of internal walls /partitions erection of new walls /mezzanine floors insertion of roof lights, dormer windows, roof terrace refurbishment of external features including windows, doors, commemorative plaques (as amended) - application no. 22/05285/FUL - Report by the Chief Planning Officer

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

- 4.5** 117 - 145 Pitt Street & 9 Trafalgar Lane, Edinburgh, EH6 4DE - 67 - 96  
Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use- application no. 21/05861/FUL - Report by the Chief Planning Officer

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** Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - application nos – 22/02514/FUL and 22-02513/FUL - Protocol Note by the Service Director – Legal and Assurance 97 - 100

- |            |   |           |
|------------|---|-----------|
| <b>6.2</b> | Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application no. 22/02514/FUL - Report by the Chief Planning Officer   | 101 - 124 |
|            | It is recommended that this application be <b>GRANTED</b> .   |           |
| <b>6.3</b> | Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - Development of field for ancillary quarrying operations - application no. 22/02513/FUL - Report by the Chief Planning Officer  | 125 - 144 |
|            | It is recommended that this application be <b>GRANTED</b> .   |           |
| <b>6.4</b> | Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ - application no. 21/01163/PPP - Protocol Note by the Service Director – Legal and Assurance  | 145 - 148 |
| <b>6.5</b> | Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ - Demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended scheme 3- application no. 21/01163/PPP - Report by the Chief Planning Officer) | 149 - 194 |
|            | It is recommended that this application be <b>GRANTED</b> .   |           |

## 7. Applications for Detailed Presentation

**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 None.

## **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.

### **Nick Smith**

Service Director – Legal and Assurance

## **Committee Members**

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Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalglish, Councillor Neil Gardiner, Councillor Euan Hyslop, Councillor Tim Jones, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Kayleigh O'Neill

## **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 Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1,

Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk).

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## Development Management Sub Committee

**Wednesday 7 June 2023**

**Report for forthcoming application by**

**Vita Group for Proposal of Application Notice**

**23/01777/PAN**

**At Land East of Sibbald Walk, Edinburgh,  
Erection of mixed-use development comprising student  
accommodation, affordable housing and  
commercial/community uses with associated  
landscaping, infrastructure, and access arrangements.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

### Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for the erection of mixed-use development comprising student accommodation, affordable housing and commercial/community uses with associated landscaping, infrastructure, and access arrangements at Land East of Sibbald Walk.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/01777/PAN on 24th April 2023.

### Links

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**Coalition pledges**  
**Council outcomes**

**Single Outcome**  
**Agreement**

## **Recommendations**

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**1.1** It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

## **Background**

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### **2.1 Site description**

The application is for the approved PA2 site within the wider Caltongate Site. It comprises the last section of cleared land which historically formed part of the bus depot.

To the north, it borders Calton Road. To the west is Sibbald Walk with office buildings beyond this. This development, in tandem with modern buildings for residential and commercial uses to the south facing onto a public square, form part of this Caltongate re-development. To the west, is an older residential development.

There is a steep, downward slope evident on-site from south to north.

It is located within the Edinburgh World Heritage Site.

This application site is located within the Old Town Conservation Area.

### **2.2 Site History**

21 February 2006 - Conservation Area Consent granted for demolition of entire building - former bus garage - application reference: 05/01777/CON.

October 2006 - Caltongate Master plan approved for wider Caltongate Site

30 October 2008 - Planning permission granted for erection of buildings for residential and business (Class 4) and/or community facility, and retail (Class1) and/or food + drink (Class 3) purposes. Podium structure (including ground source heating and cooling system), car parking, access, open space, and landscaping including public square and pend / arcade route off Canongate, works to south end of New Street, and associated works at Land Adjacent to New Street, 221 - 223 Canongate - application reference: 07/04400/FUL

Since the above permission, there has been an extensive planning history associated with the application site and wider Caltongate Site. This full planning history can be viewed on the Planning and Building Standards Online Service.

## **Main report**

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

The forthcoming application will be a full planning application for the erection of a mixed-use development potentially comprising student accommodation, affordable housing and commercial / community uses with associated landscaping, infrastructure, and access arrangements.

### **3.2 Key Issues**

The key considerations against which the eventual application will be assessed include whether:

#### **a) Principle**

The site is located within New Street (Proposal reference CC 2) as identified in the adopted Edinburgh Local Development Plan (LDP). The LDP sets out a number of development principles for the area which is shown as a commercial-led, mixed-use development in the supporting diagram.

As the site forms part of the City Centre Area, LDP policy Del 2 (City Centre) will be of relevance to the assessment of the proposals. This policy supports development 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.

LDP policy Hou 1 (Housing Development) supports housing development at suitable sites within the Urban Area, subject to other LDP policies. Proposals for residential development would be expected to address the principles of LDP Housing policies. These include policy Hou 2 (Housing Mix), Hou 3 (Private Green Space in Housing Development) and Hou 4 (Housing Density). In addition, LDP Policy Hou 6 (Affordable Housing).

LDP Policy Hou 8 (Student Housing) supports purpose-built student accommodation where the location is appropriate in terms of access to university and college facilities and provided that the proposal will not result in an excessive concentration of student accommodation. This policy will be applicable in assessing the acceptability of the proposed student use alongside the Student Housing Guidance and Caltongate Masterplan.

For the commercial and community uses proposed, the LDP policies that are applicable will depend on the specific use class/es proposed. However, a number of employment and retail policies are likely to apply.

The development will also require to be assessed against the National Planning Framework 4 (NPF 4). The proposal would be expected to address the following policy principles:

Sustainable Place Policies gives significant weight to the global climate and nature crises. The policy outcome being the delivery of zero carbon, nature positive places.

Liveable Places Policies refers to development being well-designed and applying the Place Principle. This principle has a focus on places that deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Productive Place Policies principle is for a new strategic approach to economic development that provides a practical model for building a wellbeing economy at local, regional, and national levels. The policy outcome includes local economic development that focuses on community and place benefits as a main consideration.

### **b) Historic Environment**

The site is located within the Old Town Conservation Area, and it is in the vicinity of a number of listed buildings. The proposals will therefore be considered in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. In addition, any potential impact on the Edinburgh World Heritage Site will be assessed.

To inform this assessment, NPF 4 policy 7 (Historic asset and places) and Historic Environment Scotland guidance notes will be relevant. Supporting information will be required including a Heritage Statement.

### **c) Design, Scale and Layout**

The layout and design of the proposal will be assessed against the requirements of relevant NPF 4 policies, LDP Design Policies, Edinburgh Design Guidance and principles set out in the Caltongate Masterplan. A design and access statement will be required to accompany the application.

### **d) Residential Amenity**

The proposals will need to ensure that there is no significant impact on residential amenity of neighbours. In addition, that an adequate level of amenity for the future occupiers of any new residential development can be achieved.

### **e) Access and transport**

The proposals should have regard to the transport policies of the NPF 4, LDP, Edinburgh Design Guidance and Cycle Parking Factsheet. Consideration should be given to prioritising active travel including pedestrian and cycle movement. Transport Information will be required to support this submission.

## **f) Emerging Policy Context**

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time, little weight can be attached to it as a material consideration in the determination of this future application.

However, the applicant should note that it is possible the status of City Plan 2030 may change and there is potential for it be adopted during the period that this Proposal of Application Notice (PAN) is valid. In this event, it will be a material consideration in determination of the planning application and the development will require to be assessed against all relevant policies of this plan.

## **g) there are any other environmental factors that require consideration**

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. The proposal will need to be screened for an Environmental Impact Assessment.

In order to support the application, the following documents are likely to be expected (this list is not exhaustive):

- Pre-application Consultation Report.
- Planning Statement.
- Design and Access Statement.
- Daylighting, Sunlight and Privacy analysis.
- Flood Risk Assessment and Surface Water Management Plan.
- Sustainability Statement and Form
- Heritage Statement
- Landscape and Visual Impact Assessment.
- Transport Information.
- Contaminated land survey.
- Noise Impact Assessment.
- Odour Impact Assessment and Ventilation information (dependent on specific detail of proposals).; and
- Air Quality Impact Assessment.

## **3.3 Assessment**

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

## **Financial impact**

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4.1 The forthcoming application may be subject to a legal agreement.

## **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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

## **Sustainability impact**

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7.1 A sustainability statement will need to be submitted with the application.

## **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**

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions one on Wednesday 17th May 2023 and one on Monday 19th June 2023 at Storytelling Court, Scottish Storytelling Centre, 43-45 High Street, Edinburgh, EH1 1SR between 2pm and 7pm.

The Proposal of Application Notice was sent to City Centre Ward Councillors Councillor Margaret Arma Graham, Councillor Finlay McFarlane, Councillor Claire Miller, Councillor Joanna Mowat. Other Councillors including Councillor Cammy Day (Leader of the Council), Councillor Hal Osler (Convener of Development Management Sub - Committee), Councillor Jane Meagher (Convener of Housing, Homelessness, and Fair Work Committee). In addition, Angus Robertson MSP, Tommy Sheppard MP, Old Town Community Council, New Town and Boughton Community Council, Cockburn Association, Edinburgh World Heritage, and Edinburgh Old Town Association.

The results of this consultation will be submitted with the future planning application as a Pre-application Consultation (PAC) Report.

## **Background reading / external references**

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- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

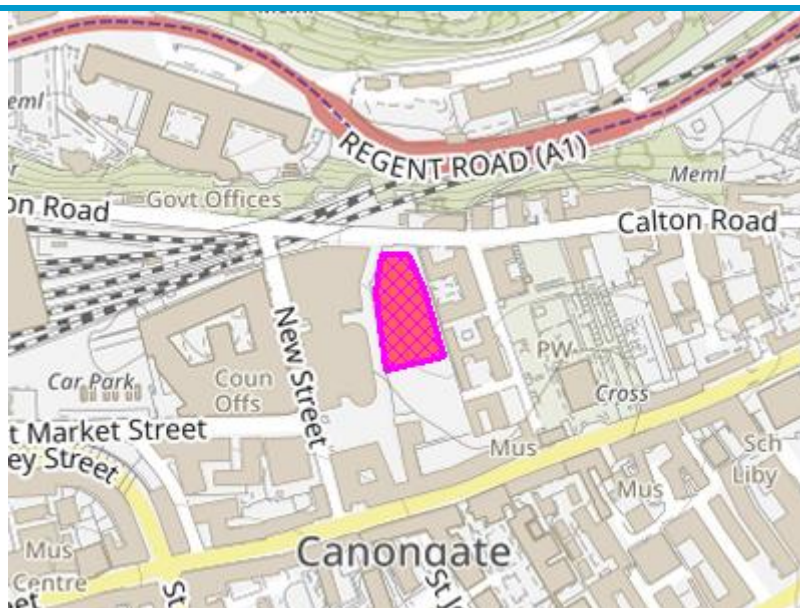
– Edinburgh Local Development Plan

David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

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## Location Plan

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**END**



## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

**Application for Planning Permission  
27 Arthur Street, Edinburgh, EH6 5DA**

**Proposal: The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.**

**Item – Committee Decision  
Application Number – 22/06119/FUL  
Ward – B12 - Leith Walk**

### **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as 40 objections and 31 support comments have been made . Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The principle of development is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the 2016 Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. The proposal is broadly compliant with the non-statutory guidance for student housing.

There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is L shaped and consists of an existing single storey brick building fronting Arthur Street, with ground to the rear that was previously associated with the Leith Walk tenements to the south at 334-346a Leith Walk (listed Category C ref.LB27763, listed on 19/12/1979). This was originally the garden ground of these tenements but was laterally a dump site for cars and other scrap associated with a garage on Leith Walk. There are also remnants of a former stable and workshop and the remains of internal garden walls within the site. This rear area is landlocked and can only be accessed from a small pedestrian path from Leith Walk. The site extends over approximately 0.167 hectares.

Originally, each Leith Walk house had a long, narrow garden or drying green stretching back northwards. Rubble masonry walls surrounded the gardens, and there was a narrow lane between the two eastern and two western plots (accessed by a path under the buildings). Use of the gardens/drying greens became disassociated from the townhouses as they were subdivided into a hotel and flats, and shop units were constructed in the front gardens. The gardens of 5 and 9 Pilrig Street (listed Category B ref.LB27845, listed on 14/12/1970) stretched behind those of the Leith Walk terrace and were originally part of the site also to be filled in with the current warehouse.

The brick workshop was constructed in the 1920s, and these drying greens/gardens appear to have been used independently from that time. In the second half of the 20th century, the drying greens/gardens were then used as a dumping ground for cars and other scrap. The dividing walls between the plots were largely removed to create a single space. The remaining structures to the rear of the warehouse - the remnants of a stable block and boundary walls - would have originally been connected to the Leith Walk buildings but became disconnected when the rear gardens were used for dumping cars. The original curtilage is no longer evident. There are no trees on the site - those that were remaining were removed under application 20/02517/TCO.

The brick workshop is single storey with a floor area of 1048sq.m.

The vacant area was previously occupied by an artist-run organisation in Edinburgh that provides studio space artists and practitioners. When the applicant bought the warehouse from the previous owner, he agreed to this organisation on a temporary lease. This has now ended and the organisation has vacated the premises.

The character of the surrounding area is becoming largely residential. Adjoining the site to the north-east is a four-storey block of flats with a recessed upper storey. There is then a garage building after that and then more flats which are four-storeys with a barrel vaulted roof with flats in the roof space. There are further four-storey gable fronted flats after that.

To the south-west there is Pilrig Dalmeny church, a category A listed Building (Ref LB27649 - 12 December 1974) and new housing development. On the other side of Arthur Street, to the north, there is a three-storey housing development with the ground floor significantly below pavement level. Leith Walk with shops and other commercial properties and excellent transport links is a 5 minute walk away.

There are also several listed buildings in the vicinity primarily Nos. 334-346 Leith Walk (Category C), but also more remotely No. 328 Leith Walk (Category C), Nos. 324-326 Leith Walk (Category B), Nos. 318-322 Leith Walk (Category C), No. 1 Pilrig Street (Category B), Nos. 3-5 Pilrig Street (Category B) and Nos. 7-9 Pilrig Street (Category B).

The site is within Pilrig Conservation Area.

### **Description of Proposal**

The applicant proposes the demolition of an existing warehouse and garage and other structures and erection of a student accommodation block consisting of 112 student studio flats including six disabled accessible flats and 235 square metres of internal amenity space.

The proposed building is in an L shape with a short lane being created on the west side return. To Arthur Street, the building is five-storeys with the top floor set back for the majority of the length but when it reaches the corner, the eaves level drops from four to three storeys and the set back is a two storey return. This then meets up with a five storey section which then steps down to three storeys up the lane towards the rear of the Leith Walk tenements.

The main roof is flat with the three-storey section having a green roof. The main roof has solar panels.

The materials are brick, timber, and aluminium cladding.

The site slopes up towards the rear of the Leith Walk tenements. There is a height difference of around 2.4 metres from the street to the back of the site and ramping of the new side street is required to accommodate this. This street will not be used for any vehicular access.

Communal open space for the students is on the east and south side of the new building. There is an open amenity space in the north western corner of the site where the garage presently stands, which will be accessible to the public. The landscaping will be a mix of hard and soft with trees and plants chosen to encourage biodiversity. The pond at the back will be closed off and new boundary walls formed.

The cycle parking provision proposed will exceed the required 1:1 ratio with 120 spaces provided within a mix of dedicated cycle stores and stands which will be situated under cover and accessed via a secure gate at the rear of the site, at ground floor level. 112 of these cycle parking spaces will be for students and 8 will be designated for staff. In addition, the proposal includes the provision of 4 sheffield style hoops in the south east corner of the public amenity open space which will provide a further 8 spaces for use by visitors.

## Supporting documents

The following documents have been provided to support the application:

- design statement;
- planning statement;
- heritage statement;
- sunlight, daylight and solar shading study;
- surface water management plan;
- building inspection report;
- landscape management plan and
- sustainability statement form

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

## Previous consented scheme:

The current proposal is similar in appearance to the proposal which was the subject of planning permission 21/00991/FUL, however there are the following differences:

- the building is 1.3 metres higher,
- its footprint to the rear has increased due to the current escape requirements,
- the top floor is set back to breakdown the overall mass of the footprint,
- the corner is double height set back in response to the reduction in scale of the adjacent Edinburgh Free Church,
- the element to the rear of the site is reduced in height to three storeys,
- there is a change in brick colour at first floor level, with a high-quality lighter buff brick being used for the upper floors,
- metal cladding is used on the upper-level set back areas,
- grey aluminium framed glazing is used,
- the land on which the garage presently stands is included in the site and will become an amenity space that can be accessed by the public.

## **Relevant Site History**

21/00991/FUL  
27 Arthur Street  
Edinburgh  
EH6 5DA

Demolition of existing buildings and structures; erection of 33 apartments and associated development (as amended).

Granted  
27 July 2022

21/00990/CON  
27 Arthur Street  
Edinburgh  
EH6 5DA

Demolition of buildings and structures.  
Granted

1 November 2021

23/00174/CON  
27 Arthur Street  
Edinburgh  
EH6 5DA

The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

### **Other Relevant Site History**

None.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology

Leith Central Community Council

Leith Links Community Council

Environmental Protection

Transportation

Waste Services

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 18 April 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 20 January 2023

**Site Notices Date(s):** 17 January 2023

**Number of Contributors:** 72

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### **a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

##### **Impact on 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."*

In this case, there are a number of listed buildings near to the development. The listed buildings are all out-with the application site and therefore the primary consideration in the assessment of these proposals is the impact on the setting of these listed buildings.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that 'setting' is the way the surroundings of an historic asset or place contribute to how it is understood, appreciated and experienced. The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset and
- Assess the impact of any new development on this.

Part of the application site was originally the garden ground of the listed buildings at 334-346a Leith Walk (Category C). The long gardens contained a number of structures including boundary walls but, as stated in the site description, these structures were largely removed in the 20th century when the warehouse was built and the gardens became disassociated from the listed tenements on Leith Walk. This rear area is now basically a scrap yard and is filled with old cars.

In assessing the impact on the setting of these listed buildings, it is important to consider the features that contribute to their special interest and, in this case, it is the frontages to Leith Walk that are of most significance. The rear elevations cannot be appreciated from any public viewpoint and their original rear setting has been compromised by a change from domestic green areas to industrial landscape.

Notwithstanding this, it is important that attempts are made to reinstate a rear setting as views will be opened up when the development is implemented and the new side street is formed. In this respect, the 13 metres separation distance between the backs of the listed buildings and the new building provides an open setting between them. Whilst this does not reinstate the original garden ground, it does open up garden ground around the rear section of the development and the change from a scrap yard to gardens will positively enhance the setting of these listed buildings.

The plans also indicate that an existing rear boundary wall will be retained and repaired. A condition has been applied to require further details of all boundary treatments.

The warehouse was actually built in the rear garden of 9 Pilrig Street, a B listed building and its original setting has been lost for nearly 100 years. The rear area now includes a church building and a garage. The development will not affect the setting of this listed building or the other listed buildings in Pilrig Street, including the A listed church.

### **Conclusion in relation to the listed building**

The proposal preserves the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

### **Character and Appearance 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."*

Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing. However, it acknowledges that whilst the area is mainly comprised of low rise residential development, there are a small number of flatted properties of mainly three and four storeys.

This section of Arthur Street is not characteristic of the essential character of the conservation area. The warehouse building is a utilitarian 1920's structure which dominates the street and does not make a positive contribution to the overall character and appearance of the conservation area. It has two big roller shutter doors and a glazed entrance to the former artist workshop use. The single storey garage to the west of the warehouse has consent for change of use to class 4 business use. It is also utilitarian in character. The demolition of both the warehouse building and the single storey garage is assessed under the conterminous application for conservation area consent and is deemed to be acceptable. However, their overall impact is of an expansive brick wall along the street.

This section of Arthur Street has a mix of building types and heights with no consistency of character. In terms of the appearance of the conservation area, the proposed new building, which is marginally higher than the previously approved building, will align with the height of the flats to the east ensuring a rhythm is created in terms of building heights. In addition, the use of brick will tie in with the flats to the north and east creating a continuity and a reference to the industrial history of the site.

The proposed new building is higher than the existing warehouse and so there will be changes to the appearance of the conservation area. However, replacing a poor quality warehouse with a high quality student housing development can be a positive enhancement of the appearance of the conservation area.

The overall character of the conservation area is mixed and the determination of whether a development preserves or enhances it is a matter of planning judgement. If a development has a neutral impact it is deemed to preserve that character. There is no requirement to mimic traditional buildings in the conservation area as the aim is to be able to read the historical and architectural progression of the area by the buildings within it. The proposed new development is different from the essential character of the conservation area but it replaces a building which is also not typical.



Owing to the distance between this site and the more traditional core areas of the conservation area, the building will read as an extension to the more modern buildings in the street rather than a threat to the more traditional townscape. In this respect it will have a neutral impact and so preserve the character of the conservation area.

### ***Conclusion in relation to the conservation area***

The proposal preserves the character and appearance of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **b) The proposals comply with the development plan?**

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF 4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 7, 9, 13
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Caring for the Environment Policies Env 9, Env 12 and Env 16
- LDP Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1 and Hou 8.
- LDP Transport Policies Tra 2, Tra 3 and Tra 4.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

### **Acceptability of the development in principle**

NPF 4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF 4 Policy 2 a) (climate mitigation and adaptation) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Part d) supports development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses and emphasises the need to conserve embodied energy, with demolition regarded as the least preferred option.

The application site is a brownfield site within Edinburgh's urban area. The existing warehouse and garage building on the site are utilitarian. The existing structure and cladding materials of the warehouse and garage are not considered suitable for the proposed PBSA use, where a robust, well-insulated and highly sustainable building is targeted. Their build performance precludes optimum air tightness, thermal bridging, and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources. Apart from the build performance, the form and design of the warehouse building and garage would not lend themselves to conversion to residential use. Moreover, owing to their two-storey and single storey height respectively, the warehouse and garage are not an efficient use of the site.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area. It is in close proximity local retail and other services, as well as public transport links. The proposal would improve local placemaking by bringing this site back in to use.

The approved Student Housing SG recognises that there is a demand for student accommodation in Edinburgh due to the presence of five higher education institutions. It states that it is preferable that student needs are met as far as possible in well managed and regulated schemes as these have reduced issues of antisocial behaviour. Additionally, it states that there is a need for more purpose built student housing in order to free up general housing stock through an increased offer and increased competition.

Policy 16 of NPF 4, in criterion c, lends support to development proposals for new homes that improve affordability and choice, by being adaptable to changing and diverse needs, and which address identified gaps in provision. Housing types for homes for people undertaking further and higher education are one of the categories of homes which are supported, subject to compliance with other categories of NPF 4.

Policy 9 of NPF 4 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places. The proposal would bring a vacant site back in to use. The demolition of the existing warehouse and garage building would facilitate the reuse of the site to deliver accommodation for those studying in higher education.

The proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land and buildings and to help reduce the need for greenfield development. Sustainable transport is prioritised by the lack of car parking. The proposal complies with the intentions of NPF 4 policy 9.

### **Housing land and student accommodation**

Within the urban area, LDP Policy Hou 1 part d) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The proposal for residential student flats at this site complies in principle with the requirements of Hou 1 (subject to other policy considerations, notably policy Hou 8).

LDP Policy Hou 8 has two requirements for assessing student accommodation. Part a) specifies that proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Part b) states that development must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

### **Location of student housing**

With reference to Hou 8 part a), the site lies some 1.4 miles north of the Holyrood campus, which is the nearest university campus, which is approximately 30-minute walk to or a 10 minutes cycle. Student accommodation at this site is in accordance with criterion a) of policy Hou 8 as it is well connected by walking, cycling and public transport to Edinburgh's university and college facilities.

### **Concentration of student population**

When considering the second criteria of policy Hou 8, the LDP does not define an excessive concentration of student accommodation. Therefore, it is necessary to refer to non-statutory supplementary guidance for student housing, published in 2016, which provides more detailed guidelines for student accommodation developments.

Within the supporting text of the guidance reference is made to a 50% figure as the level at which a student population in the locality would be considered excessive. In assessing the degree of concentration of student accommodation in an area, the supporting text of Policy Hou 8 requires the Council to consider the nature of the locality in terms of mix of land use and housing types, and the existing and proposed number of students in the locality.

In respect of LDP Policy Hou 8, no definition of what is an 'excessive concentration of student accommodation' is included. There is no indication of what extent might be considered the 'locality' for a given development.

The site is located in the Leith Walk ward. Recent decisions made by the Council with regards to purpose-built student accommodation applications have utilised two main statistical methods for determining the concentration of students within a defined locality.

The first is the 'worst case scenario' method which is an agreed method by the DPEA Reporter in the decision on an appeal for PBSA at 7-10 Lower Gilmore Place (reference PPA-230-2323). This method involves identifying a locality and using the relevant data zones based on 2011 Census data for each of the data zones within the defined locality, as a baseline figure. These figures are then expanded upon by including the number of student beds approved within the defined study area, by identifying all approved and pending consideration student accommodation applications post 2011. The 'worst case' nature of this approach is demonstrated by the exclusion of any residential developments that had either been approved or were pending consideration post 2011, thereby increasing the resident population by students only (which is clearly unrealistic).

In a recent assessment of the PBSA proposal at the former Tynecastle High School (reference 21/04469/FUL) the Council used an 800-metre method to define the study area/locality with respect to the application site.

This 800-metre method is based on the principle of the 20-minute neighbourhood approach, whereby a development should have access to a reasonable level of amenity and facilities within a 20-minute walk from the development.

Using only the 2011 census to provide base data for the 800-metre data zones, the 2011 total population was 25,241 with students representing 3,131 (12%) of this 2011 population. However, since the 2011 census, residential development has been consented or is pending consideration within the study zone, although the majority of this development has occurred within the data zone reference S01008817 which relates to the Bonnington area, which lies to the north of the application site. With regards to student accommodation which has been consented or is pending consideration post 2011 there appears to be limited development of this nature across the study area. The current application, for 112 student beds is the one of three student accommodation developments within the study area consented/pending consideration post 2011.

The estimated student population is 3,722 within the study area. This figure has been reached by taking into consideration PBSA that has been consented or is pending consideration post 2011 across the study area. This figure is inclusive of the 112 student beds proposed as part of the current application.

The population (excluding full-time students) is estimated to be 5,663. This figure has been reached by taking into consideration residential development that has been consented or is pending consideration post 2011 across the study area.

Taking these estimated total student and general population figures into account the student concentration within the 800-metre study area is approximately 14% which falls well below the 50% threshold set out in the CEC Student Housing Guidance. The non-statutory Student Housing Guidance refers to 50% as the level at which student population in a locality would be considered excessive.

The proposed development of 112 student beds will therefore not lead to an excessive concentration of students in the local area. Consequently, the proposed development will not lead to an imbalance of the local community or negatively impact on the character of the local area.

The 'worst case scenario' method identifies a locality which is typically smaller than that of the 800-metre locality, defined above, as it focuses on a more concentrated data set from the 2011 census. This method assumes that all population growth within the defined study area occurs only through the addition of students and does not account for any residential developments consented or pending consideration (which is clearly unrealistic). By its nature, the student density figure reached as part of the 'worst case scenario' method as the estimated student concentration as per the 800-metre is only 14% which falls well below the 50% threshold set by Edinburgh Student Housing Guidance published by City of Edinburgh Council. On the 26th of April 2023 the development management sub-committee resolved to grant planning application 22/01563/FUL for a development at Land to East of 139 Leith Walk which includes 230 managed student beds. The addition of both a 112 bed and 230 bed student accommodation (342 students in total) would bring the concentration up to approximately 16% and so would not lead to there being an excessive number of students in the local community.

There is a need for all types of homes in Edinburgh, including student accommodation. The proposed student accommodation is sustainable in terms of access to local shops, services and facilities, thus helping to contribute to their viability, and will reduce car dependency. The location of student housing near to a prominent and frequented north-south route within the city will support the prioritisation of woman's safety.

The proposal complies with parts a) and b) of LDP policy Hou 8.

### **Student Housing Guidance**

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal has a developable area of 0.167 hectares and is supported by this part of the guidance. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold. 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 proposal is for studio flats only, six of which are wheelchair accessible. Given the relatively small amount of student accommodation proposed and the fact that the proposal includes communal amenity areas, both internal and external to encourage social activity between residents, the absence of a mix of types of accommodation is a minor infringement to the guidance and not grounds in itself to refuse the application. Finally, the guidance discourages large mono-use developments on sites above 0.25 hectares; in this case the developable area falls below the threshold.

The proposal broadly complies with the Council's guidance for student housing.

## **Employment land**

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. The existing garage on the western part of the site has extant planning permission for conversion to class 4 workshop space under application 21/03965/FUL, 27a Arthur Street. The application includes the site of the garage and its repurposing as amenity open space. A condition is recommended to ensure that the amenity open space is formed prior to the first occupation of the proposed new building. There are no other employment uses that might be prejudiced by the development.

The current warehouse is largely empty and the current uses are temporary. The building is in poor condition. A building inspection report submitted with the previous application notes the roof has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in the walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of Equalities Act compliant access means a substantial amount of money would be needed to bring it up to standard.

It is acknowledged that in the past the warehouse hosted an artist workshop. The Planning Statement submitted with the previous planning application included correspondence between the applicant and the operator of the workshop making it clear that this was being let on a temporary basis. This was on a rolling basis with a 3 month notice period. According to the statement, the artist workshop was offered the potential to occupy the adjacent building, following completion of the change of use and extension. It is understood that the building was not suitable for its purposes. There is no policy protection for employment uses under one hectare.

Some of the objections consider the artist workshop use was a community use. However, the workshops would come under class 4 Business use (this is permitted development in terms of a change of use from class 5 (General Industry) or class 6 (Storage)). There is no planning permission in place for community use which can come under class 10 (Non-residential institutions) so any such use would have been unauthorised in planning terms.

The proposal complies with NPF 4 Policy 26 and LDP policy Emp 9.

## **Principle conclusion**

The proposal is acceptable in land use terms with reference to NPF 4 policies 9, 14 and 16 as well as LDP objectives set out in policies Hou 1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

## Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

### **Drainage**

NPF 4 Policy Env 22 (Flood risk and water management) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The site is not at risk of flooding. However, a Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy as part of the self-certification (with third party verification) process. The proposed SUDS includes a combination of blue roof system, underground cellular attenuation and a raingarden. The proposed SUDS measures are acceptable for a high-density urban development on a constrained site. The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewars.

### **Biodiversity**

NPF 4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

LDP policy Env 16 (Species Protection) presumes against development which would have an adverse impact on species protected under European or UK law.

A report on the bat roost potential of the existing building has been submitted with the application and concludes that there was no direct evidence of any past or present use by roosting bats. Subsequent bat roosts surveys were completed during June and July 2021 and no bat roosts were present. Updated surveys were completed in September 2021 and October 2022 and no bats roosts were present on the site. On this basis, bats are not an ecological constraint for the proposed redevelopment of the site and require no further consideration.

Biodiversity enhancements will be delivered through the landscape plan. It is recommended that an informative be added encouraging other measures such as swift bricks.

The proposal complies with the objectives of NPF 4 policy 3 and LDP policy Env 16 (Species Protection).

## **Energy and sustainability**

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale. In terms of embodied carbon, the proposed new building is far more efficient than the existing building, creating less total carbon emissions. The applicant has submitted an energy statement of energy intent in support of the application. Part A of the standards is met through the provision of a combination of Air Source Heat Pumps (ASHP) and photovoltaic panels. The proposal meets the essential criteria. Additional desirable measures including enhanced U-values and an airtight construction, so as to rely on the low and zero carbon equipment to achieve the energy standards. In addition, the proposal includes the provision of facilities to encourage recycling and will maximise use of materials from local and/or sustainable sources. The proposal complies with the aims of NPF 4 and will be subject to detailed building design methods will be subject to Scottish Building Standards.

## **Zero waste**

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with an integral ground floor refuse store providing bins for future residents for mixed, food and glass recycling. Waste collection would be privately managed for a development of this type. Refuse and recycling collection vehicles and personnel will access the bin stored directly from Arthur Street. The proposal is consistent with the waste hierarchy and complies with NPF 4 policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

## **Transport**

NPF 4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel and meet a series of criteria (where appropriate).

LDP Policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance.

In addition, Policy Tra 4 (Design of Off-Street Car and Cycle Parking) expects the layout and design of parking to comply with Council guidance.

Of relevance to the proposed development are its accessibility by public transport, supporting the use of existing services; supplying safe, secure and convenient cycle parking.

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. No vehicular parking is proposed. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys. The site is located close to a range of sustainable transport options.



Walking and cycling connections are provided adjacent to the site with multiple bus stops within a short walking distance of the site. The Transport Statement submitted with the planning application demonstrates the sustainable travel characteristics of the proposed development given its highly accessible urban location. In these particular circumstances zero car parking is acceptable. The Roads Authority request that a total of four motorcycle parking spaces be provided. For the above stated reasons this is not required to make the development acceptable.

The cycle parking provision proposed will exceed the required 1:1 ratio with 120 spaces provided within a mix of dedicated cycle stores and stands which will be situated under cover and accessed via a secure gate at the rear of the site, at ground floor level. 112 of these cycle parking spaces will be for students and 8 will be designated for staff. In addition, the proposal includes the provision of 8 cycle parking spaces within the community garden which can be used by visitors. The cycle storage is a two-tier system however it is not the type that holds only traditional cycles on guided rails, rather it is a hybrid that utilises 50% traditional guide rails to the upper half and 50% Sheffield hoops to the lower half. The upper guides will facilitate traditional cycles and the Sheffield hoops will facilitate the non-standard cycle types.

The proposal accords with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport aspects of the proposal comply with the aims of NPF 4 policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

The Roads Authority has requested tram contributions as noted below but the request for monies for car club spaces is not required to make the development acceptable.

### Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

### **Liveable Places**

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in Leith Walk to allow sustainable living, the proposal facilitates active travel and is very well-located for public transport to other parts of the City without the need to use a car, and it introduces a distinctive building at a brownfield vacant site. With reference to safety, the proposal will be managed by the applicant and entrances to and from the site would be well-overlooked from the public footway and road.

It is conceivable that the proposal could be adaptable in future to accommodate a different use if necessary, however specific alternative uses are not identified by the applicant in the submission. With reference to distinctive design, this matter is considered further below within this report.

## **Design considerations**

LDP Policy Hou 4 (Housing Density) seeks appropriate densities on development sites, having regard to the surrounding area. The surrounding area has a mix of densities, including flats, and ranges from low to high density depending on the context. The currently proposed development is of a similar scale and height to recent surrounding residential development and is highly accessible to local facilities and public transport. A high amenity environment will be provided. The proposed density on this site is appropriate to its location. It is important to achieve suitable density on brownfield sites such as this and this proposed high-density development is compatible with the surrounding area.

Overall, the design is high quality, contemporary architecture and the development will be a positive addition to the street and the area in compliance with design policies.

The footprint and height of the currently proposed building would see a modest increase as well as some minor amendments to the fenestration compared to the extant permission. The proposal will be in keeping with the scale of developments that were established on Arthur Street by the warehouses and their subsequent replacements. It aligns with the flats to the east in terms of heights stepping down to three-storey in the south-west section. On the Arthur Street elevation, the massing has been reducing by stepping down the eaves level from four to three storeys to create interest in the facade. Vertical insets introduced between the front and rear wings further break up the appearance of the proposed development's massing. An inset balcony is introduced along Arthur Street to provide amenity and step back the massing from the street.

It is acknowledged that L shaped developments are not necessarily characteristic of the area, but the shape of the site is unusual, and the building has been designed to fit in with this making best use of brownfield land. There is no requirement for a townscape audit in current policies.

The use of brick is compatible with other developments in this part of the street and reflects the industrial character of the warehouse to be removed. A mix of masonry tones is proposed to break up the visual appearance of the building and introduce further contemporary styling. The lighter tones proposed are intended to sit well alongside the flats opposite that employ a similar colour. The setback areas of the façade are proposed to receive dark grey PPC raised standing seam cladding. Both the setbacks and the proposed finish help to further break up the proposed massing. Dark timber battens are proposed throughout the facades alongside the window openings. The introduction of the timber adds texture to the façade and helps to reduce the extent of the masonry. The darker stain to the timber relates to the proposed standing seam cladding, ironmongery and window frames. The use of balconies adds interest to the roofscape and creates additional activity to the street.

The proposed layout respects the existing building lines directly to the east and west of the site and creates a new street to the side. The rear area of the site is currently accessed through the pend from Leith Walk and whilst a right of access remains over this access, it is proposed that the amenity area at the back of the site will be bounded by a wall (as an extension to the existing boundary wall) such that there will be no access through to the site from the pend. This responds to the concerns of objectors about security, but others are concerned about how this will affect their access and daylighting. There remains around 1 metre between the boundary wall and the back of the Leith Walk tenements to allow access for repairs. As detailed below, the impacts in terms of daylighting are acceptable.

Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity.

A landscaping plan has been provided. It illustrates hedges along site boundaries and landscape pockets containing trees. A condition has been added requiring that the landscaping is carried out within a specified timescale.

The proposal is a well-designed and distinctive, in accordance with NPF 4 policy 14 and LDP policies Hou 4 (Housing Density), Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), and Des 8 (Public Realm and Landscape Design).

## **Amenity**

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. LDP Policy Des 5 (Development Design - Amenity) states that 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.

There are no potential noise sources which would affect residential amenity. Housing lies to the north and east. The neighbouring church building is occupied by the Free Church of Scotland. This building forms the boundary to and is adjoining existing residential properties and appears to co-exist without impact. The proposed development lies further from this church. Noise is not an issue, and a NIA is not required.

Environmental Protection acknowledge that the operator will require to manage the student accommodation appropriately to ensure that internal and external noise from the premises is adequately controlled.

An integral bins store has been provided and Waste Planning has confirmed the layout is acceptable.

The proposal includes 235 square metres of internal student amenity space at ground floor level, which will create an active frontage to the building. Additionally, 780 square metres of external amenity spaces for students is proposed.

In terms of privacy, there will be over 20 metres to the flats on the other side of Arthur Street. There will be over 30 metres to the Pilrig Street windows. There is a minimum separating distance of 16.2 metres to the Pilrig Glebe flats south-west of the site. Most windows are however at a slight angle to each other and there is a 2.7 metres high wall between the two properties, with the application site being on a lower level, meaning the ground and most of the first-floor level windows are protected from overlooking. This is considered acceptable in this tight urban context. The east elevation faces communal gardens which are already overlooked. Windows in the south east gable elevation that serve corridors, face onto the Leith Walk tenements. To safeguard the amenity of residential properties in these neighbouring tenements it should be made a condition of a grant of planning permission that these gable windows are installed with obscure glazing. Subject to this recommended condition, the application is acceptable in terms of privacy and overlooking.

A Daylighting and Overshadowing Study accompanies the application. The analysis reviews the impact of the proposed development on the adjacent buildings and potential impact of shading, and the available daylight provision to the new dwellings formed within the development.

The Study shows that there is no notable additional shading to the existing adjacent buildings and properties as a result of the new development. There is a slight increase to the existing dwellings opposite the site in Arthur Street, but this is limited to 9am in the spring and autumn solstices only. The impact is negligible.

In addition, a vertical sky component (VSC) calculation of the impact of the proposed development on the adjacent buildings was undertaken in line with the EDG requirements. The result is that all neighbouring windows pass the VSC test.

A sunlight analysis of impact on neighbouring gardens was undertaken in line with EDG guidance and the results show that the proposal does not adversely impact the neighbouring gardens, which all receive a minimum of 3 hours sunlight over 50% of the garden.

It is acknowledged that the current proposal will result in mutual overlooking of existing gardens. However, those gardens are not wholly private at present as mutual overlooking already takes place due to the relationship of existing buildings within this area. The proposal maintains existing levels of privacy and provides for adequate residential amenity to existing properties and the proposed student accommodation.

The immediate surroundings are typically residential in nature. The proposed student accommodation use is compatible with the residential area. It is not expected that additional noise will be created.

The proposal complies with Policy 23 of NPF 4 and criteria a) of LDP Policy Des 5.

### **Ground conditions**

Due to the previously developed nature of the site, a condition is attached requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

## **Built heritage and archaeology**

NPF 4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

### *Setting of Listed Buildings*

NPF 4 Policy 7 supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposal complies with NPF 4 Policy 7 part b).

### *Character and Appearance of Conservation Area*

NPF 4 Policy 7 only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7 parts d)- g).

### *Archaeological Remains*

LDP Policy Env 8 (Protection of Important Remains) and Env 9 (Development of Site of Archaeological Significance) ensures that development does not have an adverse impact on archaeological features.

The City Archaeologist has confirmed that the site should be regarded as occurring within an area of archaeological and historic importance. Accordingly, a condition is applied regarding a programme of archaeological work.

Subject to the recommended condition, the proposed development is in accordance with the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 and NPF 4 Policy 7.

### Infrastructure first

#### **Tram**

Policy 18 of NPF 4 encourages an infrastructure first approach to planning and placemaking. The Edinburgh LDP, through policy Del 1 (Developer Contributions) part 1a) and associated Action Programme items, promote sustainable travel and continuing development of Edinburgh's tram network. The application site is within the Tram Contribution Zone as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The Roads Authority has requested that the applicant contributes the sum of £ 111,453 towards the Edinburgh Tram and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards sustainable transport infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

### **Health services**

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. The site is not within a healthcare contribution zone within the Council's Developer Contributions & Infrastructure Delivery Supplementary Guidance and therefore a contribution towards healthcare is not required. There is no necessity to apply a planning contribution for this proposal in the context of NPF 4 policy 18. LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

### **Conclusion in relation to the Development Plan**

The proposed development broadly complies with the provisions of NPF 4 and the LDP and associated guidance, and there is not considered to be any significant issues of conflict.

### **There are any other material considerations which must be addressed?**

The following matters have been identified for consideration:

#### **Emerging policy context**

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### **Equalities and human rights**

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights. The proposal provides six accessible rooms within the development and there are internal lifts to access all floors.

#### **Public representations**

Seventy two representations were received. Representations include 40 objections, 31 support comments, and 1 neutral comment. A summary of the representations is provided below:

*Material comments - objection:*

- loss of important cultural and community space
- loss of employment premises
- warehouse is of heritage value and could be re-purposed
- setting of listed buildings
- fails to preserve the historic environment
- demolition of boundary wall
- poor design of development
- security of properties affected
- closure of pend not acceptable
- development too dense
- daylight and sunlight analysis is inaccurate
- daylighting, privacy and overshadowing impacts unacceptable
- noise and pollution
- traffic problems and insufficient car parking leading to parking congestion
- no mention of developer contributions
- pressure on local amenities
- presence of bats
- no biodiversity enhancements
- drainage issues
- carbon neutrality not addressed
- loss of open space
- strain on sewage provision
- security concerns

These are addressed in the sections of the main report, above.

**Material comments - support:**

- car free development encourages active travel
- efficient use of derelict brownfield land for much needed housing
- will enhance the appearance of this area
- sustainable development
- high quality development
- a range of apartment types and size to meet unmet housing needs in the city
- scale, height and materials used in the proposal fitting to the local area
- the current building not fit for purpose

*Non-material comments*

- damage caused by construction work. - This is a civil matter out with the control of the planning authority.
- access rights.
- lack of new facilities for new development. - There is no requirement to provide new facilities for this scale of development.
- no consultation with residents. - There is no statutory consultation on applications for local development.
- devaluation of property.
- disruption due to construction works.

- Dust during construction.
- indiscriminate parking/parking offences.
- Title to land and property. - This is a legal matter and not a planning matter.

### *Community Council comments*

Both Leith Central Community Council and Leith Links Community Council object to the application. The themes of the objections are included in the objections section above.

### ***Conclusion in relation to other matters considered***

There are no equalities or human rights issues. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

### **Overall conclusion**

The proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The principle of the development is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposal is broadly compliant with the non-statutory guidance for student housing. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.



3. Details of all boundary treatments, including the retention of existing walls and their repair, shall be submitted for the further approval of the planning authority. The boundary treatments will be then be implemented as per the agreed details.
4. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
5.
  - 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.
6. The final Surface Water Management Plan is subject to the further approval of the planning authority and shall thereafter be implemented prior to the occupation of the student accommodation hereby approved.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
8. Prior to the commencement of development, a phasing plan and phasing schedule shall be submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the provision of open spaces, SUDS, landscaping, public realm and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the Planning Authority.
9. The student accommodation building hereby approved shall not come into use unless and until the amenity open space to be formed on the site of the existing garage at 27a Arthur Street, has been formed and made available for use.

10. Prior to the building first coming into use and notwithstanding that delineated on application drawings, the windows on the southeast elevation of the new building that serves corridors and which face onto the Leith Walk tenements, shall be installed with obscure glazing. Thereafter, these windows shall continue to have obscure glazing installed. There shall be no variation therefrom unless with the prior written approval of the planning authority.

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. 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.
6. To ensure that the drainage scheme implemented is sustainable.
7. To ensure that impacts on archaeology is mitigated.
8. 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.
9. In the interests of the amenity of the future occupants of the student accommodation.
10. To safeguard the privacy and residential amenity of neighbouring flatted properties.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to the tram for the sum of £111,453 has been concluded and signed.

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. 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.
4. The applicant is required to restore footway along the site frontage on all existing vehicular access points to the site on Arthur Street.
5. A total of 24 of the cycle parking spaces should be suitable for the storage of nonstandard type cycles e.g. tandems and cargo bikes. In addition, charging points for electric cycles should be provided.
6. A draft travel plan is included in the TS. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. The 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).

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 11 January 2023**

### **Drawing Numbers/Scheme**

1-6, 7a, 8a, 9-13, 15a-18a, 21-23, 19-30

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Thomson, Planning Officer  
E-mail: [adam.thomson@edinburgh.gov.uk](mailto:adam.thomson@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Archaeology

COMMENT: No objection. a condition is recommended.

DATE: 24 January 2023

NAME: Leith Central Community Council

COMMENT: Objection.

DATE: 24 February 2023

NAME: Leith Links Community Council

COMMENT: Objection.

DATE: 10 February 2023

NAME: Environmental Protection

COMMENT: No objection. A condition is recommended.

DATE: 25 January 2023

NAME: Transportation

COMMENT: No objection. It is recommended that a Tram contribution be secured through a legal agreement.

DATE: 10 May 2023

NAME: Waste Services

COMMENT: No objection.

DATE: 14 April 2023

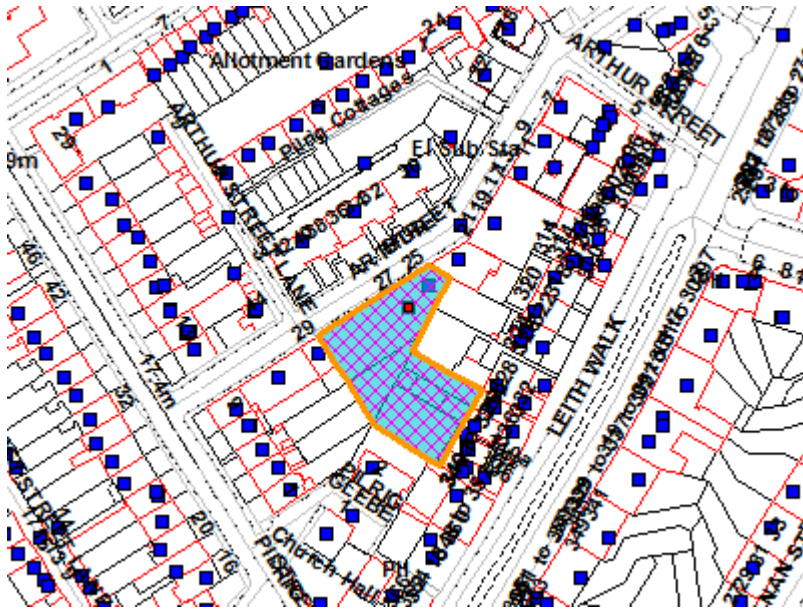
NAME: Historic Environment Scotland

COMMENT: No objection

DATE: 15 May 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

**Application for Conservation Area Consent  
27 Arthur Street, Edinburgh, EH6 5DA**

**Proposal: The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.**

**Item – Committee Decision  
Application Number – 23/00174/CON  
Ward – B12 - Leith Walk**

### **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as 40 objections and 31 support comments have been received in respect of the conterminous application for planning permission 22/06119/FUL, and consequently under the Council's Scheme of Delegation, application 22/06119/FUL must be determined by the Development Management Sub-Committee. Due to its relationship with this application, they are both referred to the Development Management Sub-Committee for determination.

### **Recommendation**

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

### **Summary**

The proposed demolition will preserve the character and appearance of Pilrig Conservation Area. The proposed demolition does not conflict with Section 66 of the Town and Country Planning Listed Buildings and Conservation Areas (Scotland) Act 1997 (The Heritage Act).

## **SECTION A – Application Background**

It is proposed to demolish the warehouse building and other structures in the rear area and the adjoining garage and erect student accommodation as detailed under application 22/06119/FUL.

### Supporting Documents

The following documents were submitted in support of this application:

- planning statement.

- design statement.
- heritage statement.
- bat roost survey.

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

### **Relevant Site History**

21/00990/CON  
27 Arthur Street  
Edinburgh  
EH6 5DA  
Demolition of buildings and structures.  
Granted  
1 November 2021

22/06119/FUL  
27 Arthur Street  
Edinburgh  
EH6 5DA  
The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

### **Other Relevant Site History**

None.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology Officer

Historic Environment Scotland

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 3 February 2023

**Site Notices Date(s):** 31 January 2023

**Number of Contributors:** 18

## **Section B - Assessment**



## Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?

## Assessment

To address these determining issues, it needs to be considered whether:

### **a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

#### Character, appearance or setting of the conservation area.

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.
- if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration, and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated.
- where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.

The Pilrig Conservation Area Character Appraisal states the area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

The planning authority, in granting conservation area consent 21/00990/CON decided that the warehouse building, which date from the 1920s is not of architectural or historical significance. The bricks are not of any particular significance being common within Edinburgh. The roofs are asphalt. The building is utilitarian and not characteristic of the overall character of the conservation area. It does not make a positive contribution to either the character or appearance of the conservation area.

The integrally attached garage, which is included in the current application for conservation area consent, is also not of architectural or historical significance. The bricks are not of any particular significance being common within Edinburgh. The roof is asphalt. The building is utilitarian and not characteristic of the overall character of the conservation area. It does not make a positive contribution to either the character or appearance of the conservation area.

The warehouse and garage are both in poor condition. A building inspection report submitted with the previous application 21/00990/CON noted the roof of the warehouse has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in its walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of Equalities Act compliant access means considerable investment would be needed to bring it up to standard.

The plot contains the ruins of an early 19th-century stable and a short stretch of wall between No. 336c and the former vennel to the stables. The structures are in a ruinous state. In granting conservation area consent 21/00990/CON the planning committee decided that these buildings are of limited significance as they have lost their original context and are incomplete. It is not considered the structures are curtilage listed buildings as they have been disassociated from the front listed buildings for many years and no longer form part of them. Their removal will have a neutral impact on the character of the conservation area. There will be no impact on the appearance of the conservation area as these structures are not visible from public viewpoints.

The demolition of the warehouse and garage is permitted development and the loss of the warehouse use and garage use is not a material consideration in terms of conservation area consent which only centres on the impact on the character and appearance of the conservation area. This also applies to potential re-use of the warehouse and garage. The loss of the uses is addressed under the application for planning permission.

The Council's archaeological officer recommended that a programme of archaeological work is carried out during ground-breaking works associated with both demolition and construction in order to fully excavate and record any significant remains that may be disturbed but has not objected to the demolition.

Historic Environment Scotland was consulted on the current application and raise no comment.

A heritage statement has been provided which substantiates that the structures to be demolished are not of significance.

A bat survey has been provided and there is no evidence of bats or other protected species.

## **Conclusion in relation to the conservation area**

Overall, the proposed demolition will preserve the character and appearance of Pilrig Conservation Area and is acceptable. The proposals comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") and Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019).

### **c) Replacement Development**

The HES interim guidance and the similar advice in NPF 4 Policy 7 Part g), sets out that consent should generally only be given where there are acceptable proposals for replacement development.

The proposals for the redevelopment of the site are recommended for grant under application 22/06119/FUL. The student accommodation building proposed for the site represent a high-quality development which will make a positive contribution to the conservation area.

### **c) Public representations**

Eighteen representations were received, which are all objections. A summary of the objections is provided below:

#### **Material comments - objection:**

- loss of warehouse
- warehouse is of heritage value and could be re-purposed.
- demolition of boundary
- presence of bats

These are addressed in the sections above.

#### **Non-material comments**

- damage caused by construction work - this is not relevant to conservation area consent which is purely for the demolition of the unlisted building.
- daylighting, privacy, and overshadowing
- access rights
- traffic problems
- density
- noise and pollution
- lack of new facilities for new development
- design of new flats
- loss of employment premises
- setting of listed buildings
- security of properties
- drainage
- loss of artists' studios
- carbon neutrality

- no consultation with residents - there is no statutory consultation on conservation area consent.
- late neighbour notification - there is no neighbour notification of conservation area consent.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. No demolition shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting, analysis, and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
2. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 22/06119/FUL.

### **Reasons**

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the character of the conservation area.

### **Informatives**

It should be noted that:

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

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 17 January 2023**

### **Drawing Numbers/Scheme**

01, 04

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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

Appendix 1

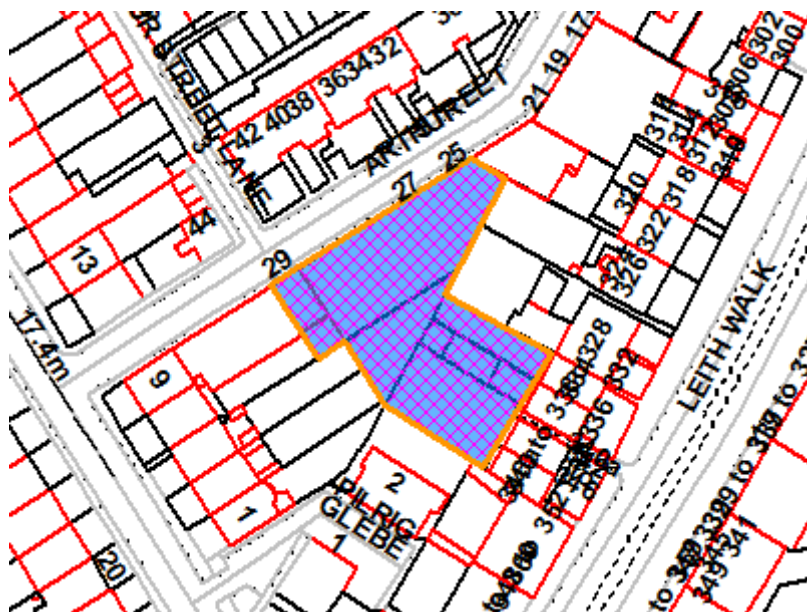
## Summary of Consultation Responses

NAME: Archaeology Officer  
COMMENT: No objection. A planning condition is recommended.  
DATE: 2 February 2023

NAME: Historic Environment Scotland  
COMMENT: No objection.  
DATE: 27 March 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

**Application for Planning Permission  
17 George IV Bridge, Edinburgh, EH1 1EE**

**Proposal: Change of use from Class 4 office to aparthotel (serviced apartments only) to be operated and managed as one business. Internal alterations include removal of internal walls /partitions erection of new walls /mezzanine floors insertion of roof lights, dormer windows, roof terrace refurbishment of external features including windows, doors, commemorative plaques (as amended)**

**Item – Committee Decision  
Application Number – 22/05285/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by Committee.

### **Recommendation**

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

### **Summary**

The proposals would be acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the relevant policies contained within National Planning Framework 4 and the Edinburgh Local Development Plan (LDP) and the Council's non-statutory guidance. The proposed use would retain city centre diversity and vitality and it would not have an unacceptable impact on neighbouring residential amenity. There are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site lies on the west side of George IV Bridge and relates to a building built by Patrick Wilson in 1860, which incorporated earlier fabric. Facing onto George IV Bridge the building is three storeys and five storeys to Merchant Street. There are shops on the ground floor on George IV Bridge. The application relates to changes on the upper floors.

The building is Category B listed and was listed on 14.12.1970 (LB ref 28888).

The site lies in Old Town Conservation Area and the Edinburgh World Heritage Site

### **Description of the Proposal**

The proposal is for a change of use from Class 4 office to aparthotel (serviced apartments only) to be operated and managed as one business. Internal alterations include removal of internal walls /partitions erection of new walls /mezzanine floors insertion of roof lights, dormer windows, roof terrace refurbishment of external features including windows, doors, commemorative plaques.

### **Supporting Information**

Design Statement  
Planning Supporting Statement  
Updated Design and Access Statement

### **Relevant Site History**

92/00547/FUL  
17 George IV Bridge  
Edinburgh  
EH1 1EE  
Change of use from hall, office & residential to offices on 1st & 2nd floors  
Granted  
7 May 1992

22/05282/LBC  
17 George IV Bridge  
Edinburgh  
EH1 1EE  
Internal /external alterations include removal of internal walls /partitions, erection of new walls /mezzanine floors, insertion of new conservation roof lights, insertion of new dormer windows, insertion of new roof terrace. Internal /external refurbishment of external features including windows, doors, commemorative plaques.

### **Other Relevant Site History**

No other relevant planning history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Environmental Protection

Archaeology

Transport



Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 28 October 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 4 November 2022

**Site Notices Date(s):** 1 November 2022

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

## Assessment

To address these determining issues, it needs to be considered whether:

### a) The proposals harm the listed building and its setting.

The following HES guidance is relevant in the determination of this application:

- Managing Change Roofs
- Managing Change Interiors
- Managing Change Use and Adaptation of Listed Buildings
- Managing Change Fire Safety Management

The building is the former Protestant Institute of Scotland, which has been in use as an office. The ground and basement floors (to the bridge and to Merchant Street) are in separate ownership and not part of this application.

The proposals are for the conversion to nine serviced apartments, mixed between studio, one-bedroom and two-bedroom units. It would include the subdivision of the former lecture hall, alongside the conversion of the attic, with a new external balcony to the rear and a new dormer housing the new stair to the attic.

The proposed use and alterations would retain the majority of the large rooms without subdivision.

The proposals for the former lecture hall would introduce a mezzanine with stairs. Revised plans have been submitted which would locate the mezzanine and stair further away from the tall round-headed windows, which gives this room its character. This would reduce their visibility from street level and assist in protecting the essential character of the space.

The proposed repairs to external decorative features are acceptable.

The attic conversion and rooftop terrace would be screened in part by the large chimneystack and alterations all occur to the rear pitches. The impact on the roofscape would be modest and acceptable.

Stone cleaning is proposed to the entrance of the front elevation of the building. This would be undertaken by a water-based method in compliance with the Council's Guidance on Listed Buildings and Conservation Areas. It would not adversely impact on the character of the listed building.

The fire safety appliance would be positioned to minimise its impact on the building's character.

### Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### b) The proposals harm the character or appearance of the conservation area.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

The proposed dormer would not dominate the form of the roof and would be partially hidden by the chimney stack. The proposed roof lights would not be readily visible in any public domain. The proposals would not have any adverse effect on the external appearance of the property and would not detract from the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **a) The proposals comply with the development plan.**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 Global Climate and Nature Crises Policy 1
- NPF 4 Historic Assets and Places Policy 7
- NPF 4 Design Policy 14
- NPF 4 City, Town, Local and Commercial Centres Policy 27
- NPF 4 Sustainable Transport Policy 13
- NPF 4 Tourism Policy 30
- LDP Design Policy Des 5
- LDP Housing Policy Hou 7
- LDP Delivering Policy Del 1
- LDP Archaeology Policy Env 9

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

#### **Principle of Development**

The site lies within the City Centre and Urban Area. The LDP confirms that tourism is the third biggest source of employment in Edinburgh and that maintaining and developing this key sector in the city's economy relies upon sufficient provision of high-quality tourist accommodation. The LDP also confirms that the city centre is the preferred location for most visitors, but accessible locations, with good public transport within the urban area, also offer opportunities for new hotel development.

Although reference is made in the description of development to the change of use to an aparthotel, the layout of the units and the services to be provided are more accurately reflected as the provision of short term serviced apartments; whilst the definition of aparthotel varies and is subject to some degree of flexibility, the proposal has no services or communal facilities that would be routinely found in an hotel.

In these circumstances, given the existing lawful use of the building is commercial, the development would not result in the loss of residential units. Moreover, the provision of serviced apartments in this location, which is a busy, commercial street within the city centre, would have no adverse impact on the character and amenity of the locality.

The site is in a highly accessible area within easy walking distance to the City Centre core and the main tourist attractions and business locations. The principle of the proposed use is acceptable.

The proposal complies with NPF 4 Policies 1, 27 and 30.

#### Listed building and Conservation Area

This is assessed in sections a) and b) and the proposal complies with NPF4 Policy 7, as the proposal would preserve the character, special architectural or historic interest of the building. In addition, it would preserve the character and appearance of the conservation area.

#### Scale, Design and Materials

The design and form of the external alterations and choice of materials are compatible with the character of the existing building.

The proposal complies with NPF 4 Policy 14.

#### Amenity

Although it is proposed to provide an external roof terrace to one of the rooms, the location of the terrace and its restricted size would not impact on amenity.

Environmental Protection has no objections to the application.

The proposal complies with LDP Policies Hou 7 and Des 5.

#### Transport

George IV Bridge is a main road throughfare, serving a high volume of commercial traffic, public transport, and cars, throughout the day and into the night, with bus stops close to the site.

The proposed site is within scope of the operational Edinburgh Tram and a tram contribution is being sought (based on proposed 9-unit hotel (£19,000) and existing 323.7m<sup>2</sup> office (£10,552) in Zone 3 for the proposed works. It is recommended that a contribution of £8,448 be secured through a legal agreement.

The proposal meets the requirements of NPF 4 Policy 13 and LDP Policy Del 1.

## Archaeology

The site is regarded as being of archaeological significance. The proposals would involve significant internal alterations which could reveal evidence of its original use and development during the 19th century. A condition has been attached requiring a survey be undertaken.

The proposal complies with LDP Policy Env 9.

## **Conclusion in relation to the Development Plan**

The proposal complies with the National Planning Framework 4 and Edinburgh Local Development Plan. It would provide an appropriate alternative use of the building and the alterations would not have an adverse impact on its character or that of the character and appearance of the conservation area. It would not have an unacceptable impact on residential amenity.

### **d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

##### *material considerations*

- Internal alterations to listed building - this is assessed in section a) above.
- Stone cleaning - this is assessed in section a) above; and
- Loss of historic fabric and character - this is assessed in section a) above.

##### *non-material considerations*

None

## **Conclusion in relation to identified material considerations.**

The proposals are in compliance with the other material considerations that have been identified above.

### **Overall conclusion**

The proposals would be acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. They would comply with the relevant policies contained within National Planning Framework 4 and the Edinburgh Local Development Plan (LDP) and the Council's non-statutory guidance. The proposed use would retain city centre diversity and vitality and it will not have an unacceptable impact on neighbouring residential amenity. There are no other material considerations which outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

### **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.

### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to the tram for the sum of £8,448 has been concluded and signed.

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. 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.
4. The applicant should consider the provision of secure and undercover cycle parking.
5. The applicant should consider developing a Travel Plan including provision of 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.
6. The applicant should be advised that the development will not be eligible for residential parking permits.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 19 October 2022**

### **Drawing Numbers/Scheme**

1-11, 12A, 13A, 14-18, 19A, 20

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Jennifer Zochowska, Senior Planning Officer  
E-mail: [jennifer.zochowska@edinburgh.gov.uk](mailto:jennifer.zochowska@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Environmental Protection  
COMMENT: No objections to the proposal  
DATE: 4 April 2023

NAME: Archaeology  
COMMENT: This site is regarded as being of archaeological significance. However, the proposals will see significant internal alterations which could reveal evidence for its original use and development during the 19th century. It is essential therefore recommended a programme of archaeological historic building recording is undertaken during any strip out and development to record the buildings historic fabric. It is recommended that a condition is attached to ensure that a programme of archaeological mitigation is undertaken.  
DATE: 8 November 2022

NAME: Transport  
COMMENT: 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 contribute the net sum of £8,448 to the Edinburgh Tram  
(Based on proposed 9 unit hotel (£19,000) and existing 323.7m<sup>2</sup> office (£10,552) in Zone 3 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.
2. The applicant should consider the provision of secure and undercover cycle parking.
3. The applicant should consider developing a Travel Plan including provision of 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.
4. The applicant should be advised that the development will not be eligible for residential parking permits.

Note:  
Zero car parking is considered acceptable.  
DATE: 2 May 2023

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan





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## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

### **Application for Planning Permission**

**117 - 145 Pitt Street & 9 Trafalgar Lane, Edinburgh, EH6 4DE**

**Proposal: Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use.**

### **Item – Committee Decision**

**Application Number – 21/05861/FUL**

**Ward – B12 - Leith Walk**

### **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as it is a major development and 28 letters of objection have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards education provision and healthcare provision, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion. There are no material considerations that outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The site is rectangular and comprises five, single-storey light industrial buildings and their associated storage yards. It forms part of a perimeter block, measures 0.524 hectares in area and is relatively flat. There are some self-seeded trees and shrubs on the northern part of the site that are just behind the masonry wall and fence that are along the north boundary of the site. It has a frontage onto Pitt Street to the south, a frontage onto South Fort Street to the east and a frontage onto Trafalgar Lane to the north. Additionally, part of the site that includes part of the carriageway of South Fort Street.

The part of the site that includes part of the carriageway of South Fort Street is located within Leith Conservation Area. The majority of the site lies immediately adjacent to the western edge of the Madeira sub area of Leith Conservation Area.

The site is located approximately 80 metres to the southeast of Victoria Park Conservation Area.

To the south, on the opposite side of Pitt Street, is a row of industrial units, beyond which is the planted north embankment of the Water of Leith Walkway, which is part of Edinburgh's Core Network of paths and is designated as a local nature conservation site.

There are a number of listed buildings near to the site, which are:

- 16 South Fort Street (The Village Inn) and 1-3 (Odd Nos) Trafalgar Lane (Category C) LB27428.
- 8 & 10 South Fort Street (Category B) LB27421.
- 23-25 South Fort Street (Children's Centre) (Category B) LB27415.
- 3 & 3a South Fort Street/95 Ferry Road (Category B) LB27402.
- 5, 5A and 7A South Fort Street (Category B) LB27408.

### Description of proposal

The existing five light industrial buildings and other structures/surfaces are to be demolished and two flatted buildings containing 98 flats, 25 of which are affordable (25%) are to be erected.

The largest of the two buildings is L shape in plan and has a frontage onto both Pitt Street and South Fort Street. It is 5 storeys with the top floor set-back for the majority of the length on both Pitt Street and South Fort Street. A four-storey, three-window bay section of the building integrally attaches to the listed building at 16 South Fort Street (LB27428), with the top floor set back along its length. The roof of this building is flat. The four-storey part and approximately a quarter of the five-storey part is proposed to have a green roof. Photovoltaic panels are proposed on the remainder of the flat roof. Private roof terraces are proposed along approximately two-thirds of the south elevation. All of the Pitt Street/South Fort Street flats have lifts provided within the stair cores. The materials are brick, roof tiles of an unspecified material, dark grey window frames, galvanised steel metal balustrades/balconies.

The smaller of the two buildings is an elongated rectangular shape and has a frontage onto Trafalgar Lane. The building is three-storeys with accommodation in the roof space. The roof is pitched and approximately a quarter of the south facing roof face have photovoltaic panels installed. Private roof terraces are proposed along approximately three-quarters of the south elevation. A single-storey pedestrian pend is proposed through the building, from which the inner courtyard is accessed off Trafalgar Lane. The ground floor flats have level access. The upper flats are colony style accessed from external stairs from the secure courtyard garden. The materials are brick, a mixture of dark grey ply membrane and low-profile sedum roof, dark grey window frames, and galvanised steel metal balustrades/balconies.

The accommodation proposed is as follows:

28 x one-bedroom flats (28.6%),  
48 x two-bedroom flats (49%),  
22 x three-bedroom flats (24.4%).

26 flats (27%) are single aspect.

29 ground floor flats (30%) have access to a private garden; 42 flats (43%) have a private balcony; 27 flats (28%) have a private roof terrace and all flats have access to the communal courtyard garden, and 12 flats (12%) have access to the courtyard communal garden only.

No car parking is proposed.

Cycle parking is provided in two internal and integral cycle stores in the Pitt Street/South Fort Street building and four internal and integral cycle stores in the Trafalgar Lane building. A total of 219 cycle spaces are provided comprising 72 Sheffield stands, 104 double tier stands and 43 non-standard spaces for cargo bikes or similar.

Four bin stores provided in the Pitt Street/South Fort Street building and one bin store is provided in the Trafalgar Lane building.

A full landscaping scheme for the site has been submitted.

### Previous Scheme

The rear building line of the Pitt Street/South Fort Street building has been pushed back, with the result that the private and communal garden area in the inner courtyard has increased. The design and materials of two flatted buildings has changed. The ridge height of the Trafalgar Lane flatted block has been raised so that it is the same as that of the neighbouring row of townhouses in Trafalgar Lane to the west, which it integrally attaches to. The number of main door flats has increased. The number of cycle storage spaces has increased. The surface water management arrangement has changed to include green roofs and a rain garden. The pavement along both Pitt Street and South Fort Street has been increased in width to 3 metres minimum along their length.

## Supporting documents

The following documents have been provided to support the application:

- planning statement.
- pre-application consultation report.
- design and access statement, including a daylight and sunlight and privacy assessment.
- Transport Assessment.
- surface water management plan.
- S1 Sustainability Statement.
- massing study.
- heritage statement.
- Noise Impact Assessment.
- affordable housing statement.
- Ecological Report.
- Landscape Management Plan.

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

## Planning History

28 October 2020 - pre application consultation approved for proposed residential development with associated landscaping, car parking and infrastructure at 117-145 Pitt Street and 9 Trafalgar Lane (application number 20/03430/PAN).

05 February 2008 - Planning permission granted for the change of use from vacant land to a site to storage of second hand used cars at 117 Pitt Street. (Application number 08/00062/FUL).

## **Relevant Site History**

20/03430/PAN

117 - 145 Pitt Street And

9 Trafalgar Lane

Edinburgh

EH6 4DE

Proposal is for a residential development with associated landscaping, car parking, and infrastructure.

Pre-application Consultation approved.

3 September 2020

08/00062/FUL

117 Pitt Street

Edinburgh

EH6 4DE

Change of use from vacant land to a site to store second hand used cars.

Granted

6 February 2008

21/05861/SCR  
117 Pitt Street  
Edinburgh  
EH6 4DE  
EIA screening request.  
EIA Not Required  
9 November 2021

### **Other Relevant Site History**

None.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeology

Environmental Protection

Transportation

Waste Services

Affordable Housing

Infrastructure, Structures and Flood Prevention

Communities and Families

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 18 April 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 3 February 2023 7 October 2022 12 November 2021

**Site Notices Date(s):** 31 January 2023 4 October 2022 9 November 2021

**Number of Contributors:** 31

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
- equalities and human rights.
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

#### **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."*

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states.

*"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."*



The document states that where development is proposed it is important to:

- *identify the historic assets that might be affected.*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

There are a number of listed buildings adjacent to but out with the application site and therefore the primary consideration in the assessment of the application is the impact of the development on the setting of these listed buildings.

The listed buildings affected to any significant extent by this development are listed in the background section of this report.

16 South Fort Street is a Circa 1810 building with early 20th century bar front, three-storey, 5-bay corner tenement with projecting bar at ground floor. Its walls are a mixture of coursed, polished cream sandstone and rubble to secondary elevations. The proposed Pitt Street/South Fort Street flatted building reduces in height to four-storey with the upper floor being set back next to 16 South Fort Street. Also, its front building line has been positioned back to reveal the original gable, chimney, and corner quoins of that adjacent listed building. Given this, it is subservient to 16 South Fort Street. The use of brick on all elevations of this proposed building helps to achieve a composition that contrasts and compliments with this listed building. Variety and interest are achieved with the incorporation of façade detailing including string courses.

The proposed Trafalgar Lane building is three-storeys with accommodation in its roof space. It is detached from the listed building at 16 South Fort Street. The height of its eaves and the ridge of its pitched roof both sit below the eaves and ridge line of 16 South Fort Street, and they align with the neighbouring terrace of town houses on Trafalgar Lane located to the immediate west of it, which it integrally attaches to. Consequently, this proposed building is subservient to the listed building and has a harmonious height, scale, and massing relationship to it, and also that of the other adjacent buildings in the street. The use of brick on all elevations of the proposed building compliments the existing brick traditional buildings on Trafalgar Lane and contrast and is complimentary to the listed building.

On all of the above counts, the proposed two flatted buildings are subservient to and do not have a detrimental impact on the setting of the listed building at 16 South Fort Street.

In terms of their scale, height, proportion, positioning, design and materials, the proposals would not have a detrimental impact on the setting of the neighbouring listed buildings at 23-25 South Fort Street, 3 & 3a South Fort Street/95 Ferry Road and 5, 5A and 7A South Fort Street.

### **Conclusion in relation to the listed building**

The proposals preserve the setting of the adjacent/neighbouring listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

## **The proposals harm the setting of 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."*

The site is so removed from Victoria Park Conservation Area such that the proposal would have no material impact on its setting.

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.

Madeira forms a triangular area on the western part of Leith Conservation Area. The boundary of this part of the conservation area abuts the east boundary of the site and lies just outside the north boundary of the site. In relation specifically to Madeira, the character appraisal states:

*'Madeira retains the appearance of a planned extension with its focus on North Leith Parish Church. Development, however, was sporadic and took place over much of the 19th century. The formality of the street layout, the apparent symmetry of the Georgian architecture and disposition of key buildings to create focal points and vistas all contribute to the impression of this area as Leith's own version of the New Town.'*

Although the layout of the area is uniform and formal, *'the mix of plot widths, the variety of architects involved, the differing building types, larger front gardens and an air of faded grandeur all help to reinforce a more informal and relaxed character.'*

The 1st edition OS map of 1849 shows the application site developed with three now demolished tenements constructed along Trafalgar Lane, contemporaries of the surviving corner C-listed tenement adjacent to the site (16 South Fort Street) and part of the design first shown on Kirkwood's 1817 plan of Edinburgh. It is not until the last quarter of the 19th century that maps show that the southern half of the application site developed, probably for light industry.

The existing five single-storey light industrial buildings and their associated storage yards make the spatial structure of the area less intact. The proposed developed of flatted buildings fronting onto roadside boundaries of the site would complete the perimeter block layout. By doing so it would fit with the established formal perimeter urban layout that characterises the Madeira area in which the site is located. In terms of their height, scale, massing, positioning on the site, and form, the proposed flatted buildings would respect the street scene and the setting of the Conservation Area. The modern buildings in the area are a mixture of styles and materials and the modern design and finishing materials of the proposed buildings would be appropriate and would not detract from the setting of Leith Conservation Area.

## **Conclusion in relation to the conservation area**

Overall, the proposals would preserve the setting of Leith Conservation Area. Thereby the proposals comply with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan.**

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF 4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 7, 9, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23.
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- LDP Employment and Economic Development Policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1, Hou 2, Hou 3 and Hou 4.
- LDP Transport Policies Tra 2, Tra 3 and Tra 4.
- LDP Resources and Services policy RS 6.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, and transport policies.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

### **Acceptability of the development in principle**

NPF 4 Policy 1 (Tackling the climate and nature crises) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF 4 Policy 2 (Climate mitigation and adaption) part a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

NPF 4 Policy 9 (Brownfield, vacant and derelict land) intends to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings.

The application site is a brownfield site within Edinburgh's urban area. The existing light industrial buildings on the site are utilitarian in character and in reasonable structural condition. However, their build performance precludes optimum air tightness, thermal bridging, and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources. Apart from the build performance, the form and design of the industrial buildings are utilitarian and would not lend themselves to conversion to residential use. Moreover, owing to their single-storey height they are not an efficient use of the site. The demolition of the existing industrial building would facilitate the reuse of the site to deliver mainstream residential accommodation.

On balance the proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land, and empty buildings, and to help reduce the need for greenfield development. The proposal complies with the intentions of NPF 4 policy 9.

### **Housing land**

Within the urban area, LDP Policy Hou 1 part d) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The proposal for mainstream residential flats at this site complies in principle with the requirements of Hou 1.

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. The proposal includes 25 affordable flats (25%) of the new homes across the site and will consist of one-, two- and three-bedroom homes, which will offer an integrated mix of homes. The homes will be provided in one block across four floors as follows: 11 one bed flats, 10 two bed flats and 4 three bed flats. The Council's Affordable Housing Supplementary Guidance states that the Council aims to secure 70% of new onsite housing for social rent. The applicant confirms that they have reached an agreement with a Registered Social landlord (RSL) Home Group to deliver 25 homes for social rent. The provision of 25% affordable housing units complies with LDP Policy Hou 6 and will be secured by a Section 75 legal agreement.

### **Employment Land**

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas.

Pre Covid19, the Pitt Market, which is an independent street food and events venue, operated on part of the site at 125 -137 Pitt Street on a Saturday and Sunday. In a number of the letters of objection to the application, objectors raise concern over the loss of 'The Pitt' food venue, which they consider is a community use. 'The Pitt' were let the premises on a short-term temporary basis in the knowledge that they would have to relocate when the site was redeveloped. The Pitt website informs that The Pitt was moving to 20 West Shore Road in Spring 2023. Open air food markets are 'Sui generis' uses and not a community use which can come under class 10 (Non-residential institutions). In any event, there is no policy protection for open air markets or community uses.

As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless the proposed includes a ground floor commercial unit within part of the ground floor of the Pitt Street/South Fort Street. Having a mix of uses in the development will contribute to the sustainability and improvement of the area as a whole and is supported by LDP Policy Emp 9. The proposed commercial unit will provide an opportunity for a micro-business use, which has the potential to create local jobs and/or increase spending within the community.

The proposal complies with LDP policy Emp 9.

### **Principle conclusion**

The proposal is acceptable in principle with reference to NPF 4 policy 9 as well as LDP objectives set out in policies Hou 1 and Emp 9. Further policy considerations are addressed below in relation to other policy themes.

### Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation, and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

### **Drainage**

NPF 4 Policy Env 22 (Flood risk and water management) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The site is not identified on SEPA's flood maps as being risk of flooding. There is no loss of existing blue or green infrastructure associated with the development proposal. A Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy. Proposed sustainable urban drainage (SUDs) includes a combination of sunken rain gardens, underground cellular water storage tank, and areas of green roofs. The outflow will be to the existing Scottish Water combined sewer located nearby on Pitt Street. All SUDs will remain private and will be maintained by the site owner.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals satisfy the Council's Flood Prevention requirements. Scottish Water has not objected to the application. In addition to the above noted NPF 4 policies, the proposal complies with NPF policy 22 (Flood risk and water management) and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

### **Biodiversity**

A preliminary ecological survey (ES) was undertaken. It concludes that overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The buildings present on site provide few opportunities for roosting bats. Overall, the buildings are assessed as providing negligible roost potential for bat species and no further surveys are recommended. The ES recommends modest post-construction ecological enhancements at the site including bird nesting boxes, bat boxes, swift boxes, and bee posts/towers to be placed within the site or incorporated into any new building(s) where possible etc. An informative for the inclusion of these within the development, if granted planning permission, is recommended.

There are a few trees on the site, mainly close to the northern boundary of the site. These trees do not provide any significant public amenity value. They are not identified in the ecology survey as having any particular ecological value. The removal of them to facilitate the proposal, which includes a landscaped courtyard incorporating landscape pockets of shrub planting and trees, will adequately compensate for the removal of the trees and is thereby acceptable in planning terms.

The proposed development will support and encourage local biodiversity and have no adverse impact on protected species or significant trees, in accordance with NPF 4 Policy 3 (Biodiversity) and LDP Policies Env 12 (Trees) and Env 16 (Species Protection).

## **Energy and sustainability**

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale. The applicant has submitted an energy statement of energy intent in support of the application. Part A of the standards is met through the provision of a combination of photovoltaic panels mounted on south facing roof pitches and on flat roof sections of the main building, and gas heat recovery flues. The proposal meets the essential criteria set out in the sustainability form. Additional desirable measures including use of sustainable materials and inclusion of green roofs.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of housing and a commercial unit on an accessible brownfield location and the replacement of the existing buildings, which are poor in terms of current environment standards, with new structures conforming to current standards. This will contribute to climate change mitigation in the short and long term.

## **Waste**

There is direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores contained within each of the five integral bin stores. Swept path analysis has been provided to demonstrate that a refuse vehicle can access the site. Discussions have taken place with Waste Services, and they are content with the detail provided.

## **Transport**

NPF 4 Policy 13 (Sustainable Transport) supports development proposals which improve, enhance, or provide active travel infrastructure. Additionally, it supports proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's Parking Standards allow for a zero-parking approach where justified. No car parking is proposed. Applications should include reasoned justification for the zero-parking proposed. A Transport Assessment (TA) has been submitted in support of the application. This has been assessed by transport officers and is considered an acceptable reflection of the estimated traffic generated by the development. The TA states that the site is accessible by public transport (Lothian bus service 7, 14, 11 and 21) Access to bus stops is accessible on foot. The site is in an accessible location within an established mixed-use neighbourhood, with excellent direct links to walking, cycling and public transport networks. Access to bus stops on Ferry Road and Newhaven Road is some 400m away. The proposed development will integrate well with the existing transport networks in the Leith area and there will be no detrimental traffic or transport impacts.

The proposed zero-parking level is considered acceptable in the light of the progression of a controlled parking zone for the area. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel. This is in keeping with the NPF 4 principles of connected and healthy places that make moving around easy and reduce car dependency.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance. A total of 219 cycle parking spaces will be provided. These are located within 6 integral bicycle stores within the flatted blocks and are easily accessible. This includes the provision of 72 standard Sheffield stands (33%), 43 non standards spaces (20%) and 104 two-tier racks (47%). The cycle parking accords with the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. It is not considered necessary to require the siting of a car club vehicle at this site. Nearby car club spaces are available nearby on Pitt Street.

The proposal accords with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

Owing to the proposal for zero private car parking an Air Quality Impact Assessment is not required in support of the application. Non provision of car parking and the proposed sustainable spatial and water heating systems will all assist with air quality management.

### Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

### **Liveable places**

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the proposal introduces new residential accommodation and commercial space, increasing the density of housing and footfall nearby Ferry Road local centre. The proposed uses are sustainable in terms of allowing people to live and stay in their area.



The provision of a range of typologies of mainstream flats, including ground floor main door flats, lift access to upper floors and affordable flats, allows for the ability to age in place and provides housing diversity, helping to ensure that the homes and wider neighbourhood needs are met. The provision of main door ground floor flats capitalised opportunity for passive surveillance onto the street, which supports the prioritisation of women's safety. The proposal facilitates active travel and is well-located for public transport to other parts of the City and without the need to use a car. With reference to distinctive design, this matter is considered further below within this report.

LDP Policy Hou 2 (Housing Mix) emphasises the importance of providing a wide range of house sizes and types on development sites. The proposals provide a good mix of accommodation of different sizes in compliance with this policy. A range of one-, two- and three-bedroom units are proposed. Twenty-three units (24%) contain three or more bedrooms, which meets the requirements of the Edinburgh Design Guidance.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The flat types and mix of sizes of the affordable flats is proportionate to that of the private flats. All the units meet the space standards set out in the Edinburgh Design Guidance (EDG). Seventeen of the units (17.3%) are 91 square metres or over. This is only marginally short of the 20% required for growing families. This is considered a minor infringement given that 22% of the units are three-bed units.

### **Design considerations**

LDP Policy Hou 4 states seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environmental, accessibility and need to encouraging local services.

The proposed two flatted buildings and associated external courtyard have a combined area of approximately 0.36 hectares and therefore a density of some 273 dwellings per hectare. This is comparable to other modern flatted development in this part of Leith and is acceptable. High density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network.

The site is in an accessible close to centre location where higher density development should be encouraged. Proposals would maximise the use of this brownfield site in an accessible close to centre location, where high density development can and should be directed to.

The prevailing residential urban grain is uniform with formal streets of tenement buildings arranged in perimeter blocks. The buildings located within the adjacent conservation area are mostly of stone construction with pitched slated roofs. Building heights range from two-storeys up to five-storeys. The tenement buildings on the principal streets, including Pitt Street and South Fort Street, are a mixture of four-storeys and five-storeys in height. The five-storey tenements are modern and are not higher than the traditional four storey tenements. The buildings on the secondary street of Trafalgar Lane are smaller 'lane scale' three-storey and four-storey in height. The enclosed courtyard of the perimeter blocks comprises the private shared amenity green space for residents. Taking the new build element alone, the proposed two new build flatted blocks complete the perimeter block and enclose a courtyard.

The largest of the proposed buildings is tenemental in scale and the smaller block is 'lane scale', and in this regard they are complementary in their relationship to the predominant form. The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development and uses in the area which mostly comprises residential uses and some ground floor commercial uses with active uses at street level.

Overall, the design is high quality, the larger building is of contemporary architecture and the smaller building is more traditional. The development will be a positive addition to the streets and the area in compliance with design policies.

The heights, scale and massing, position, form, and style of the proposed two flatted buildings responds positively to neighbouring buildings and are harmonious to the character of this part of Leith. The largest of the two flatted buildings is five storeys in height. Although it is marginally higher than the existing modern tenement on Pitt Street that it would integrally attach to, its upper floor is recessed and so in close view at street level it would be barely perceptible. The flat roofed form helps to minimise the massing. Except for the front (South Fort Street) elevation the building, which is recessed back from the adjoining building at 16 South Fort Street, its building lines are positioned to line up with the building lines of neighbouring buildings.

The proposed Trafalgar Lane building is three-storeys with accommodation in its roof space. It is positioned to line up with the building lines of the neighbouring terrace of townhouses to the west. Additionally, its eaves level and the ridge level of its pitched roof also align with the aforementioned row of town houses. Accordingly, the building matches the scale of the existing building in the street and has a harmonious height, scale, and massing relationship to its neighbours. 3D modelling of the proposal demonstrates that the proposed buildings are proportionate in scale with the existing streetscape and fit into the existing urban skyline. The scale and massing of the proposal will not interrupt skyline views, including from Salisbury Crags, Calton Hill and from the protected skyline view C1b (Inchkeith Island from Castle lower Ramparts).

Overall, the heights, positioning, scale, design and finishing materials of the proposed two buildings are acceptable.

The proposed new buildings have been positioned and orientated with clearly defined fronts and backs. Active frontage and surveillance over streets that the buildings front onto is achieved by main door flats and a ground floor commercial unit. The front building line of the Pitt Street elevation is set back from the adjacent pavement to facilitate recessed balconies at ground floor level, which achieves defensible private space at ground level. Similarly, the front building line of the South Fort Street elevation is stepped back to facilitate provide narrow front gardens bounded by railings and defensible private space at ground level.

The central courtyard is laid out with a combination of green space and public realm, which will encourage, promote, and facilitate opportunities for inclusive, informal, and incidental recreation and for children and young people to play and move around safely, whilst also incorporating blue and green infrastructure. It is anticipated that families will occupy the buildings and where possible the family properties have been situated on the ground floor with access to private gardens. The central courtyard is not accessible by car, and this will contribute to creating a safer environment for children to navigate.

A landscaping plan for the secure landscaped courtyard has been provided. Communal open spaces and private gardens will be laid out as useable lawn. Mixed shrub planting and trees are planted in pockets at feature points where paths connect. Boundaries between communal areas and private spaces within the courtyard have been created using mixed species hedging. Access paths are lit with mid height bollard lighting posts. A condition has been added on landscaping implementation.

The proposal is well-designed and distinctive, in accordance with NPF 4 policy 14 and LDP policies Hou 4 (Housing Density), Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), and Des 8 (Public Realm and Landscape Design).

#### *Amenity of future occupiers*

LDP Policy Hou 3 requires that 10 square metres per flat should be provided in communal areas for flatted blocks, and a minimum of 20% of the total site area should be useable greenspace. The development exceeds these standards. Some 613.4 square metres of the central courtyard is laid out as shared open garden ground. The green space area including private and public landscaped planted areas amounts to 1029 square metres, which is in excess of the 20% site area required. Private open space is provided at ground level for the larger family unit flats located on the south side of Trafalgar Lane. 85 of the flats have any private open space terrace or balcony afforded to them. The 11 flats that do not have private balconies, roof terraces or external ground provided, have access to the communal spaces within the courtyard. Future residents will also benefit from immediate accessibility of the Water of Leith Walkway. Additionally, the site is located nearby to the west of Keddie Garden play area, which is a 0.543 hectares public open space containing equipped children's play equipment.

The EDG recommends that no more than 50% of the total units should be single aspect, although it justifies a limited increase in single aspect units for build to rent developments. 31 of the flats are single aspect which equates to 32% of the total number. None of the single aspect flats are north facing and all of them have a private garden or balcony to benefit living space.

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

As a residential development in a residential area, it is not expected that additional noise will be created. A Noise Impact Assessment (NIA) has been provided and considers the potential noise impacts from the adjacent (currently closed) public house at 16 South Fort Street, the neighbouring industrial/commercial units on the south side of Pitt Street, and road traffic noise.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

*'a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be*

*affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".*

Regarding the public house at 16 South Fort Street, the NIA recommends a conventionally built external wall with a cavity construction with sound reduction will suffice in providing sufficient noise separation from the existing public house. This will ensure that amplified music from the public house will be inaudible within the adjacent proposed flatted properties. A condition is recommended, which would ensure that the acoustic insulation is installed by a specified timescale and that it meets the required noise criteria (NR25).

With regards to noise from industrial/commercial premises to the south on Pitt Street, the NIA informs that noise from operations from these premises is likely to be negligible. No additional acoustic measures are required to be made to the proposed new flatted buildings to mitigate noise impact.

The NIA recommends that elevations of the proposed buildings facing onto public roads are to be fitted with double glazed windows with trickle vents all to meet sound attenuation requirements. Given that the public roads are urban roads and not major arterial roads/motorways, it would not be reasonable to impose a condition to mitigate traffic noise.

Subject to the recommended conditions to mitigate noise impact from the adjacent public house, the proposed residences can coexist with neighbouring non-residential uses.

With regards to daylight for the new development the no skyline test was used. The EDG states that a new development can be considered to receive adequate daylight into a space if it can be demonstrated that direct skylight will penetrate at least halfway into rooms at a height of the working plane 0.85m from residential spaces and where windows make up more than 25% of the external wall area. The study demonstrates that most of the rooms in the proposed new buildings pass the Vertical Sky Component 25-degree test except for nine ground floor windows and one first floor window in the Trafalgar Lane block. This is owing largely to the narrow lane width and height of the opposite building. To achieve further light to these rooms would require significant larger glazed areas, which would detract from the traditional street elevation and would result in problems of heat loss on a northern elevation and resultant increased energy requirements and overlooking and loss of privacy issues. The light values achieved are reflective of the current situation for all of the ground floor properties along the remainder of Trafalgar Lane. It is concluded that the currently proposed window arrangement is on balance the best solution for this tight urban site.

With regards to sunlight to new gardens and open spaces, the private gardens and the communal central landscaped courtyard will receive the required minimum 2 hours of sunlight during the spring equinox.

The infringement to the Edinburgh Design Guidance for Daylight to some of the proposed new residences is minor and does not provide reasoned justification to refuse the application.

#### *Amenity of neighbouring residences*

At its closest the proposed South Fort Street building is 18 metres away from the nearest residential property on the opposite side of South Fort Street, which is 13 South Fort Street. Back-to-back distance across the landscaped courtyard is 18 metres. This is an acceptable separation distance.

At its closest the proposed Trafalgar Lane building will be 8 metres away from the existing residential properties on the opposite (north) side of Trafalgar Lane. This is similar separation distance between buildings that presently exist elsewhere along Trafalgar Lane. Privacy distances across Trafalgar Lane are restricted by the existing lane urban form, which form is an inherent part of the hierarchy of streets within the Madeira area. The separation distance is acceptable in this tight urban environment.

In terms of their height, scale, massing and positioning the proposed flatted buildings would not have an unduly dominant impact on existing neighbouring properties or a significant impact on their immediate outlook.

A daylighting and sunlight study has been completed and accompanies the application. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The Edinburgh Design Guidance requires this to be more than 27% or 0.8 of the former value of daylight. The EDG goes on to state that the vertical sky method can be measured using more complex methods that are set out in the BRE guide. When there is concern about potential levels of daylight, the Council will refer to the BRE Guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice.

There are 106 windows in neighbouring buildings that look directly onto the proposed flatted buildings. Of these only 17 are in positions where the Vertical Sky Component (VSC) minimum angle test failed or were borderline.

Five ground floor windows at 23 South Fort Street (W10 to W14) that were identified as potentially borderline within the VSC test, calculated Average Daylight Factor (ADF) values that confirmed that all of these windows met their required ADF values for their existing room use, and thus are not adversely affected by the proposed buildings.

In Trafalgar Lane, the potentially affected windows serve nine ground floor flats within 18-28 Trafalgar Lane. Of these windows four meet the ADF target values and five fall below their target values and of these 1 (W8) serves a non-habitable small kitchen room, 3 (W3, W7, W9) serve bedrooms with intermittent use, and 1 (W5) serves a habitable living room space. Non-habitable rooms are not required to be assessed. Daylight requirements of bedrooms are deemed less important by the BRE guide. In the case of the living room the proposed the proposed to existing ADF ratio value fall just short of the 0.7 value required, coming to 0.69.

This shortfall in the standard is not significant. The study notes that these values are a direct result of the existing narrow lane width of Trafalgar Lane and are reflective of the existing situation for other ground floor properties along the remainder of Trafalgar Lane to the west, where existing buildings are of the same height and massing as the currently proposed lane building. The three-storey height matches the height of the adjacent mews building to the immediate west and recreates the urban massing that had historically been present on the south side of Trafalgar Lane. In all of these particular circumstances, given the tight urban form the infringements to the EDG for daylight is not significant and does not provide reasoned justification in itself to refuse the application.

The proposed Pitt Street building integrally to the gable of the tenement to the west at 111-115 Pitt Street, which has a first, second, third and fourth floor window in its the gable end, three of which serve a kitchen and one of which serves a bedroom. A lightwell is included in the proposed Pitt Street building in order not to cover over these 4 gable windows and provide some light to them. An Average Daylight Factor (ADV) assessment carried out of these 4 windows confirms that the third-floor window is unaffected, however the first and second floor windows, both of which serve a kitchen, will have reduced levels of daylight. Notwithstanding, the Edinburgh Design Guidance confirms that these windows are not protected as they are on a gable.

### **Ground Conditions**

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection. Should the application be granted, a condition is recommended to ensure that the site is made safe for the proposed end use.

### **Built heritage and archaeology.**

NPF 4 Policy 7 aims to protect and enhance historic environment assets and places.

#### *Setting of Listed Buildings*

NPF 4 Policy 7 (Historic assets and places) supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7.

#### *Character and Appearance of Conservation Area*

NPF 4 Policy 7 only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7.

### *Archaeology:*

Archaeological remains may survive on site, which may include evidence for the 19th century industrial and residential development of the site, the development of the 18th century Hillhousefield House Estate, and the 16th century Siege of Leith. It is therefore essential that a programme of archaeological work (archaeological evaluation) is carried out prior to development. The loss of the existing 20th century buildings from the site is not regarded as significant. However, they form an important part of the development history of this site and wider local areas which has been associated with light industry since the Victorian Period. Accordingly, it is recommended that as part of the wider archaeological mitigation for the site that a programme archaeological historic building survey is undertaken of these buildings prior to their demolition.

Subject to the recommended condition on archaeology, the proposal complies with the aims and intentions of NPF 4 policy 7.

### Infrastructure First

NPF 4 Policy 18 (Infrastructure First) supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

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.

### **Transportation**

The Roads Authority was consulted and do not advise of a requirement for a developer contribution for transportation infrastructure.

### **Education**

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. A contribution of £720,020 infrastructure contribution (£376,040 primary infrastructure and £343,980 secondary infrastructure) (Quarter 4 2022 valuation subject to indexation) will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

## Health Services

Part of the site is included within the Leith Waterfront health care contribution, as identified in the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The Edinburgh LDP action programme identifies the need for new medical practice accommodation as part of health centre provision to mitigate the impact of new residential development within the locality. 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 intention of the Supplementary Guidance is for new development to contribute towards local, necessary improvements to the health care provision within the immediate locality. Although only part of the application site falls within the identified boundary of the relevant contribution zone Leith Waterfront, the application seeks to promote a large number of residential units, the occupants of which will require health care provision. Therefore, a developer contribution of £945 per dwellings should be applied in this instance, which equates to £92,610 for the 98 dwellings and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards education and healthcare infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

### **Conclusion in relation to the Development Plan**

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

### **d) There are other material considerations which must be addressed?**

The following matters have been identified for consideration:

#### **Emerging policy context**

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### **Equalities and human rights**

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.



## Public representations

A summary of the representations is provided below.

### *material objections*

- zero parking would exacerbate existing parking congestion.
- The area has already undergone too much development and is now over dense.
- Insufficient infrastructure.
- Traffic congestion.
- air pollution and health impacts.
- Implications on climate crisis of demolishing existing buildings and erecting new buildings.
- Existing commercial uses on the site will be lost and not replaced.
- harm to character of the area.
- loss of community hub that is the Pitt Market and a zero-waste initiative that sells second hand goods.
- Inadequate car club spaces in the street.
- insufficient capacity at local GP surgeries.
- artificial swift nesting boxes should be incorporated.
- Loss of privacy to properties in Trafalgar Lane.
- Loss of daylight and sunlight to existing residences in Trafalgar Lane
- Positioning bins opposite existing properties in Trafalgar Lane would result in nuisance and health hazard.
- Noise nuisance owing to intensification of activity on Trafalgar Lane.
- Disabled people disadvantaged in terms of loss of light and noise nuisance.
- Proposed new buildings should be no higher than surrounding buildings.
- New Trafalgar Lane building would have an overbearing impact on neighbouring properties.
- The design is not in keeping with/sympathetic to the established character and appearance of the area.
- Inadequate school infrastructure and health care services to support the new development.
- Inadequate neighbour notification.
- Inadequate commercial uses incorporated.
- Inadequate cycle parking.
- Better alternative uses of the site would be class 1, class 2, class 4, and class 10 uses.
- Crammed development.

These have been addressed in the sections above.

### *non-material comments*

- Disruption during periods of construction.
- Dust emissions during periods of construction.
- Construction work would give rise to obstruction to pedestrians.
- Noise nuisance from vehicles.
- Loss of outlook.

- Existing problems of noise nuisance from construction works on other nearby sites.
- Structural damage to neighbouring properties resulting from demolition of existing buildings and construction of the proposed buildings.

### Leith Harbour and Newhaven Community Council

No comments were received.

### ***Conclusion in relation to other matters considered.***

The proposals do not raise any issues in relation to other material considerations identified.

### **Overall conclusion**

The proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards education provision and healthcare provision, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the first occupation of any residential unit within the South Fort Street flatted block hereby approved, an external wall with acoustic insulation achieving noise criteria NR25 within those new residential units shall be erected between the new flatted block and the building at 16 South Fort Street (The Village Inn) and 1-3 (Odd Nos) Trafalgar Lane, which it will integrally attach to.

3. Prior to the commencement of development, a phasing plan and phasing schedule shall be submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each phase of development, the provision of affordable housing, the provision of open space, SUDS, landscaping, public realm, and transportation infrastructure including cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the Planning Authority.
4. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above groundwork is commenced on site. A full-size sample panel(s) of no less than 1.5m x 1.5m of all facade components should be erected at a location agreed with the Planning Authority.
6. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, public engagement, interpretation, analysis & reporting and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
7. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

Notwithstanding that delineated on landscape drawings the development shall not begin until details of the location and design of bollards and other measures to be taken to make accesses and areas of public realm within the site unsuitable for motor vehicle use, has been submitted to and approved in writing by the Planning Authority.

8. The approved drainage arrangement and SUDs provision shall be implemented prior to first occupation.

9. The proposed commercial unit contained within the ground floor of the South Fort Street/Pitt Street building shall only be used for uses within Classes 1, 2, or 4, within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, unless planning permission has been sought and obtained for a use that falls within a different use class of the above stated Order.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of safeguarding the amenity of the future occupants of the flats hereby approved.
3. 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.
4. In order to protect the development's occupants and human health.
5. In order to enable the Planning Authority to consider this/these matter/s in detail.
6. In order to safeguard the interests of archaeological heritage.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
8. To ensure the required infrastructure is in place.
9. In the interests of amenity of existing and future neighbouring residential properties.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare and affordable housing has been concluded and signed. The legal agreement shall include the following:
  - a. Education - £720,020.
  - b. Healthcare - £92,610.
  - c. 25% of the total number of residential units proposed should be affordable housing in accordance with Council policy.

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 applicant should contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.
3. The applicant should contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions, as necessary.
4. The applicant is required to reinstate footway to cover entire frontage of the site on Pitt Street and Trafalgar Lane to the satisfaction and at no cost to the Council.
5. In accordance with the Council's City Mobility Plan policy, the applicant should consider developing a Travel Plan including provision of 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.
6. bird nesting boxes, bat boxes, swift boxes and bee posts/towers should be incorporated into the new building(s) and installed within the site.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 4 November 2021**

### **Drawing Numbers/Scheme**

1a, 2a, 3f, 6c, 09b, 10b, 12h, 14a, 15a, 16a, 17c, 18b-22b, 25b, 26a, 27b, 28b, 29a, 30, 31a-33a, 34, 35, 36a

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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

## Appendix 1

### Summary of Consultation Responses

NAME: Archaeology

COMMENT: No objection. A condition is recommended.

DATE: 2 March 2023

NAME: Environmental Protection

COMMENT: No objection.

DATE: 7 December 2021

NAME: Transportation

COMMENT: No objection. Informatives are recommended.

DATE: 7 November 2022

NAME: Waste Services

COMMENT: No objection

DATE: 4 April 2023

NAME: Affordable Housing

COMMENT: No objection subject to S75 legal agreement to secure 25% affordable housing.

DATE: 2 March 2023

NAME: Infrastructure, Structures and Flood Prevention

COMMENT: No objection.

DATE: 2 March 2023

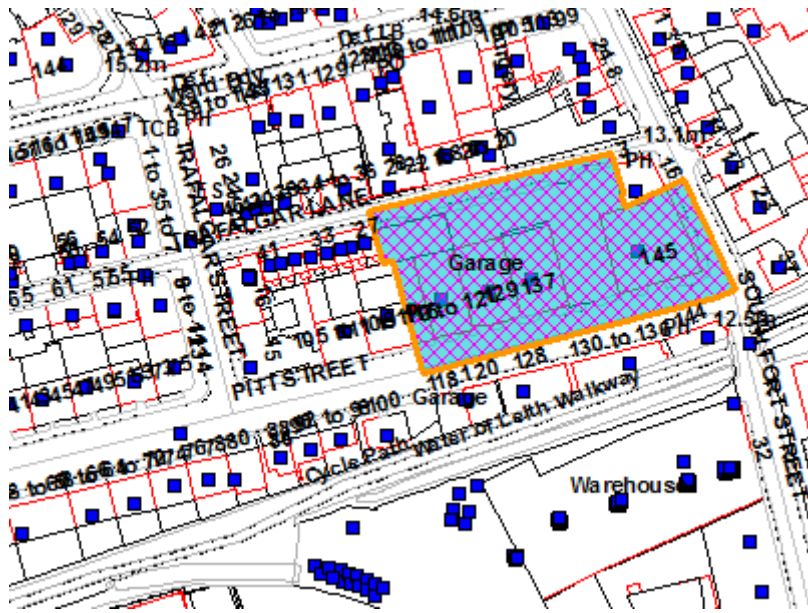
NAME: Communities and Families

COMMENT: No objection. Advised that a developer contribution towards education provision should be secured through a Section 75 legal agreement.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee

**10.00am, Wednesday 7 June 2023**

### Protocol Note for Hearing

**Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - Proposal: Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application no's – 22/02514/FUL and 22/02513/FUL**

<b>Report number</b>	<b>6.1</b>
<b>Wards</b>	<b>Ward – B02 - Pentland Hills</b>

#### **Nick Smith**

Service Director – Legal and Assurance

Contacts: Taylor Ward, Committee Services

Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk)

# Summary

## Protocol Note for Hearing

### Summary

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The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

### Committee Protocol for Hearings

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The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	10.10 - 10.30
2	<b>Representors or Consultees</b> Ratho Community Council (Judy Wightman) Dr Morgan (TBC) Martin Dalziel (TBC) Paul McKeachan (TBC) Alex Brewster (TBC)	10.40 - 10.45 10.50 - 10.55 11.00 -11.05 11.10 -11.15 11.20 -11.25
3	<b>Ward Councillors</b> Councillor Stephen Jenkinson Councillor Fiona Glasgow (TBC) Councillor Graeme Bruce (TBC)	11.30 - 11.35 11.40 - 11.45 11.50 - 11.55
4	<b>Break</b>	12.10 - 12.15
5	<b>Applicant and Applicant's Agent</b>  Breedon Trading Ltd. (Donald Wilkins)	12.20 - 12.35
6	<b>Debate and Decision on Application by Sub-Committee</b>	12.40

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

### **Application for Planning Permission**

**Land 177 Metres West of Bonnington Mains Quarry, Cliftonhall Road, Newbridge**

**Proposal: Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL).**

**Item – Presentation Item at Committee**

**Application Number – 22/02514/FUL**

**Ward – B02 - Pentland Hills**

### **Reasons for Referral to Committee**

#### **Recommendation**

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

#### **Summary**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposed variations are in compliance with the Edinburgh Local Development Plan (LDP) and NPF4 Policy 33.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The site is located to the southwest of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the northeast by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030), to the west of the site. The site is accessed from Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; the consented Craigpark Country Park Ranger Lodge, 140 metres; the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

The former Craigpark quarry to the north of the site is in the process of being restored with the use of inert fill materials and planning permission has been granted to develop an outdoor leisure complex.

### **Description of the Proposal**

The application is made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to continue quarrying and ancillary operations at the site without compliance with a number of conditions outlined in planning application 17/05930/FUL.

Proposed changes relate to conditions:

Condition 2- Changes to the placement of the environmental bund/overburden along the western boundary of the quarry site.

Condition 13- Hours of operation where the asphalt plant is to include night-time working (24 hour working).

Condition 15- Noise levels from nominal operations increased to a uniform 55dB(A)LAeq at noise sensitive properties and the introduction of a 42dB(A)LAeq during night-time operations (out with hours (i.e., all hours out with Monday-Friday: 07:00-19:00; Saturday: 07:00-19:00 and Sunday: 10:00-14:00).

Condition 16- Changes to the site access involving the introduction of a dual entry weighbridge/office and internal circle/roundabout.

18. Site restoration conditions whereby within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site shall be submitted and approved by the Planning Authority.

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health

- Vulnerability to accidents & disasters
- Cumulative effects

## **Supporting Information**

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan
- Sections

These documents can all be viewed on the Planning and Building Standards Online Service.

## **Relevant Site History**

22/02513/FUL

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field for ancillary quarrying operations.

22/00035/SCO

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Request for EIA Scoping Opinion

23 February 2022

21/06730/PAN

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field located immediately West of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, Construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge.

Pre-application Consultation approved.

10 January 2022

17/05930/FUL

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050

Granted

6 September 2018

12/01430/MWD

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Application for the management of extractive waste.

Granted

20 June 2012

99/00654/FUL

Bonnington  
Kirknewton  
Edinburgh

Use of land for the storage and recycling of inert waste construction materials

Granted

16 August 2000

### **Other Relevant Site History**

#### Bonnington Mains Quarry

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position.
- a premature loss of resource.
- loss of prime agricultural land; and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld.

The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).



Neighbouring Site History- Craigpark Quarry; located immediately to the northeast of the site.

14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres: with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation (application number 17/02471/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Roads Authority

Edinburgh Airport

NatureScot

Historic Environment

Scottish Water

West Lothian Council

Environmental Protection

Archaeology

Natural Environment

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 8 July 2022 1 July 2022 1 July 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 326

## Section B - Assessment

### Determining Issues

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25, 37 and 59 of the Act.

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the development plan; and
- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above.

### Assessment

To address these determining issues, it needs to be considered whether:

- a) The proposals under Section 42 of the 1997 Act**

In considering applications under section 42 it is not considered appropriate to grant planning permission subject to the same conditions, which would be tantamount to refusing planning permission. Equally, it is not considered appropriate to grant planning permission unconditionally given potential environmental impacts including amenity. It is therefore necessary to consider the matter of conditions having regard to the development plan and this is addressed further below.

### **The proposals comply with the development plan.**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 5
- LDP Resources policy- RS 5
- NPF4 Policy 33 Minerals
- NPF4 Policy 1
- NPF4 Policy 2

### **Local Development Plan Position**

#### Principle

NPF4 Policy 33 Minerals requires that LDPs support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33d) requires that development proposals for the sustainable extraction of minerals will only be supported where they:

- i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats, and the historic environment, as well as landscape and visual impacts.
- ii. provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise.
- iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations.

- iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air, and water.
- v. minimises transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical.
- vi. have appropriate mitigation plans in place for any adverse impacts.

Policy RS 5 Minerals states that planning permission will be granted for development to extract minerals from the quarries identified on the Proposals Map: Hillwood, Bonnington Mains, Ravelrig and Craigiehall Quarry. Development which would prevent or significantly constrain the potential to extract minerals from these sites with economically viable mineral deposits will not be allowed.

The original grant of planning permission for the mineral extraction at this site was determined at appeal.

Policy RS 5 of the LDP seeks to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10-year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes. While the expansion of existing facilities in preference to the provision of new quarries is supported in principle, specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

The LDP policy position for the development has not altered since the application was originally approved and development continues to comply with the identified LDP policies, therefore the changes to Condition 2 and Condition 18 are acceptable.

#### Impacts on Biodiversity, Geodiversity and the Natural Environment, Sensitive Habitats

The proposals are not envisaged to have any detrimental impact on biodiversity, geodiversity, the natural environment, or sensitive habitats and comply with NPF4 policy 33d.

#### Adequate Buffer Zone

An adequate buffer zone has already been established as part of the existing use of the site for quarrying operations.

The proposals are acceptable and comply with NPF4 policy 33d.

#### Impacts (including Cumulative Impact) on any Nearby Homes, Local Communities and known Sensitive Receptors and Designations

#### *Noise, Dust, Vibration and Potential Pollution of Land, Air and Water*

Policy Des 5 (Development Design- Amenity) states that 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.

The applicant's noise consultant carried out a series of noise predictions, based upon the guidance contained within the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (BS 5228) and Planning Advice Note 50: controlling the environmental effects of surface mineral workings (PAN 50) on several noise sensitive receptors (where nominal noise limits were measured free field over any one-hour period and applied to the extant 2017 planning permission). They are as follows:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

The results of this study (detailed in the accompanying Environmental Impact Statement for this application) states that all routine daytime operations in progress meet the limits imposed by the 2017 application and the justifiable night-time limit at surface mineral workings of 42 dB LAeq,1h (PAN 50, Annex A).

Following discussions with Environmental Protection, the requested varying of Condition 15 to apply a uniform noise limit of 55db(A) LAeq across all noise sensitive receptors was deemed to have a detrimental impact on amenity. As a result, the nominal noise limits for each noise sensitive receptor would remain in place.

No further amenity issues have been identified by Environmental Protection, the changes to Condition 13 and 15 are acceptable and comply with Des 5 and NPF4 policy 33d.

### Transport Issues

A Transport Statement was submitted by the applicant which illustrated that the predicted movements associated with the existing and proposed development would fall below the peak worst-case scenario of 365 HGV movements per day stipulated in the application 17/05930/FUL.

No road safety issues have been identified by the Roads Authority, therefore the proposed changes to Condition 16 are acceptable and comply with NPF4 policy 33d.

### Mitigation Plans

#### *Climate Change and Adaptation*

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

The proposals will support the sustainable extraction of minerals for the Edinburgh and Lothians region. Furthermore, the reuse and recycling of construction waste (reclaimed asphalt pavement) within the asphalt plan would ensure that construction material is re-used within the construction industry as opposed to waste being disposed of in landfill, thus contributing to circular economy principles.

### Restoration and Aftercare

The change in the date of the submission of restoration/aftercare plan is acceptable. A restoration guarantee bond was submitted as part of the 2017 application which the planning authority can draw upon in the event restoration works are not satisfactorily completed. An updated Performance Guarantee Bond referring to this application and the accompanying application (22/02513/FUL) shall be submitted by the applicant following the granting of this permission.

### **Conclusion in relation to the Development Plan**

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

#### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

#### *material considerations*

Representations: Objections

#### Ratho & District Community Council

- Impact on amenity of surrounding area (noise levels, night-time working, light pollution)- Addressed in Section B a) and accompanying application 22/02513/FUL.

- Increased traffic on local roads (Addressed in Section B a) and accompanying application 22/02513/FUL).

### General comments

Principle of development /lack of coordinated development - Addressed Section B a) and in accompanying application 22/02513/FUL.

- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion)- Addressed in Section B a) and accompanying application 22/02513/FUL.
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund)- Addressed in accompanying application 22/02513/FUL.
- Loss of potential green belt/countryside- Addressed in accompanying application 22/02513/FUL.
- Ecology (impact on migratory birds & deer, loss of farmland, loss of trees)- Addressed in accompanying application 22/02513/FUL.
- Road safety (noise levels of HGV, impact of increased traffic on local roads)- Addressed in accompanying application 22/02513/FUL.

Representations: Support

- Mineral reserves on site
- obs creation
- EIA findings

### *non-material considerations*

- Will make Ratho less desirable place to live
- Impact property prices
- Lack of consultation
- -Impact on biodiversity of wavegarden
- Vibrational effects of quarrying operations

### **Conclusion in relation to identified material considerations.**

No further issues were identified.

### **Overall conclusion**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposals comply with the development plan and NPF4 subject to conditions below.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. The developer shall comply in full with the provisions of the 'Mineral Working Conditions' (conditions 21-31 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
2. The development hereby approved shall be undertaken in accordance with the terms of this permission and in accordance with the following drawings.

B23 BON 2202 005: Location Plan

B23 BON 2202 006: Location Plan

B23 BON 2202 007: Existing Site Plan

B23 BON 2202 008: Quarry Development Plan: Existing Site Plan

B23 BON 2202 009: Quarry Development Plan: Phase 2 Overburden Extraction

B23 BON 2202 010: Quarry Development Plan: Phase 2 Mineral Extraction

B23 BON 2202 011: Quarry Development Plan: Full Extraction

B23 BON 2202 012: Quarry Development Plan: Sections A-A and B-B

B23 BON 2202 013: Quarry Development Plan: Indicative Plan Site Plan

B23 BON 2202 014: Quarry Development Plan: Indicative Plant Site Location Plan

B23 BON 2202 015: Ready Mix Plant Elevations

3. No blasting or drilling operations shall be carried out on the site except between the following times:
  - Mondays to Fridays: 10:00 and 16:00 hours.

There shall be no blasting or drilling operations on Saturdays or Sundays.

This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event.

4. There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.
5. Prior to the commencement of blasting, monitoring points of approved mobile equipment shall be provided, subject to the following:
  - a) the location of the monitoring points shall be those as agreed with the Planning Authority.



- b) the monitoring process shall be carried out for the duration of blasting at the quarry including the 15 minutes immediately prior to and the 15. immediately following the duration of any blasts.
  - c) all record sheets shall be available at the quarry office for inspection at all reasonable times and be submitted to the Planning Authority on a quarterly basis.
  - d) the Planning Authority shall be afforded reasonable access to the equipment as far as such access is subject to statutory regulations.
6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of  $6 \text{ mms}^{-1}$  in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of  $12 \text{ mm}^{-1}$  as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
7. The gas pipeline which passes near the southwest of the appeal site shall not be subjected to a resolved peak particle velocity in excess of  $25 \text{ mm/s}$  measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of  $37.5 \text{ mm/s}$  shall not be exceeded.
8. Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of  $120 \text{ dB}$  shall not be exceeded as measured at the nearest noise sensitive premises.
9. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.
10. All conveyors shall be adequately enclosed.
11. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.
12. In order to prevent spillage and wind-blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
13. The hours of operation shall be restricted to:
- a) for normal quarry operations:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00

- b) for fixed plant only:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00  
Sunday: 10:00 - 14:00

or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.

- c) For avoidance of doubt, operations associated with the asphalt plant operational at the quarry shall be unrestricted - 24-hour operations permitted.
14. All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations. Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.
15. That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one-hour period:
- Clifton Cottage 45 dB(A) LAeq,
  - Bonnington Mains Farm 52 dB(A) LAeq,
  - Craigpark Housing Development 52 dB(A) LAeq,
  - Park Ranger Lodge 52 dB(A) LAeq,
  - Ratho Mains Farm 51 dB(A) LAeq,
- a) During night-time operations, the nominal noise limit from the asphalt plant and associated operations shall not exceed NR25 when measured within the nearest noise sensitive receptor.
  - b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB LAeq over anyone hour period for a maximum of 8 weeks per year.
  - c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
16. Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from, the B7030 road.

17. The rate of extraction of material shall be restricted to 375,000 tonnes per annum. Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
18. That prior to the 5th September 2023, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-45 below (the Restoration Conditions), shall be submitted for the approval of the Council as Planning Authority. If the final restoration plan is not submitted, then extraction works shall cease on the site until a revised scheme has been submitted to the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of cessation of the permitted operations.
19. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of paragraph 1(2) of Schedule 3 of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved Restoration Plan as agreed by the provisions of Condition 18 above. In the event that extraction operations cease well in advance of the above date, the site operator shall begin restoration works within 3 months of the cessation of operations.
20. Within 12 months from the completion of operations, all plant, machinery, and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.
21. Restoration following completion of extraction operations shall comply with 'Restoration Conditions' (conditions 32-44 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
22. The Applicant shall make stock proof and maintain until the restoration is completed, all the existing perimeter hedges, fences, and walls, and shall protect the same from damage.

Where the site boundary does not coincide with an existing hedge, fence or wall, the Applicant shall provide and maintain, until the restoration is completed, stock proof fencing with gates or cattle grids at every opening.

Hedgerows within or bounding the site shall be carefully maintained, cut, and trimmed at the proper season throughout the period of working and restoration of the site.

23. Topsoil and subsoil must only be stripped when these soils are in such a condition of dryness which will enable the soils to be moved without damaging the structure of the soils.

24. Bind-free soil forming material found during the course of the proposed operations shall be recovered where practicable and stored for use in the final restoration of the land. This material shall be used to replace shortages of subsoil, or used to cap the overburden where there is adequate subsoil and topsoil. This material to be used to achieve a minimum topsoil and subsoil depth of 1.0 metre at restoration.
25. Topsoil, subsoil, soil forming material and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 6 metres in height.

Topsoil and subsoil dumps shall be evenly graded, and tops shaped to prevent water ponding. Topsoil dumps shall be seeded to grass.

The soil storage mounds, haul roads and site access roads shall be fenced off so that during construction of the mounds and operation of the quarry no traffic will have access to the remainder of Field 2100/3174. Upon completion of stripping operations, the haul roads within Field 2100/3174 should be rooted and soil retained. Any disrupted field drains shall be reinstated. These areas should be rooted at each stage and stones exceeding 200mm in any one direction removed from the topsoil. Fencing should then be removed from reinstated haul road routes.

26. Topsoil shall be retained on the site, and none shall be sold off or removed from the site. After stripping and formation of storage dumps, they shall be fenced off and the quantities shall be measured, and the volumes and locations made known to the Planning Authority and to the agricultural occupier concerned.
27. All weeds on the site, including particularly those on the topsoil and subsoil dumps, shall be treated with weed killer or cut to prevent spreading within the site or to adjoining agricultural land.
28. Throughout the period of working, agricultural restoration and aftercare, the applicant shall protect and maintain any ditch, stream, water course or culvert padding through the site so as not to impair the flow nor render less effective drainage on to and from adjoining land.
29. Provision shall be made at all times to ensure that underdrainage is maintained for land out with the working area. Standing water must not be allowed to gather on any areas with the whole site where the topsoil and subsoil have not been stripped.
30. Alternative arrangements shall be made for any interruption of drainage systems serving land adjacent to the site.

New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed-in existing lateral drains from adjoining undisturbed land.

31. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored within a suitable bund or other means of enclosure to prevent such material from contaminating topsoil or subsoil or reaching any water course.

32. On completion of extraction to the approved levels, the quarry floor shall be rooted to break up compacted layers. Haul roads from the soil storage mounds within Fields 2100/3478 shall be fenced off to deny traffic access to the remainder of the field.
33. Progressive and even respreading of overburden shall be carried out following mineral extraction. The overburden shall be levelled and graded in accordance with the approved restoration contours and shall have slopes adjusted to be free from the risk of both ponding and erosion. The overburden shall be rooted and cross-rooted to a depth of 300 millimetre with boulders and other impediments, exceeding 500 millimetre in any one direction, removed, carted off the site or buried in a stone hole.
34. Prior to the replacement of the subsoil all soil forming material conserved shall be spread evenly over the overburden and any large stones removed as described at Condition 35 above.
35. At least 600 millimetres of subsoil shall be spread on top of the over-burden. The subsoil shall be replaced in even layers. Each layer shall be separately rooted and cross-rooted with a heavy duty winged rooting machine with tines set no wider than 450 millimetres apart. Each rooting operation shall be sufficiently deep to penetrate at least 150 millimetres into the preceding layer. Any stones or boulders exceeding 200 millimetres in any one direction, or other material which would prevent or impede normal agricultural or land drainage operations, or the use of machinery for subsoiling or mole ploughing, shall be removed before topsoil is replaced. The surface of all layers shall be left in a loosened state to prevent sealing.
36. Topsoil shall be replaced to the original depth to achieve agreed land levels and configuration. The topsoil shall be rooted and cross-rooted to its full depth with stones exceeding 150 millimetres in any one direction being removed from the site or buried in a stone hole. All operations following replacement of topsoil shall be carried out by suitable agricultural machinery.
37. All operations to remove topsoil and subsoil from dump and to respreads in accordance with Conditions 36 and 37 shall be carried out when the ground and dump are dry, and conditions are otherwise judged by the Planning Authority or their agent to be suitable. Earth moving machinery should travel to and from the soil dumps along clearly defined routes. These routes must be rooted before being covered with the next layer of subsoil or topsoil. When the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off on to overburden or subsoil areas, respectively. On sloping land, the direction of travel of machines should be parallel to the contours to minimise erosion.
38. Upon completion of extraction works, all site access roads, fixed plant, machinery, and buildings, shall be removed from the site. All areas involved shall be subject to the full restoration treatment.
39. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

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Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

41. Diverted water courses shall be restored to the original or agreed alternative line and measures shall be taken to prevent erosion of banks and beds.
42. After replacement of topsoil in accordance with Conditions, chemical analyses of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major and minor nutrients required to promote the establishment and growth of appropriate plants for the agreed land use.

The land shall be cultivated using agricultural machinery, to prepare a seed bed suitable for the sowing of grass seeds. During the cultivation process, any stones with a dimension larger than 150 millimetres shall be removed together with other obstructions to future cultivation. Lime, fertilisers, and other plant nutrients shall be applied in accordance with the recommendations of the approved agency carrying out the soil chemical analyses so that the soil is sufficiently fertile to permit the chosen programme of restoration.

Where no soil analyses results are available, a minimum of 7.5 tonnes of ground limestone, 190 kilograms of phosphoric acid (P<sub>2</sub>O<sub>5</sub>) and 400 kilograms of balanced compound fertiliser shall be applied per hectare.

The land will be sown to a short-term grass seeds mixture, the basis of which should be perennial rye grass and white clover.

43. Restoration shall not be considered to have been completed until all the aforementioned operations have been carried out to the satisfaction of the Planning Authority.
44. An Aftercare Scheme shall be submitted in accordance with the Act for the approval of the Planning Authority when final restoration contours have been achieved.
45. An updated Performance Guarantee Bond referring to this s42 application and the accompanying application (22/02513/FUL) shall be submitted by applicant to the satisfaction of the Planning Authority following the granting of this permission.

## Reasons

1. In order that the quarry workings on the site are carried out in full accordance with best practice and the provisions of Planning Advice Note 50: "Controlling the Environmental Effects of Surface Mineral Workings."

2. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties and to ensure safe blasting practice is carried out on the site at all times.
3. In order to control the number of blasting events that area carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
4. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
5. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
6. In order to protect existing gas infrastructure within proximity of the quarry site.
7. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
8. In order to protect the amenity of the occupiers of neighbouring properties.
9. In order to protect the amenity of the occupiers of neighbouring properties.
10. In order to protect the amenity of the occupiers of neighbouring properties.
11. In order to protect the amenity of the occupiers of neighbouring properties.
12. In order to protect the amenity of the occupiers of neighbouring properties.
13. In order to protect the amenity of the occupiers of neighbouring properties.
14. In order to protect the amenity of the occupiers of neighbouring properties.
15. In order to ensure that heavy goods vehicles entering and leaving the site are suitably routed to the principal road network.
16. In order to control the numbers of heavy goods vehicles generated by the site and to protect the amenity of the occupiers of neighbouring properties.
17. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
18. In order to suitably control the duration of the quarrying operations on the site and in order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
19. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
20. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.

21. In order to ensure that the site is suitably secured for Health and Safety reasons.
22. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
23. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
24. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
25. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
26. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land out with the site so as to mitigate disruption from the quarrying operations on the site.
27. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land out with the site so as to mitigate disruption from the quarrying operations on the site.
28. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land out with the site so as to mitigate disruption from the quarrying operations on the site.
29. In order to mitigate potential pollution events from the quarrying operation on the site.
30. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
31. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
32. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
33. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
34. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
35. In order to prevent damage to soil structure due to trafficking with heavy vehicles, plant, or machinery and to ensure that there is an acceptable means of restoration plan for the site and its after use.
36. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.



37. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
38. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
39. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land out with the site so as to mitigate disruption from the quarrying operations on the site.
40. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
41. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
42. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
43. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 20 June 2022**

### **Drawing Numbers/Scheme**

01-04, 05(A)-07(A), 08, 09(A)-10(A), 11-12

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Cairns, Planning Officer  
E-mail: adam.cairns@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: P.9 of planning statement confirms that there is no increase in HGV movements as a result of this application. Rate of extraction of quarry materials to remain at maximum of 375k per annum.

DATE: 2 December 2022

NAME: Edinburgh Airport

COMMENT: No objections

DATE: 8 November 2022

NAME: NatureScot

COMMENT: No objections

DATE: 11 August 2022

NAME: Historic Environment

COMMENT: No objections

DATE: 5 September 2022

NAME: Scottish Water

COMMENT: No objections

DATE: 18 July 2022

NAME: West Lothian Council

COMMENT: No objections

DATE: 17 August 2022

NAME: Environmental Protection

COMMENT: No objections

DATE: 7 March 2023

NAME: Archaeology

COMMENT: No objections

DATE: 18 July 2022

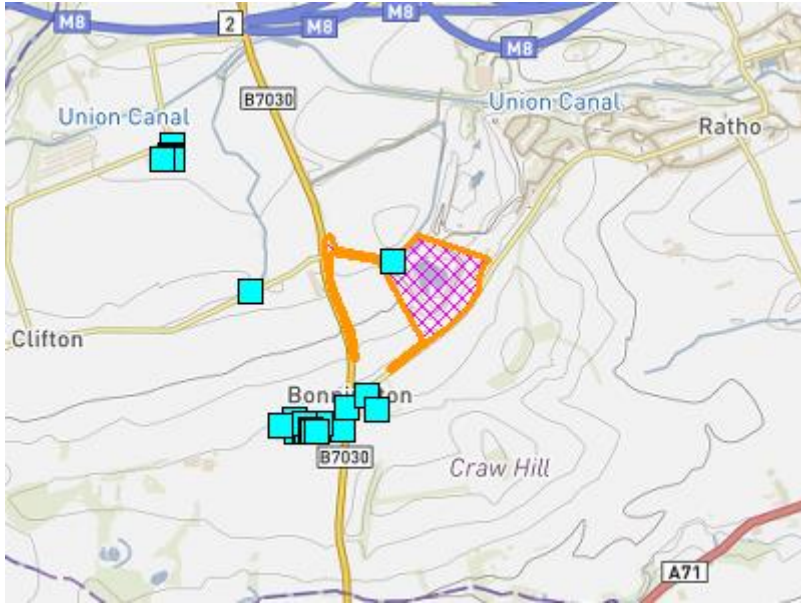
NAME: Natural Environment

COMMENT: No objections

DATE: 25 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 7 June 2023**

### **Application for Planning Permission**

**Land 177 Metres West Of Bonnington Mains Quarry, Cliftonhall Road, Newbridge**

**Proposal: Development of field for ancillary quarrying operations.**

**Item – Presentation Item at Committee**

**Application Number – 22/02513/FUL**

**Ward – B02 - Pentland Hills**

### **Reasons for Referral to Committee**

#### **Recommendation**

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

#### **Summary**

The proposed development is in accordance with the Local Development Plan and NPF4.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and there are no material considerations that outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The site is located 650 metres to the southwest of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the northeast by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030) to the west of the site. The site access is angled at 30 degrees to the line of Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; the consented Craigpark Country Park Ranger Lodge, 140 metres; the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

The former Craigpark quarry to the north of the site is in the process of being restored with the use of inert fill materials and planning permission has been granted to develop an outdoor leisure complex (planning permission reference: 17/02471/FUL).

### **Description of the Proposal**

The proposal is for ancillary quarrying operations, mainly in the northern portion of the field immediately west of the existing site. This includes a site office and associated car parking, water attenuation and settlement ponds, aggregate processing, and storage, including aggregate storage sheds and an asphalt plant (previously approved to be developed within the existing quarry boundary). Primary crushing and some stockpiling would continue to be undertaken within the quarry void, whilst secondary crushing, screening, and stockpiling would be undertaken within the Field Extension Area. No mineral extraction is proposed within the western field. In addition, it is proposed to develop a workshop and aggregate storage sheds within the existing quarry boundary alongside the concrete plant. Furthermore, it is proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. No change has been proposed to the extraction limit of 375,000 tonnes per annum (as outlined in Condition 17 of the 2017 application).

### **Supporting information**

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

### **Supporting Information**

The following documents were submitted in support of the application:

- Environmental Statement.

- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan

These documents can all be viewed on the Planning and Building Standards Online Service.

### **Relevant Site History**

22/02514/FUL

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL).

22/00035/SCO

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Request for EIA Scoping Opinion

23 February 2022

21/06730/PAN

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field located immediately West of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, Construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge.

Pre-application Consultation approved.

10 January 2022

17/05930/FUL

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge

EH28 8PW

Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050

Granted

6 September 2018

12/01430/MWD

Bonnington Mains Quarry

Cliftonhall Road

Newbridge

EH28 8PW

Application for the management of extractive waste.

Granted

20 June 2012

99/00654/FUL

Bonnington

Kirknewton

Edinburgh

Use of land for the storage and recycling of inert waste construction materials

Granted

16 August 2000

### **Other Relevant Site History**

#### Bonnington Mains Quarry

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position.
- a premature loss of resource.
- loss of prime agricultural land; and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld.

The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).

Neighbouring Site History- Craigpark Quarry; located immediately to the northeast of the site.



14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres: with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation (application number 17/02471/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Edinburgh Airport

SEPA

NatureScot

Scottish Water

West Lothian Council

Environmental Protection

Archaeology

Natural Environment

Flood Planning

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 8 July 2022 1 July 2022 1 July 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 360

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan.**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2
- NPF4 natural places policy 4
- NPF4 soils policy 5
- NPF4 Policy 33 Minerals
- NPF4 historic assets and places 7h and 7o
- LDP design policies -Des 4, Des 5
- LDP environment policy -Env 10, Env 12, Env 21 & Env 22
- LDP resources policy- RS 5

The non-statutory 'Development in the Countryside & Green Belt Guidance' & 'Surface Water Management and Flood Risk Guidance' are material considerations that are relevant when considering policies Env 10 & Env 21.

## **NPF4/ Local Development Plan Position**

## Principle

NPF4 Policy 33 Minerals requires LDPs to support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33d) requires that development proposals for the sustainable extraction of minerals will only be supported where they:

- i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats, and the historic environment, as well as landscape and visual impacts.
- ii. provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise.
- iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations.
- iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air, and water.
- v. transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical.
- vi. have appropriate mitigation plans in place for any adverse impacts.
- vii. include schemes for a high standard of restoration, aftercare, and commitment that such work is undertaken at the earliest opportunity. As a further safeguard a range of financial guaranteed options are available, and the most effective solution should be considered and agreed on a site-by-site basis. Solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms.

Policy RS 5 of the LDP seeks to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10-year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes. While the expansion of existing facilities in preference to the provision of new quarries is supported in principle, specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

The development of the field for ancillary quarrying operations would be considered as effective development of adjacent land as this area of land is immediately west of the main quarry and is already constrained, therefore the scope of potential development is limited to the current operations of the quarry.

As stated in the applicant's planning statement, access to the remaining mineral reserve at Bonnington Mains Quarry is constrained due to a lack of space as the large proportion of the remaining reserve is located along the south-western boundary. By relocating the overburden material on the western boundary and the stocking operations currently at the base of the quarry to the adjacent western field it would allow the remaining mineral deposits to be developed. Additionally, the asphalt plant, previously approved to be developed within the existing quarry boundary would be acceptable in principle in the adjacent field.

As a result, it is considered that the principle of development is acceptable and in compliance with NPF4 Policy 33d and RS5 as the proposal would help safeguard economically viable mineral resources from sterilisation and contribute to the supply of construction aggregates to the Edinburgh and Lothians region.

### *Loss of Countryside*

Policy Env 10 (Development in the Green Belt and Countryside) states that development will only be permitted where it would not detract from the landscape quality and/or rural character of the area for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use.

Criterion C of LDP policy Env 10 states "For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of use, provided the proposal is appropriate in type in terms of existing use, of appropriate scale, of high-quality design and acceptable in terms of traffic impact".

The proposed extension to the quarry is minimal in terms of its incursion into land defined as 'countryside', and in practical terms is an area already constrained by near-by quarrying operations. Additionally, appropriate mitigatory measures have been proposed to screen aspects of the proposals such as the asphalt plant to protect the rural character of the area. Consequently, the loss and impact on the countryside would be considered insignificant and complies with Criterion C of LDP policy Env 10.

### Impacts on Biodiversity, Geodiversity and the Natural environment, Sensitive Habitats

The ecology of the site and its immediately surrounding area was fully assessed as part of the Environmental Statement (ES), this included various surveys and field studies of protected species.

The proposal is not envisaged to have any detrimental impact on protected species or ecology within the application site. The site consists of arable agricultural land of limited ecological value and is not located within an area designated for the protection of natural habitats. The adjacent land has been in use for mineral extraction since the 1990s therefore it is not considered that there are ecological constraints introduced as part of this proposal.

NatureScot have stated that while pink footed geese may be foraging in the field, the field itself is relatively small and is surrounded by abundant arable fields, therefore there are ample opportunities for foraging resources within the locality. It is also concluded that although this field will be lost for the duration of the quarry, it will be restored post-quarrying.

Two mature trees have been identified on the site which have bat roost potential. However, these trees will be unaffected by the development.

The proposal is acceptable in terms of its ecology impact and is in compliance with NPF4 policy 4 and NPF4 policy 33d.

#### Adequate Buffer Zone

An adequate buffer zone has already been established as part of the existing use of the site for quarrying operations. Furthermore, the relocation of the asphalt plant from the original quarry site to the field extension area has further increased the separation distance between the proposals and sensitive receptors such as nearby residential development at Old Quarry Road and the Wavegarden development under construction.

The proposals comply with NPF4 policy 33d.

#### Impacts (including Cumulative Impact) on any Nearby Homes, Local Communities and known Sensitive Receptors and Designations

##### *Noise, Dust, Vibration and Potential Pollution of Land, Air and Water*

Policy Des 5 (Development Design- Amenity) states that 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 Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted for development where: there will be no significant adverse effects for health, the environment and amenity and either; there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability; and appropriate mitigation to minimise any adverse effects can be provided.

The applicant's noise consultant carried out a series of noise predictions, based upon the guidance contained within the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (BS 5228) and Planning Advice Note 50: controlling the environmental effects of surface mineral workings (PAN 50) on several noise sensitive receptors (where nominal noise limits were measured free field over any one-hour period and applied to the extant 2017 planning permission). They are as follows:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

The results of this study (detailed in the accompanying Environmental Impact Statement for this application) states that all routine daytime operations in progress meet the limits imposed by the 2017 application and the justifiable night-time limit at surface mineral workings of 42 dB LAeq,1h (PAN 50, Annex A).

Following discussions with Environmental Protection and concerns regarding impact on neighbouring amenity, the nominal noise limits for each noise sensitive receptor would remain in place.

A fugitive dust and air quality assessment was undertaken by the applicant which confirmed with the recommended dust control measures in place, that it was unlikely that there would be significant dust impact on nearby sensitive receptors. Regarding air quality impact on the surrounding area, the new proposals would not create an additional air quality 'load' on the environment nor would National Air Quality Objectives for PM10 and PM2.5 be exceeded at nearby receptors.

Regarding the quality of soil and agricultural land, a soil analysis of the field was carried out which established that the soils were of LCA (Land Capability for Agriculture) Class 2. A soils management plan has been prepared to ensure that the land is returned to LCA Class 2 following the cessation of quarrying operations.

No issues have been identified by Environmental Protection.

The proposals comply with Des 5 and Env 22 & NPF4 policy 5 and 33d.

### Mitigation Plans

#### *Climate Mitigation and Adaptation*

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

It is proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. The importation and recycling of construction waste would ensure that construction material is re-used within the construction industry as opposed to waste being disposed of in landfill.

Furthermore, the proposed restoration scheme will ensure that the application site is returned to the pre-existing ecological environment that existed before the original consent.

The proposals are in compliance with NPF4 Policy 1, 2 and 33d.

## *Landscape & Visual Impact*

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.

The proposal for ancillary operations are situated in the lower portion of a field to the east of a belt of trees adjacent to the B7030 with the increase in elevation to the south screening the lower elements of the proposal. Land to the east of the site consists of a quarry void/restored quarry with mitigation planting (this area is part of the Wave garden development).

Ratho Hills Special Landscape Area (SLA) is located to the south-east of the application site at the northern boundary to Wilkieston Road. Furthermore, the area is situated within the Rolling Farmland Landscape Character Type and Bonnington Farmland (25) Landscape Character Area (LCA) as stipulated by the Edinburgh Landscape Character Assessment.

The EIA report assessed the visual impact of the proposals on nearby residential and recreational receptors. These include: Bonnington, Wilkieston and Ratho; Cala Homes Development; Bonnington Mains Farm; Clifton Mains Farm and Cottages; 114 and 118 Clifton Road; Bonnington House and Farmstead; National Trail, Union Canal Towpath and NCN route 754 and the Local Footpath at Tormain Hill.

This proposal includes mitigation in terms of the establishment of a permanent screening bund and with planting to the west, south and east, with the site location also being set low within the landscape. However, the EIA statement does identify that whilst the proposed asphalt plant would be largely screened by landform, the upper parts of the 29.5 m stack would remain visible across the wider landscape, whereas the 2017 application within the original quarry site considered an asphalt plant of 15.2m in height.

Following discussions with the applicant, the asphalt plant was reduced in height to 20.9 metres with additional planting and permanent bunds further reducing the extent of the structure which would be visible compared with the initial iteration which would have protruded noticeably in the landscape.

These mitigatory measures would ensure compliance with policy Des 4 and would not overly impact on the pre-existing landscape character or the nearby identified receptors.

## *Water Environment*

Policy Env 21 (Flood Protection) states planning permission will not be granted for development that would: increase a flood risk or be at risk of flooding itself; impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management; and be prejudicial to existing or planned flood defence systems.

The relevant section within the Environmental Statement, submitted with the application, identifies potential hydrogeological and hydrological impacts of the quarry operations.

These matters considered by the Scottish Environmental Protection Authority (SEPA) and the internal Flooding team; the proposed mitigation measures identified were deemed as acceptable. The proposals comply with LDP policy Env 21.

### *Archaeology*

NPF4 policy 7h (natural assets and places) states that development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided.
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

NPF4 policy 7o (natural assets and places) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

It is recommended that the applicant secure the implementation of a programme of archaeological works before the construction of works onsite to ensure compliance with NPF4 policy 7h and 7o.

### Transport Issues

A Transport Statement was submitted by the applicant which illustrated that the predicted movements associated with the existing and proposed development would fall below the peak worst-case scenario of 365 HGV movements per day stipulated in the application 17/05930/FUL.

As a result, no traffic or road safety issues were identified by the Roads Authority and the proposals are acceptable and comply with NPF4 policy 33d.

### Restoration and Aftercare

The proposed restoration plan for the field site area is acceptable. A restoration guarantee bond was submitted as part of the 2017 Section 42 application which the planning authority can draw upon in the event restoration works are not satisfactorily completed. An updated Performance Guarantee Bond referring to this application and the accompanying s42 application (22/02514/FUL) shall be submitted by the applicant following the granting of this permission.



## Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

##### *material considerations*

Representations: Objections

#### Ratho & District Community Council

- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion) -Addressed Section B a).
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund)- Addressed in Section B a).
- Loss of potential green belt/countryside- Addressed Section B a).

#### General Comments

- Principle of development unacceptable/lack of coordinated development- Addressed Section B a).
- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion) Addressed Section B a).

- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund) Addressed Section B a).
- Loss of potential green belt/countryside- Addressed Section B a).
- Ecology (impact on migratory birds & deer, loss of farmland, loss of trees)- Addressed Section B a).
- Increased levels of traffic- Addressed Section B a).

Representations: Support

- Mineral reserves on site
- Jobs creation
- EIA findings

*non-material considerations*

- Will make Ratho less desirable place to live.
- Impact property prices
- Lack of consultation
- Impact on biodiversity of Wavegarden
- Vibrational effects of quarrying operations

### **Conclusion in relation to identified material considerations.**

No further material considerations have been identified.

### **Overall conclusion**

The proposed development is in accordance with the Local Development Plan and NPF4.

The proposals do not conflict with equalities & human rights.

The proposals are acceptable and there are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

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

2. The hours of operation shall be restricted to:

- a) for normal quarry operations:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00
- b) for fixed plant only:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00  
Sunday: 10:00 - 14:00

or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.

- c) For avoidance of doubt, operations associated with the asphalt plant operational at the quarry shall be unrestricted - 24-hour operations permitted.

3. That with respect to the control of noise resulting from the operations during the permitted daytime hours of operation, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one-hour period:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

- b) During night-time operations the nominal noise limit from the asphalt plant and associated operations shall not exceed NR25 when measured within the nearest noise sensitive receptor.
- c) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB LAeq over anyone hour period for a maximum of 8 weeks per year.
- d) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

4. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.

5. All conveyors shall be adequately enclosed.

6. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas around the asphalt plant and internal haul roads.

7. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
8. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
9. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
  - monitoring of any standing water within the site temporary or permanent.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.
10. An obstacle light shall be placed on the highest part of the structures. The obstacle light must be a Type B low intensity steady state red light with a minimum of 32 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).
11. An updated Performance Guarantee Bond referring to this application and the accompanying s42 application (22/02514/FUL) shall be submitted by applicant to the satisfaction of the Planning Authority following the granting of this permission

## Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of neighbouring properties.
3. In order to protect the amenity of the occupiers of neighbouring properties.
4. In order to protect the amenity of the occupiers of neighbouring properties.
5. In order to protect the amenity of the occupiers of neighbouring properties.

6. In order to protect the amenity of the occupiers of neighbouring properties.
7. To ensure that no significant archaeological features are likely to be affected by the development.
8. In the interests of aviation safety.
9. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
10. Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.
11. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

### **Informatives**

It should be noted that:

1. 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.
2. 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.
3. In order to prevent spillage and windblown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
4. 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/>).

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 20 June 2022**

**Drawing Numbers/Scheme**

01,02,03(A)-06(A),07,08

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Cairns, Planning Officer  
E-mail: [adam.cairns@edinburgh.gov.uk](mailto:adam.cairns@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Edinburgh Airport  
COMMENT: No objections  
DATE: 8 November 2022

NAME: SEPA  
COMMENT: No objections  
DATE: 24 August 2022

NAME: NatureScot  
COMMENT: No objections  
DATE: 11 August 2022

NAME: Scottish Water  
COMMENT:  
DATE: 18 July 2022

NAME: West Lothian Council  
COMMENT: No objections  
DATE: 17 August 2022

NAME: Environmental Protection  
COMMENT: No objections  
DATE: 7 March 2023

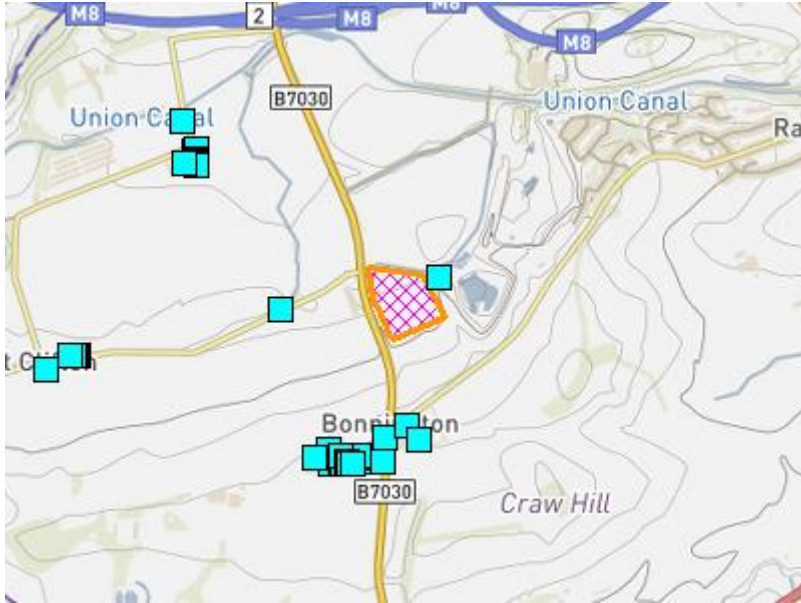
NAME: Archaeology  
COMMENT: It is recommended that the applicant secure the implementation of a programme of archaeological works to ensure compliance with NPF4 policy 7h and 7o.  
DATE: 18 July 2022

NAME: Natural Environment  
COMMENT: No objections  
DATE: 25 October 2022

NAME: Flood Planning  
COMMENT: No objections  
DATE: 21 July 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee

**2.00pm, Wednesday 7 June 2023**

### Protocol Note for Hearing

**Application for Planning Permission in Principle - Salamander Street/Bath Road, Edinburgh, EH6 7JZ - Demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended scheme 3) - application number – 21/01163/PPP**

<b>Report number</b>	<b>6.4</b>
<b>Wards</b>	<b>Ward – B13</b>

#### **Nick Smith**

Service Director – Legal and Assurance

Contacts: Taylor Ward, Committee Services

Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk)

## Protocol Note for Hearing

### Summary

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The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

### Committee Protocol for Hearings

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The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

## Order of Speakers for this Hearing

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1	<b>Chief Planning Officer</b> - presentation of report	14.10 - 14.30
2	<b>Representors or Consultees</b> Leith Links Community Council (TBC) Leith Harbour and Newhaven Community Council (TBC) Living Street Edinburgh Group(TBC) Mr Gordon Baird (TBC)	14.40 - 14.45 14.50 - 14.55 15.00 - 15.05 15.10 - 15.15
3	<b>Ward Councillors</b> Councillor Adam McVey (TBC) Councillor Katrina Faccenda	15.20 – 15.25 15.30 – 15.35
4	<b>Break</b>	15.40 - 15.50
5	<b>Applicant and Applicant’s Agent</b> Marc Giles (TBC)	15.55 – 16.15
6	<b>Debate and Decision on Application by Sub-Committee</b>	16.20

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 7 June 2023**

**Application for Planning Permission in Principle  
Salamander Street/Bath Road, Edinburgh, EH6 7JZ**

**Proposal: Demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended scheme 3)**

**Item – Committee Decision  
Application Number – 21/01163/PPP  
Ward – B13 - Leith**

### **Report Returning to Committee**

This application was approved at the Development Management Sub-Committee on 7th December 2022 subject to a Legal Agreement to secure the provision of affordable housing, and financial contributions for transport actions, tram, education, and health infrastructure as well as planning conditions and informatives. The legal agreement is under consideration but not finalised. As the legal agreement has taken slightly longer to conclude, the application is required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement again. If Committee accept the recommendation, then a further three months is required to conclude the Section 75 Agreement and enable the planning permission to be released.

Since the application was considered by the Development Management Sub Committee in December 2022, NPF4 has been adopted by Scottish Ministers on 13 February 2023; it therefore is now part of the development plan against which these development proposals should be assessed.

NPF4 designates Edinburgh Waterfront as a National Development in which this site sits. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh and is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. It continues that development will include high-quality mixed-use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for offshore energy relating to port uses.

Due to the designation as a National Development the application requires to be considered by a pre-determination hearing.

### **Recommendations**

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

## SECTION A – Assessment

### National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policies 1, 2, 3, 4, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 25 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure, and historic assets.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

The applicant has submitted a statement in relation to NPF4 in support of the application.

### Principle of development

NPF4 policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. NPF4 policy 9 supports the sustainable reuse of brownfield land and takes into account biodiversity value of the land. The development proposal is for demolition of existing industrial/commercial buildings and construction of a new residential led development providing homes and facilities for the local area. NPF4 policy 9 regards demolition as the least preferred option. The existing buildings are useable and are not derelict. However, they comprise large warehouse style buildings and these types of structures would not lend themselves to re-use for residential purposes. NPF4 policy 12 seeks to reduce waste. The existing buildings will be demolished; the applicant states that sourcing of new materials will be done with environmental credentials in mind.

NPF4 policy 19 supports development proposals for buildings that are designed to promote sustainable temperature management, for example natural or passive solutions. The applicant has set out that the proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation. A range of passive measures are proposed to reduce the demand for energy including Heat Recovery Technology in line with net zero carbon standards. This will improve air quality for occupants whilst recovering heat from the extract ventilation system. Reduced energy consumption is proposed including an electric air source heat pump system to provide an efficient and low carbon method of supplying heating and hot water, the use of energy efficient LED lighting, controls for external lighting linked to daylight sensor, provision of energy meters, use of waste-water heat recovery units on showers or baths. Photovoltaics (PV) are proposed. The applicant states that flexibility to allow for future changes in technology would enable the development to accommodate a district heating scheme, or connection to a larger city-wide scheme. Full details of sustainable and reduced energy measures will be considered at detailed application stage. In general, the proposals accord with NPF4 policy 19.

NPF4 policy 11(d) states that development impacting on national designated sites will be assessed in relation to NPF policy 4. This sets out in part a) that development proposals which by virtue of type, location or scale which have an unacceptable impact on the natural environment will not be supported. The current biodiversity value of the site is low; there is a requirement for updated bat surveys and updated ecological reports. The proposal is acceptable in relation to NPF4 policies 4 and 11.

It is considered that the proposal is in line with the above policies and therefore the principle of the development is still acceptable.

### **Local Living, Quality Homes, and Infrastructure**

NPF4 policy 13 states that support will be given to proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs. This proposal will enable the provision of a new cycle/ pedestrian link along Salamander Street to the front of the site. In addition, it should be demonstrated at detailed application stage how suitable pedestrian links can be provided through the site. Financial contributions are sought for public transport and active travel infrastructure. The proposal is acceptable in relation to NPF 4 policy 13.

NPF4 policy 14 requires that development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on industrial and contaminated land; it is in close proximity to retail units/ Leith centre, has access to areas of open space in the local area and access to good public transport links. The proposal would decontaminate the site and regenerate the area bringing it into mainly residential use. The proposal would contribute to the improvement of the streetscape and will increase permeability through the site to the local and wider area. The proposal includes elements of classes 2, 3, and 4. It is considered that the proposal would improve the quality of this area in compliance with NPF4 policy 14.

Policy 15 of NPF4 (Local Living and 20-minute neighbourhoods) is relevant. The proposals contribute to the creation of place and a 20-minute neighbourhood; they therefore contribute to local living and demonstrates compliance with NPF4 policy 15.

In line with NPF4 policy 16 b) a Statement of Community Benefit will be required at the detailed AMC stage to highlight the provision of affordable homes, local infrastructure, facilities and services and improvements to the residential amenity of the surrounding area. This is required under condition 3. The requirements of 25% affordable housing and financial contributions for education, tram, transport, and health infrastructure are to be finalised at PPP application stage and the preparation of the s75 relating to these is in preparation. Details of accessibility, range of house types etc. will be dealt with at detailed AMC submission stage. The proposal is acceptable in relation to NPF4 policy 16.

This site is consistent with the spatial strategy within the Local Development Plan as it delivers new housing within the urban area and within the area and is therefore acceptable. The proposals lie within Edinburgh Waterfront where housing led development is supported. The application includes a phasing plan, and the legal agreement will set out payments required in relation to the phasing and delivery of the development. The infrastructure requirements comply with NPF4 policy 18 and will be secured through the conclusion of the legal agreement.

NPF4 policy 21 Play, Recreation and Sport requires proposals which include family housing will be supported where they incorporate well designed, good quality provision for play, recreation, and that new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently. Full details of this can be considered at detailed application stage.

Development proposals which are likely to have a significant adverse effect on health will not be supported. Details are set out in NPF4 policy 23. The impact of the proposal in terms of air quality, noise, lighting, and odour have already been assessed and found to be acceptable in relation to LDP policies. LDP policy ENV 22 is still relevant.

NPF4 policy 25 requires development proposals to contribute to local community wealth building strategies and those which are consistent with local economic priorities will be supported. The proposals include elements of class 2, 3 and 4 which will assist in contributing to the provision of small-scale business uses and uses which will contribute to the local community.

In terms of local Living, quality homes and infrastructure, the proposals are acceptable.

### **Biodiversity and blue/green infrastructure**

The planning permission in principle includes conditions requiring further ecology assessment with mitigation measures. It is noted that the proposals will involve changing the existing levels across the site. A flood risk assessment and drainage strategy will be required for the next stages of detailed design as secured by condition.

NPF4 policy 3 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Greening some areas of the site around the proposed buildings with trees and planting will enhance biodiversity and be an improvement on the current situation on site, where it currently consists of buildings and tarmac. The proposal will contribute to and enhance biodiversity on the site.

Policy 20 supports the incorporation or enhancement of blue/green infrastructure as an integral design element responding to local circumstances. Full details of SUDs features are required by condition including how these will be integrated into the landscape. Policy 22 requires development proposals to manage all rain and surface water through Suds which should form part of and integrate with the proposed and existing blue green infrastructure and highlights that creating, expanding, or enhancing opportunities for natural flood risk management including blue/green infrastructure will be supported. An updated Flood Risk Assessment of the detailed design will be required at detailed submission stage. Information including a study of highlighting how the layout, finished floor levels, landscaping and SUDs have been designed in relation to the Flood Risk is required. SUDs features should be located above ground.

The proposals are acceptable in relation to NPF4 policies 3, 20 and 22.



## **Historic assets**

NPF4 policy 7 requires non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. A condition will ensure archaeological remains are fully assessed and dealt with appropriately.

## **Conclusion in relation to NPF4 part of the Development Plan**

Assessment against the NPF4 policies has required amendments to include the requirement to provide a statement of community benefit and to include energy improvement details. The NPF4 policies on flooding, SUDS, climate resilience and biodiversity will be dealt with in detail in future detailed applications. In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4.

## **Other Material Considerations**

### **Infrastructure requirements**

#### *Education*

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in April 2023. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment.

In November 2022, Finance and Resources Committee (Sustainable Capital Budget Strategy 2022-33) accepted the recommendation that the Council can no longer underwrite capital projects for education infrastructure to support LDP learning estate projects and also accepted an increase of 30% for construction project costs as a reasonable uplift on costs. This recommendation was also accepted by the Full Council in February 2023.

The updated Action Program was approved by Planning Committee in April 2023. The latest pupil generation rates (PGR) were used to assess the cumulative impact of housing developments across the learning estate. Latest school roll projections and housing output assumptions from the Housing Land Audit and some City Plan sites also formed part of the assessment. The sites in the proposed City Plan could come forward as a suitable urban area site under the existing LDP, in addition to other urban area sites that have not previously been assessed.

Children and Families require the following per unit infrastructure contribution: Primary Infrastructure: additional primary school capacity comprising a new Primary School affecting Broughton, Leith, and Trinity Primary Schools' catchment areas, a four-class extension to Broughton Primary School, a four-class extension to Leith Primary School, and a two-class extension to Holy Cross RC Primary School with a requirement of £5,372 per flat. Secondary infrastructure of additional secondary places (Leith Academy, Holy Rood RC high School) with a requirement of £4,914 per flat. This, based on an estimated 165 flats with more than one bedroom, and would result in the requirement of £886,380 for primary school infrastructure and £810,810 for secondary school infrastructure, resulting in an estimated total of £1,621,620. This overall figure is reduced from that previously approved at Development Management Subcommittee which were based on financial contribution requirements of primary infrastructure of £7,420 per flat and secondary Infrastructure of £3,262 per flat.

The Council requires the level of contribution indicated in order to deliver the education infrastructure across the wider area, and to address the capacity issues arising from the cumulative impact of all developments coming forward within the area.

It is recommended that developer contributions for educational infrastructure should be sought on the basis of the consultation response from Communities and Families and that financial contributions will be sought for Primary School Infrastructure: New 12 Class Primary School of £5,372 per flat per flat and Secondary School Infrastructure: Additional places (Leith Academy, Holy Rood RC High School) of £4,914 per flat per flat. The draft s75 legal agreement should be revised accordingly.

### *Transport*

The application site lies within zone 2 of the tram contribution zone (395m from Constitution Street) Tram Contribution Zone. In terms of transport infrastructure, the applicant will be required to make a financial contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses towards tram infrastructure. In addition, a contribution of £5,500 per car towards the provision of car club vehicles in the area is required. These remain unchanged from the previous approval by DM Sub Committee in December 2022.

Transport actions have been identified from the LDP Action Programme. The estimated housing capacities of the surrounding areas as outlined in the LDP has been used to calculate a cost per unit rate to apply for each action. The Transport Action 'Salamander Street to Foot of the Walk (NELOC 22)' has been removed from the updated Action Program 2023. The legal agreement will therefore need to be revised accordingly and this contribution deleted.

In terms of financial contributions towards LDP transport actions the following would be required:

- £848 per residential unit towards the Bernard St/Salamander St Active Travel and Public Realm Project; and
- £245 per residential unit towards the Leith Links to Bath Road link.

### *Health and affordable housing*

The requirements for financial contributions for Health infrastructure and affordable housing provision remain as previously approved at DM Sub Committee in December 2022.

The above financial requirements would be secured by legal agreement. The proposal complies with LDP policy Del 1 and NPF4 policy 16.

#### **Conclusion in relation to identified material considerations.**

The proposals do not raise any issues in relation to other material considerations identified.

#### **Overall conclusion**

The proposal complies with the relevant policies contained within the National Planning Framework 4, the Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

It is recommended that the application is granted and that a further three months is agreed to conclude the Section 75 Agreement and enable the planning permission to be released.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

Or [Council Papers online](#)

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# Development Management Sub-Committee Report

**Wednesday 7 December 2022**

**Application for Planning Permission in Principle  
Salamander Street/Bath Road, Edinburgh, EH6 7JZ.**

**Proposal: Demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works (as amended scheme 3)**

**Item – Committee Decision  
Application Number – 21/01163/PPP  
Ward – B13 - Leith**

## **Reasons for Referral to Committee**

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as the application is considered to be of significant public interest.

### **Recommendation**

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

### **Summary**

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan (LDP) identifies the site as being part of EW1b. Within this area residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for future occupiers including noise, air quality and odour. However, the site is in an area where residential development is acceptable in principle, and new residential development is under construction at nearby sites. The proposed mitigation measures for future occupiers would reduce negative impacts, however impacts on amenity of nearby existing property will need to be fully addressed through subsequent applications.

Similarly, the layout, scale, height and density will need to be considered carefully at detailed submission stage, to ensure the character of the area is maintained and enhanced. These detailed design considerations will need to be reserved for full consideration under subsequent applications for matters specified by conditions (AMC). Full details of access arrangements, pedestrian/ cycle connections, the levels of car and cycle parking, landscaping, surface water, sustainability and waste and recycling arrangements will be reserved. In addition, a number of other planning conditions and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

The principle of uses proposed is acceptable, and it is recommended that planning permission in principle can be granted. There are no material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site description**

The application site comprises a roughly rectangular piece of land bound by Salamander Street to the south, Bath Road to the west, and John G Russell Transport Ltd. to the east. It has an area of approximately 1.4 hectares. The site comprises industrial/commercial buildings and is occupied by a handful of active commercial enterprises including a car hire business, a car sales company, a car wash, and some storage facilities. Just outside of the site to the south-west corner is an existing traditional five storey tenement building with a public house at ground floor.

To the north, part south and east boundaries are industrial premises including a scrapyards opposite the road on Salamander Street. Also opposite the site to the south are relatively new build residential properties which are six stories high. Beyond to the south is an existing/ under construction development for residential purposes at the Ropeworks site. To the west an industrial/ commercial site is also under construction for mainly housing.

### **Description of proposed development**

The proposal is for an application for Planning permission in principle (PPP) for residential development with commercial space and associated works. It comprises the demolition of the existing buildings and the redevelopment of the site for a mixed use development for mainly residential purposes of approximately 247 units and some commercial uses which include classes 2, 3 and 4, with associated car parking and landscaping.

The applicant is applying to have the following matters considered and approved in detail:

- Maximum extent of building lines of the proposed blocks including positioning of blocks and internal spaces between buildings;
- Internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout;
- Surface water and drainage arrangements;

- Landscaping/soft landscaping layout and design;
- Maximum building heights;
- Proposed ground site levels and finished floor levels and
- The proposed uses (including location) to include mainly residential, with some classes 2, 3 (restricted - no cooking of hot food on the premises) and 4.

Detailed drawings have been submitted, some of which are indicative, to demonstrate how the proposals would fit onto the site. These show the development as comprising of eight blocks, separated by landscaped courtyards. The blocks will range from three storeys to six storeys in height. The proposal is shown to be developed over three phases.

The proposed commercial uses of class 2 and 3, and 4, would give a total of 1,828sqm of commercial space.

The proposed vehicular accesses to the site are from Salamander Street to the south and Bath Road to the west. The main vehicular route within the site is along the north and east boundaries which provides access for resident parking, emergency vehicles and waste services.

The proposals have been designed to accommodate a dedicated cycle route along Salamander Street to meet the council's aspirations for a dedicated cycle route connection between Leith and Seafield.

A total of 59 car parking spaces are proposed. This would be provided in underdeck parking with 14 spaces under block A and B, 22 spaces under block E, and 23 under block H. Of these, six would be accessible, and ten would have provision for electric vehicle charging points. A total of six motorcycle parking spaces are proposed. The proposal would make provision for approximately 530 cycle parking spaces throughout the site.

Amenity space is to be provided in the form of decked amenity areas, raised courtyard areas and ground level spaces. These areas comprise three areas of block paving with bioretention/rain garden planting, and two blocks have grassed areas in addition to planting. Private gardens surround the raised landscaped courtyards giving ground floor apartments defensible space with their own gardens. Duplex private gardens face the northern lane.

No detailed elevational design has been submitted at this stage.

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

- Air Quality Assessment and Air Quality Note;
- Affordable Housing Strategy;
- Daylight, sunlighting analysis report;
- Flood risk assessment;
- Landscape strategy;
- Part 1 ecological appraisal;
- Letter of support from Port of Leith;
- Lighting assessment;
- S1 Sustainability form;

- Surface Water Management Plan;
- Transportation Statement;
- Bat survey;
- Tree report;
- Desk top study and ground investigation report;
- Noise Impact assessment;
- Design and Access Statement;
- Drainage/ SUDS/ SWMP report;
- Existing utility report;
- Heritage Statement;
- PAC report;
- Letter of support of Port of Leith Housing Association;
- Preliminary archaeological appraisal; and
- Flood risk certificate and independent flood check certificate.

## Scheme 2

The following changes have been made to the initial submission:

- The linear buildings fronting on to Salamander Street have been reduced from four to three storeys;
- The area of the building adjacent to the existing tenement on Salamander Street has been reduced from four to three storeys;
- The seven storey height has been retained at the two courtyard buildings but been set back from the south façade on to Salamander Street;
- The central massing onto Salamander Street has also been reduced to from the three/four storeys to two storeys;
- The courtyard building is connected to the north to resemble a 'U-shape' with a greater opening to the south;
- Removal of the vehicular access in the middle of the site which is now a pedestrian/cycle route with landscaping;
- Removal of some on-street car parking for other pedestrian routes and more landscaping;
- Increase in amenity space;
- The Salamander Street frontage includes landscaping and
- Reduction in car parking from 112 to 91 spaces.

## Scheme 3

The scheme has been revised further with the following revisions:

- Seven storey elements removed and overall reduction in unit numbers (from 285 to 247)
- Residential apartments added facing the northern lane giving it more of a domestic street character and an element of security.
- Direct access to these apartments is proposed off the northern lane.
- Increase in private gardens and number of residential entrances along the northern lane.
- The range of residential typologies is increased with the addition of duplex units.
- Increased number of family units.



- Increased number of apartments, and now duplex, with private gardens.
- Levels across the centre of the site lifted to accommodate new residential use results in more shared landscaped amenity space.
- Overall amount of public and private landscaped space across the site increased.
- Extent of active frontages increased.
- All apartments, duplex and shared landscaped amenity spaces are accessible.
- Relationship with the existing tenement improved.
- Parking numbers reduced, and undercroft parking removed and
- Commercial space along the full Salamander Street frontage with returns at Bath Road and the eastern return lane.

The increase in levels across the site is proposed to satisfy the objections from SEPA who require finished floor levels of proposed residential accommodation to be above 5.6m AOD.

### **Relevant Site History**

20/03799/PAN

Salamander Street/Bath Road.

Edinburgh

EH6 7JZ

Demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works.

Pre-application Consultation approved.

23 September 2020

### **Other Relevant Site History**

Related applications

18/08206/FUL

1 Bath Road

Edinburgh

EH6 7BB

Proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure (as amended).

Granted

5 August 2019

19/02156/FUL

2 Bath Road

Edinburgh

EH6 7JT

Reinstatement of tenement to form five flats and extension to public house (as amended).

Granted

18 July 2019

20/00465/FUL

1 - 5 Baltic Street

And 7-27 Constitution Street

Edinburgh

EH6 7BR

Proposed mixed use development comprising partial demolition of existing buildings, purpose-built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended).

Granted

6 August 2021

20/01313/FUL

57 Tower Street & 1 Bath Road

Edinburgh

EH6 7BB

Proposed residential development and associated landscaping, drainage, roads and infrastructure.

Granted

22 September 2021

22/02855/PAN Land 240 metres Northwest of 26 Bath Road North Leith Edinburgh

Mixed use development including residential (class 9) and sui generis flats, retail (class 1), financial, professional and other services (class 2). Food and drink (class 3), business (class 4), industrial (class 5), storage and distribution (class 6), hotel (class 7), non-residential institutions (class 10), assembly and leisure (class 11), sui generis car park/ mobility hub, public realm works and associated infrastructure.

Pre application consultation approved.

13 June 2022

22/02725/FUL

2 Bath Road

Edinburgh

EH6 7JT

New build development comprising 3 residential flats and ground floor extension to public house.

Undetermined

22/02663/FUL

50 metres to north of 2 Bath Road

Edinburgh

Proposed development of motor vehicle hire facility (Sui Generis) including erection of office, valet bay, plant room and associated infrastructure, external lighting, boundary treatments, parking, new vehicular access and relocation of existing bollards.

Granted 15 November 2022

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Leith Links Community Council

Police Scotland

Scottish Environmental Protection Agency

CEC City Archaeology

Leith Harbour and Newhaven Community Council

CEC Economic Development

CEC Waste Management

Scottish Water

Environmental Protection

CEC Flood Planning

Transport

Affordable Housing

Children and Families

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 5 July 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable;

**Site Notices Date(s):** Not Applicable;

**Number of Contributors:** 2

## **Section B - Assessment**

### **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?

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan?**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Delivery policies: Del 1, Del 3;
- LDP Design policies: Des 1 - Des 11;
- LDP Environment policies: Env 8-9, Env 13 - 16, Env 20 - 22;
- LDP Employment policies: Emp 8-9;
- LDP Retail policies: Ret 11;
- LDP Housing policies: Hou 1-4, Hou 6, Hou 10; and
- LDP Transport policies: Tra 1-4, Tra 7-9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the Design, Environment, Housing and Transport policies. The Affordable Housing Guidance is a material consideration that is relevant when considering Hou 6. The Finalised Developer and Infrastructure Delivery Guidance is a material consideration that is relevant when considering policies Del 1, Del 3 and the Transport policies.

### Principle of the Development.

The site is within the urban area. LDP Policy Hou 1 (Housing Development) gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan identifies the site as part of EW1b (Central Leith Waterfront). EW1b is identified as a Housing Proposal in Table 3 of the LDP, where housing led development is supported. Table 11 sets out development principles for this area, including the need to:

- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development and to
- review the flood risk assessment for the site.

In relation to this proposal, the provision of housing-led mixed-use development is supported in principle within the context of policies Hou 1 and EW1b.

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. Requirements in principle are for:

- a) comprehensively designed proposals which maximise the development potential of the area
- b) the provision of a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods
- c) proposals for a mix of house types, sizes and affordability
- d) the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

With regards to Del 3, the proposal is compliant as it will contribute towards the emerging residential character of the area. The application provides a range of house types, sizes and affordability and helps create a new residential character and sense of place along this section of Salamander Street.

Similarly, the Leith Docks Development Framework (LDDF), 2005 sets out an overall vision for the wider area to provide an extension of Leith and the city. It anticipated that residential development would be the dominant use throughout the majority of the development parcels. The site is identified as site 1:11 and includes the potential for an alternative location for a shared school.

The proposals are in accordance with the vision of the LDDF. Although a shared school is not part of the current proposals, the education strategy has changed since 2005, and the provision of education infrastructure is being examined on a cumulative basis across the wider area.

The Salamander Place Development Brief 2007 sets out key principles for developing the area which lies directly to the south of the site on the opposite side of Salamander Place. The current proposals complement the Brief and provide co-ordination with the emerging character of the area.

As this site is currently in employment use, its redevelopment must be considered against LDP Policy Emp 9 (Employment Sites and Premises). The policy recognises the potential benefits of redevelopment for other uses but also the importance of meeting the needs of small businesses. Emp 9 requires proposals to redevelop employment sites or premises to ensure that non-employment uses will:

- a) not prejudice or inhibit nearby employment uses;
- b) contribute to the comprehensive regeneration of the area and
- c) if the site is larger than 1 hectare, the proposal includes floorspace designed for a range of business users.

The site has an area of 1.3 hectares and all three of the above criteria apply. The proposal includes an element of class 4 use, and the impact of the proposal on existing uses in the area is discussed in detail below.

The proposal will contribute to the regeneration of the wider area, and within the context of the LDP policies and other documents noted above, the principle of the development is acceptable.

## Scale, Design and Materials

The application is for planning permission in principle and the applicant has submitted a number of drawings (including indicative) and full details which they wish to have approved as part of this PPP proposal. The submitted detailed drawings and supporting information have formed the basis of assessing the site's potential to develop in a way that accords with the development plan and other guidance.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) in August 2020. The overall conclusions of the Panel were that the development is on a challenging site and the emerging design addressed the constraints in a very positive way. In taking forward the design, the Panel recommended that the following should be addressed:

- Work collectively with the City to ensure the development integrates and provides connections with the wider area;
- Ensure that improving the environment for Salamander Street is central to the project;
- Use the flat roof areas as opportunities both as local growing space and part of the blue and green strategy for the site;
- Use design to maximise the quality of the residential units particularly those facing Salamander Street;
- Create an active ground floor to improve street quality, security and amenity;
- Maintain commitment to carbon neutral design and
- Consult Police Scotland on carpark security.

A copy of the report can be found in the consultations section in the appendix.

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.

LDP Policy Des 1 (Design Quality and Context) states that development proposals will be granted if they create or contribute to a sense of place and that the overall design draws upon the positive characteristics of the surrounding area.

LDP Policy Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land. The LDP allocates land to the north and west of the site as within area Ew1b (Central Leith Waterfront) which is an area of commercial and housing-led mixed use development; land to the east is designated as Ew1d (Seafield) and is an area of general industrial, storage and business development and port-related uses. Land to the south falls within area Ew1c (East of Salamander Place) which is designated for housing-led mixed use development on sites in various ownerships. The proposal should not prejudice the effective development of these adjacent sites.

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 Leith Docks Development Framework identifies the site as 1.11 Salamander Place for an appropriate mix of uses in accordance with Section 6. Proposed uses will be influenced by any existing noise-generating uses nearby.

The site to the west on the opposite side of Bath Road, is currently under construction for mainly residential use, and comprises flatted units ranging from four to six storey high blocks with some commercial elements fronting Salamander Street. The proposed development reflects the uses approved at this neighbouring site. The proposed roads, footpaths and cycleways link to existing roads, footpaths/cycleways on adjacent sites to the east and west, and would enable future links in a northwards direction for potential future developments and southwards to connect to areas to the south, including access to Leith Links.

The eastern boundary of the site forms an interface with future proposed 'green street' as part of the wider Leith Docks Development. The proposals would not prejudice the effective development of these neighbouring sites.

There is currently an undetermined application to build 5 flats and extend the public house directly on the south west boundary of the site. The proposed development should not result in loss of amenity or prejudice the development of this neighbouring land. This is discussed in more detail below in the amenity section of the assessment, however the proposed development could impinge on the amenity of the existing residents of the corner tenement and future residents of the proposed new tenement block. This effective redevelopment of the adjacent land could be compromised, and it has not been fully demonstrated that the proposal complies with LDP policy Des 2 in this regard.

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. The proposed development site would have a density of around 190 units per hectare. Whilst the applicant has reduced the proposed height for some blocks, the positioning of them and relationship to each other is constrained in parts of the site. For example, blocks are approximately 10 metres apart at certain points, which, at the heights proposed could lead to loss of amenity for future occupiers and would give a cramped appearance. Nearby recently approved residential development have densities more akin to approximately 125 dwellings per hectare. The detailed drawings submitted therefore do not demonstrate that the proposal complies with LDP Policy Hou 4.

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 immediate context of the site in terms of residential development is varied in form, height and materials. A visual assessment of local views has been submitted which demonstrates the proposed development sitting within various visual contexts around the vicinity of the site. The variety of building heights in the locality largely defines the visual character. Generally, in the surrounding area buildings are positioned hard on to the heel of the footpath; the development under construction to the west deviates from this with an open aspect in the centre of blocks facing onto Salamander Street.

Proposed blocks range in height from three to five stories separated from Salamander Street frontage by pavement and an area for landscaping. The proposed development would provide a strong frontage to Salamander Street. It would respond to the heights of existing and consented developments positively; the proposed buildings and their change in height offers interest.

The Leith Docks Development Framework highlights two visual connections between the city and the docks which should be maintained within any development. The proposed development enables these visual connections to be maintained.

Information has been submitted to show potential for scale, height, massing, layout and roofscape to affect distant key views of the city skyline such as views from the Castle ramparts, Arthur's Seat and Calton Hill. The development site falls within a number of protected views. The site is obscured by foreground and topography, Calton Hill and Edinburgh Castle. Information on local views indicate that, in general, that proposed height and massing reflect local context.

The proposed blocks would enclose landscaped courtyards and car parking decks. This approach in general sits appropriately within the context of the surrounding area.

However, in terms of the proposed form, scale and proportions, the quantum of development results in some blocks positioned with little space between them (approximately 10 metres in parts of the site), and their positioning and form do not sit comfortably with each other. The quality of the proposed open space is poor in places and some blocks could impact on the amenity of existing/proposed neighbouring property. In this regard, it has not been demonstrated that the detailed design proposals comply with LDP Policy Des 4.

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. The applicant has aimed to create a design solution which takes into account the minimum floor levels required by SEPA, and this has resulted in raising the ground levels of the site. Whilst the proposed landscaped pedestrian access routes provide permeability and links to other sites and routes in a north south direction, the publicly accessible landscaped courtyards positioned 1.5m above street level do not enable direct north-south routes at grade for walking, cycling and wheeling. The layout introduces elevated links, with stepped or street-lift access on either side. This compromises permeability and connectivity between the emerging neighbourhoods to the south of Salamander Street and potential future routes to the Forth. It detracts from connectivity and accessibility, and undermines community safety. The Roads Authority state that the proposed external lifts and steps are not considered acceptable within the context of publicly accessible areas. The applicant will be expected to provide suitable ramped access to ensure wheelchair and pushchair access.

The proposed pedestrian/cycling accessibility solution for the proposed development would not be acceptable and would not comply with LDP Policy Des 7 (layout design). It is therefore recommended that pedestrian, cycle and wheeled access within the site are reserved and not approved at this stage.

The proposal makes provision for a pedestrian/cycle route to run along/just outside the southern boundary of the site in an east west direction improving non-vehicle



accessibility in this area and providing an improved environment along this main access road to and from the city. The vehicular access route which runs in an east west direction along the northern part of the site provides potential permeability to neighbouring sites. The provision and enabling of these routes are welcomed.

LDP Policy Des 5 (Development Design-Amenity) requires community security, active frontages and designing for natural surveillance. The revised proposal incorporates some residential uses at ground level to the north of the site; the amount and nature of this is limited given the requirements of SEPA in relation to finished floor levels. These are in the form of duplex units which results in some active frontage and surveillance over the east-west orientated street. Commercial ground floor units along Salamander Street with residential above will add more activity along this main route.

Detailed design or materials are not under consideration as part of this PPP application.

In conclusion, while the principle of the development is supported, it has not been adequately demonstrated that the proposed development is in accordance with the design policies in the LDP. It has not been demonstrated that it will have a positive and appropriate impact on the context by creating a high quality townscape. Whilst the principle of the development is acceptable, these detailed design matters, including numbers/floorspace of commercial units would require further assessment and it is recommended that these are reserved for consideration at the further application submission stage.

### Amenity

LDP Policy Des 5 (Development Design - Amenity) sets out the criteria to assess the impact on the amenity of neighbouring developments and for future occupiers relating to air quality, noise, odour, lighting, daylight, sunlight and privacy. Defensible private spaces and clear distinctions between private and public spaces as well as how the proposed design integrates refuse and recycling facilities, cycle storage, low and zero carbon technology and service infrastructure are also assessed under this policy. The impacts on the amenity for neighbouring developments and for future occupiers can be assessed to consider whether an attractive residential environment can be created. This links to policy Hou 4 (Density) which assesses the density of the development in relation to the need to create an attractive residential environment and safeguard living conditions within the development. These are discussed in more detail below.

#### *Amenity of Occupiers*

#### *Air Quality*

The site is located within the Salamander Street Air Quality Management Area (AQMA) for PM10 levels and is approximately 350m from the Great Junction Street/Bernard Street AQMA for NO2. The Salamander Street AQMA has been declared for exceedance of both the long term (annual mean) and short term (24 hour) air quality objectives. An Air Quality Impact Assessment has been submitted which considers dust and fine particulate matter during the construction phase, and road traffic emissions during the operational phase.

During the construction phase, there is a risk of dust soiling and human health effects to occur. A dust management plan is recommended to limit and control dust emissions during the construction phase.

The applicant was requested to carry out a 3-6 month air quality monitoring study within the site boundaries, due to the exceedances recorded at the nearby Salamander Street automatic monitor for PM10. The applicant has advised that monitoring was not feasible due to the Covid-19 pandemic. They state that the building will have full mechanical ventilation which will draw air from cleaner areas and future sensitive receptors would not be exposed to air quality exceedances.

For the operational phase assessment, annual mean NO<sub>2</sub>, PM10 and PM2.5 concentrations have been modelled at 16 existing and eight proposed receptor locations. It concludes that the impact of the development will be negligible for NO<sub>2</sub> at all existing and proposed sensitive receptors. Exceedances of the PM10 and PM2.5 air quality objectives are predicted to occur across the study network at both existing and proposed sensitive receptors. A slight impact for PM10 and moderate impact for PM2.5 is predicted to occur at existing sensitive receptor 4 (bordering the proposed development site). Pollutant concentrations were modelled at eight proposed sensitive receptors for the 2026 opening/future year 'With Development' scenario. The results of the assessment show that there is a risk of particulate matter (both PM10 and PM2.5) exceedances on the ground floor and the first floor of the proposed building.

Mechanical ventilation is proposed for all floors and facades of the development. The applicant advises that all air entering the ventilation system would be drawn from a location in which pollutant concentrations are below the air quality objectives for the pollutants of concern and this will protect future occupants from adverse air quality. The assessment indicates that pollutant concentrations are below the objectives at 6m above ground level and above. There may be other sources besides road traffic that may be contributing fine particulate matter. It is proposed that if the air supplying the ventilation system does not comply with all air quality objectives, appropriate pollution filtration should be installed and maintained.

The air quality effect of the proposed development is considered to be significant, but mitigation has been proposed, with the aim of limiting vehicle trip generation.

A subsequent Air Quality Note was submitted and this considers the potential effect of local air quality on the proposed development to enable appropriate Air Quality mitigation to be incorporated in the scheme. In addition the effects of the scheme on existing levels of pollutants (potential canyon effects) have also been considered. The Note proposes some additional air quality monitoring in the future and discusses proposed mitigation measures to be included within a management plan for the buildings.

Car parking numbers have been reduced, however Environmental Protection consider that the development should be car free. The AQIA advises that filtered air intakes to a MVHR system are likely to be a required measure used to ensure that windows can be kept closed. A maintenance management plan is recommended for PM and NO<sub>2</sub> filters.

SEPA supports CEC Environmental Protection's concern about residential development at the site in terms of air quality and being located within an AQMA, and they also suggest zero car parking. They do not consider the development complies with LDP policy Env 22 (Pollution and Air, Water and Soil Quality).

In making an assessment in relation to this application (and other recent applications in the vicinity of the site), consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL and appeal ref: PPA-230-2201). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy ENV 22.

The application site is identified in the LDP as an area suitable for housing - led mixed use development. Whilst little weight can be attached to Cityplan as a material consideration in the determination of this application, it identifies the site as being carried forward for a mainly residential mixed-use development. It has similar PM10 levels as the previously mentioned appeal site and there have been a number of planning approvals for residential use recently, accepting the use of mechanical heat and ventilation systems within close proximity to the site. The area is undergoing a change in terms of use towards a more residential led area, and this is likely to continue in the future.

On balance, it is accepted that PM10 levels have breached national levels in the past. However, it is acknowledged that with the designation of the Salamander Street AQMA, an Action Plan will be prepared which will have the primary objective of reducing PM10 levels in the area. This, combined with the fact that the applicant has proposed mitigation measures in the form of mechanical ventilation, is helpful. It is concluded that the proposal does not conflict with LDP Policy Env 22 on air quality grounds.

### *Noise*

The applicant has submitted a Noise Impact Assessment (NIA) in support of the application. The NIA considers potential noise sources from Forth Ports dock yard, Daltons scrap yard, commercial premises on Bath Road and within the development proposal itself, and vehicular traffic on Bath Road and Salamander Street. The NIA concludes that noise from a number of industrial/commercial/docks noise sources and road traffic will affect the development on all sides and advises that complaints are likely.

Environmental Protection is of the opinion that the supporting noise information does not provide a complete assessment for this site as it does not provide enough detail to demonstrate the actual internal noise levels likely to affect this development. They have received complaints regarding noise from the scrap metal yard (which is regulated by SEPA) affecting nearby existing residential properties. The noise survey of the docks operations has found that noise is likely to draw complaints from the proposed residential properties. Environmental Protection have raised concerns that heavy industrial operations could take place close to this site both day and night and have investigated complaints due to the movement of scrap metal on the port side in close proximity to this development site and low frequency engine noise from ships in dock.

They also note that there can be significant noise at weekends. Salamander Street bounds the site to the south and will affect the proposed development from its significant road traffic noise levels.

The applicant has recommended a mitigation solution of closed windows (with mechanical ventilation) is installed to protect future occupiers; this mitigation is required for all properties within the development to deal with potential noise. The proposed mechanical ventilation and heat recovery system (MVHR) removes the requirement to use trickle ventilators within all windows. Standard thermal double glazing is recommended to ensure that noise guideline levels are achieved within noise sensitive rooms on the northern and western facades of the development. Environmental Protection are of the view that superior double glazing is required to ensure that noise guideline levels are achieved within noise sensitive rooms on the eastern and southern facades.

Environmental Protection are of the opinion that these mitigation measures are an unacceptable solution to deal with potential noise, and that the ventilation system requires a clean air supply which will be difficult to find in this site. The site is in an area for development of a mainly residential mixed-use within the LDP and there are a number of sites which have been recently approved for residential purposes in close proximity which include the use of mechanical ventilation with a closed window scenario to deal with potential noise. Land directly to the north of the site is allocated within the LDP as Ew1b, the same as the application site. Little weight can be given at this stage to Cityplan, however it will carry forward this LDP designation; in addition, the proposed scrapyards site opposite is allocated as a Housing Proposal site (393, Salamander Place). The Planning Authority considers that suitable acoustic glazing and the mechanical ventilation proposed are the best options to minimise noise impacts on this site. In conclusion, the location of the site is constrained by a number of difficulties in relation to noise and the proposed mitigation put forward by the applicant is appropriate in this instance and would enable this difficult site to be developed, whilst providing an acceptable level of amenity to future occupiers. It is concluded that the proposal does not conflict with LDP Policy Env 22 on noise grounds.

#### *Odour, vibration and lighting*

Environmental Protection has raised concerns about odour to occupiers of the development from nearby Seaford Sewage Treatment Works and port/industrial related activities. Odours from the Seaford wastewater treatment works should be assessed; a full olfactometry odour impact assessment is required over a 3 to 6 month period. A survey was not carried out. The applicant states that the air inlet as part of the mechanical ventilation system may intake potential odours from the ambient air; it is therefore proposed that the carbon filtering on the air inlet will reduce the odour risk.

There are a number of residential properties in closer proximity to the treatment works than this application site. It is understood that the treatment works has already undertaken mitigation measures to reduce the odour emitting from the facilities, and further mitigation measures are already proposed. Whilst odour is a concern, it is considered unreasonable to refuse planning permission on this basis and carbon filtering would reduce odour risk.

The applicant proposes commercial units which include use classes on the ground floors of the proposed development. They have confirmed that the use class for these would be 2, 3, and 4. A condition is recommended that the class 3 would be limited to ensure no hot food preparation/ sale takes place to protect the amenity of residents.

An assessment of vibration from scrapyards activities was requested to support the application but has not been provided; this issue remains a concern of Environmental Protection. There are existing residential properties close to the site and the scrapyards; an existing housing block sits directly on the boundary of the scrapyards. Given the above it is not considered that potential vibration from the scrapyards would be sufficient reason to refuse the application.

A Lighting Assessment has been submitted in support of the application. Light spill from the Port industrial area, the car pound on Tower Street, Europcar, Safestore and surrounding commercial and industrial developments and street lighting on Bath Road and Salamander Street has been assessed. The results show that some receptors in the proposed development are predicted to be exceeded; glare will also be an issue across the site. The assessment states that these results are consistent with a location characterised by existing street lighting in close proximity to adjacent land in which residential buildings such as the proposed development are located. The suggested mitigation is the installation of black out blinds. The site is allocated for a residential led mixed use development in the LDP. There are several new housing developments within the immediate vicinity of the site, some of which have received approval recently. Given this context and the shift towards a more residential land use led area, the proposal is considered acceptable in terms of delivering housing, and the impacts of light pollution can be dealt with by the suggested mitigation measures.

It is concluded that the proposal does not conflict with LDP Policy Env 22 on odour, vibration and lighting grounds.

#### *Housing mix, size of units and aspect*

The application is not seeking to approve details of housing mix, size of units or aspect; however an indicative capacity and mix is identified. The applicants have submitted information which proposes the following mix of units could be achieved within the development: 21.5% three bedrooomed units, 33.5% two bedrooomed units, 32% one bedrooomed units and 13% studios. This indicates that more than 20% of the units would be for growing families which complies with LDP policy Hou 2 (Housing Mix). These matters would be fully considered at detailed submission stage.

#### *Open space*

LDP Policy Hou 3 (Private Green Space in Housing Development) of the LDP sets out the requirement for amenity green space provision within the development. In flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens) and a minimum of 20% of total site area should be useable greenspace.

Based on 10% of the number of residential units a total of 2,820sqm of communal open space would be required. The development proposes three decked areas of communal open space at blocks A and B, block E, and block H, together with two areas of raised courtyards at blocks C and D, and blocks F and G. These provide a total of shared open space provision of 2360sqms. The central courtyard areas are defined as semi-public spaces; they are publicly accessible and the applicant states this is unavoidable unless gates and fences are introduced. There are private gardens proposed around the outside of these areas, however shared/ publicly accessible amenity space for residences would lead to privacy and amenity issues. The provision of private amenity space would need to be fully considered at the detailed design stage and would be a matter reserved for further consideration. The areas of north/ south pedestrian routes provided in four areas of the site between blocks equates to a further 1835sqms of amenity space resulting in a total of useable open space of 4195sqm. This equates to 30% of the site being useable green space which is acceptable.

Whilst the amount of open space proposed is acceptable, its quality needs further consideration. The proposal has not fully demonstrated compliance with LDP policy Hou 3 (Private space in new development).

### *Privacy*

The proposal would result in some blocks having windows approximately ten metres part between facing facades along the proposed north south pedestrian routes. This would lead to potential loss of privacy and amenity for their occupiers. The proposed development would include residential blocks which extend beyond the rear building line of the existing public house and tenement. There is a raised landscaped desk proposed on the boundary with the existing tenement to the south west of the site. These may lead to loss of privacy. Issues of potential loss of privacy within the development site have not been fully resolved.

### *Daylight and sunlight*

Within the development site itself, a no skyline assessment was carried out of the worst case scenario apartment; this met the criterion required. The daylight analysis comprises the assessment of a 'worst case' scenario apartment in this development. The applicant has confirmed that the daylight levels for the proposed development achieves the recommended daylight levels as stated in the Edinburgh Design Guidance. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight.

The applicants supporting information confirms all five amenity spaces/garden areas passed the analysis, receiving 2 hours or more of daylight on the 21st of March on at least half of the amenity space area.

In terms of impact on daylight and sunlight within the development site, the proposal is acceptable.

### *Amenity to existing homes*

The Daylighting and Sunlight analysis considers the effect of the development on nearby residential property; these include the existing residential block on the opposite side of Salamander Street to the site, and the residential units above the existing public house just outwith the site to the south west at the corner of Bath Road. The analysis tests the impact of potential loss of daylight on these two properties. The Edinburgh Design Guidance requires the Vertical Sky Component to be more than 27 % or 0.8 of the former value of daylight. The analysis concludes that 60% of the facades passed the Vertical Sky Component of achieving a VSC of at least 27%. Those that failed were assessed using the Average Daylight Factor, and this concluded that all rooms tested passed the ADF assessment. Upper floor residential units have been assessed for daylighting in the supporting information. There is a ground floor residential unit at the existing corner tenement; any potential daylight loss should be tested on this unit. In addition, impact on daylight on the proposed new tenement (undetermined planning application) to the south west of the site has not been tested.

In terms of overshadowing, the potential impact of the development on the small garden area of the existing public house and tenement to the south west of the site should be tested.

Given the above, the details of the layout, massing and height of blocks A and B cannot be approved at this stage and will be reserved for further consideration.

The site directly to the north is currently in business use and is allocated in the LDP as being within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. It also is within LDP area Ew 1b. Potential development of this neighbouring site should not be prejudiced; this can be fully tested at detailed application stage.

In conclusion, in terms of amenity, it has not been fully demonstrated that the details of the proposals comply with LDP policies and Des 5 (Development design - Amenity) and Hou 3 (Private Green Space in Housing Development).

### Road safety;

A Transport Statement has been submitted in support of the application. This states that peak vehicle movements are unlikely to be increased due to a combination of restricted parking, public transport and cycling links and the removal of existing car centric businesses. The nearest proposed tram route to the development would be located to the west along Constitution Street. There are also a number of bus links within close vicinity to the site. The commercial units loading requirements are to be met by connections from the north lane.

LPD Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The application has been assessed under the Council's parking standards (updated January 2020). A total of 59 car parking car spaces are proposed which is well below the maximum parking standards. Approximately 530 cycle parking spaces are proposed which is acceptable. Transport raise no objections to the proposal subject to a number of conditions and informatives.

It is recommended that all car and cycle parking provision including design and layout is a reserved matter. In addition the road layout (including carriageway, footways, cycle tracks and verges) is to be reserved.

It should be noted that this area is within Phase 1 of the extension to the Controlled Parking Zone (Strategic Parking Review) and the site has good accessibility to existing and proposed sustainable transport options.

The LDDF sets out that this site (1:11) should make significant public realm improvements to Salamander Street to reduce traffic flow and speed, providing greater emphasis on pedestrian and cycle routes. The proposal enables sufficient space to enable a suitable route to be provided along Salamander Street and Transport have recommended that the applicant widens the footway along Salamander Street to enable this route to be provided at a future date. Financial contributions will be sought to contribute to the Bernard St/Salamander St Active Travel and Public Realm Project.

Transport route T7 runs along the eastern side of the site in the LDP. This is to be safeguarded and the proposed development allows for this.

The proposal is acceptable on transport grounds; full details are to be reserved to enable full consideration at detailed submission stage.

### Archaeology

A Heritage Statement has been submitted in support of the application. The Statement identifies 20 heritage assets within a radius of 200m of the proposed development site; five of these are situated within the site, which comprise the location of the southern section of the Edinburgh and Leith Glass Works, the site of a glass furnace, the Bone Mill and Chemical Works, the Crystal Glass Works at the southern end of the site and the remnants of the building wall with the initials J&J C.

CEC Archaeology states that the site is of industrial significance dating back to the construction of cones 5 & 6 in c.1795 of the Leith Glass Work Co., the later 19th century James and James Cunningham Chemical Works and latter 20th century fertiliser works. Historically the site occurred on the medieval beach and foreshore to the east of the medieval port and harbour of Leith. Salamander Street is known from 18th century plans running along the beach line (although it may be earlier in date representing one of the shore roads linking Leith with Musselburgh and the east.)

The site has been identified as within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. CEC Archaeology has confirmed the proposals will require significant ground-breaking works and these will have significant impacts upon any surviving archaeological remains.

It is recommended that a condition is attached to further address archaeology.



## Waste Management

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that refuse and recycling facilities have been sensitively integrated into the design. There has been ongoing discussions between Waste Services and the applicant. A Waste Management Strategy has not been agreed for the site. This will be reserved matter and will be assessed and fully addressed at detailed submission stage.

## Flooding and drainage

The site is located within an area of high risk surface water flooding. SEPA state that as the finished floor levels of the revised proposed development will be set at a minimum of 5.6m AOD and they would not object to the proposed development on flood risk grounds. SEPA recommend flood resistant and resilient measures are included in the design and construction on the site to mitigate residual flood risk. CEC Flood Prevention recommend implementing flood resilient materials and measures to mitigate the flood risk to the commercial properties proposed at the existing ground level, below the 5.6mAOD finished floor level in the Flood Risk Assessment. Details of these flood resilient measures can be considered at detailed application stage. The application includes indicative use layout plans. A condition is recommended that ensures that habitable residential rooms are not permitted below the minimum floor level of 5.6m AOD.

The applicant confirms that the surface water network for the development is proposed to discharge to the combined sewer system on Bath Road. It is proposed to maximise water usage on site through the construction of bio retention areas or raingardens with the landscape proposals for the development. These areas are to be designed to maximise water retention and attenuation and incorporate infiltration to ground where possible to minimize the discharge flow rate and volume to the combined sewer system.

Scottish Water will not accept any surface water connections into their combined sewer system. The sites water management strategy requires raingarden and bioretention features through the landscape which enhance the visual amenity and biodiversity whilst also helping with drainage. The proposed raised courtyards have SUDS integrated within the spaces and permeable block paving is proposed in parking areas.

Full details of drainage, flood risk and water management are reserved for future consideration at AMC application submission stage.

## Sustainability

LDP Policy Des 6 (Sustainable buildings) states that permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use.

The applicant has submitted a sustainability form and statement in support of the application. A range of passive measures are proposed to reduce the demand for energy including Heat Recovery Technology in line with net zero carbon standards. This will improve air quality for occupants whilst recovering heat from the extract ventilation system. Energy consumption is proposed to be reduced including an electric air source heat pump system to provide an efficient and low carbon method of supplying heating and hot water, the use of energy efficient LED lighting, controls for external lighting linked to daylight sensor, provision of energy meters, use of waste-water heat recovery units on showers or baths, and the possibility of incorporating a community heating scheme for these buildings. Photovoltaics (PV) are proposed to be included on the roof of the proposed buildings to offset grid electricity consumption. Flexibility to allow for future changes in technology would enable the development to accommodate a district heating scheme, or connection to a larger city wide scheme etc.

Full details of sustainability measures can be reserved for future consideration in accordance with Edinburgh Standards for Sustainable Building.

### Ecology and trees

A Preliminary Ecological Appraisal was submitted with the application and a bat survey (carried out this season) has been submitted in support of the application.

One habitat of introduced shrub was the only habitat feature found within the study area and was considered to have low ecological value. Four structures were identified as having low potential to support individual roosting bats during the summer. The Bat Survey identifies that roosting bats are considered likely absent from the site at this time, and so no mitigation measures in regard to roosting bats are necessary. As bats have been recorded as using the site for foraging and commuting, should a period of one year lapse between the completion of the 2022 surveys and commencement of development /demolition works, then the surveys should be repeated to ensure the status of bats on site is unchanged. It also advises that as artificial lighting can impact on the behaviour bats and any lighting should be directed to only where it is needed particularly close to the vicinity of the northern site boundary. It should be noted that lighting from outwith the site cannot be controlled as part of this planning application.

The proposal complies with LDP policy Env16 (Species protection).

A Tree Survey has been submitted with the application. No trees of value were identified within and close to the site.

### Infrastructure

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires proposals to contribute to infrastructure provision where relevant to mitigate any negative additional impact and where commensurate to the scale of the proposed development. The Supplementary Guidance on Developer Contributions and Infrastructure (2018) provides further detail on the approach to the implementation of this policy and developer contributions required for this application have been identified within this context.

## *Education*

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance with the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment.

The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections. The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

The Education Appraisal (2021) assessed the cumulative impact of all new development, including constrained sites, and found that a new primary school in Leith Waterfront would be required, along with a new primary school in the Bonnington area, to mitigate the cumulative impact of all new development on Leith Primary School, this includes an assumption about potential developments in its catchment area. Community and Families state that the current requirements are not sufficient to accommodate the cumulative number of pupils that would be expected from the proposed development and other potential developments in Leith Primary School catchment area. The latest Housing Land Audit identifies the site, as part of LDP EW 1B: Central Leith Waterfront, along with LDP EW 1C: Leith Waterfront - Salamander Place, as constrained sites unlikely to be completed within the next five years. The proposed development forms part of a site identified as suitable for mixed use development for a significant number of new homes in the 2016 LDP (2,720 homes) and in the proposed LDP (City Plan 2030).

The Appraisal identifies a requirement for a new 12 Class Primary School in the Leith Waterfront Area. In addition provision should be made for additional capacity at Leith Academy and Holy Rood RC High School.

Children and Families have set out that the following per unit infrastructure contribution is required: Primary Infrastructure: New 12 Class Primary School £7420 per flat and Secondary Infrastructure: Additional SS places (Leith Academy, Holy Rood RC High School) £3,262 per flat. This, based on an estimated 165 flats with more than one bedroom, and would result in the requirement of £1,224,300 for primary school infrastructure and £538,230 for secondary school infrastructure, resulting in an estimated total requirement of £1,762,530. The Council requires this level of contribution in order to deliver the education infrastructure across the wider area, and to address the capacity issues arising from the cumulative impact of all developments coming forward within the area.

The Council has a duty to provide for the pupils resulting from new development, both planned and windfall. The City Plan sites in this area are all brownfield sites. They are allocated to reflect development trends and pressures in the area. They could come forward for housing development under the policies of the existing LDP 2016 and it is therefore appropriate for the Council to plan to accommodate such development in this way.

The levels of contribution for this contribution zone as outlined in the finalised Supplementary Guidance was £980 per flat, based on an estimated number of 165 flats with more than one bedroom, and this would result in a total financial contribution of £161,700. While it has been practice to exclude studios and one bedroom flats, this was not done in preparing the per unit rates, so it is arguable that even if using the Supplementary Guidance figure, the sum should be higher than the £161,700 figure. However, the cumulative impact of this development has not been previously assessed and the finalised Supplementary Guidance states a cumulative assessment will be carried out having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment and if appropriate revised actions will be applied. Should development arise as anticipated then any shortfall in providing for pupils would have to be addressed by the Council as contributions cannot be sought from development that has already occurred. If development does not arise in the way anticipated, Section 75 agreements make provision for this and in any case the developer can apply to have the planning obligation modified if a case arises.

It is recommended that developer contributions for educational infrastructure should be sought on the basis of the consultation response from Communities and Families and that financial contributions will be sought for Primary School Infrastructure: New 12 Class Primary School of £7420 per flat and Secondary School Infrastructure: Additional places (Leith Academy, Holy Rood RC High School) of £3,262 per flat.

### *Transport*

The application site lies within zone 2 of the tram contribution zone (395m from Constitution Street) Tram Contribution Zone. In terms of transport infrastructure, the applicant will be required to make a financial contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses towards tram infrastructure.

Transport actions have been identified from the LDP Action Programme. The estimated housing capacities of the surrounding areas as outlined in the LDP has been used to calculate a cost per unit rate to apply for each action.

In terms of financial contributions towards LDP transport actions the following would be required:

- £848 per residential unit towards the Bernard St/Salamander St Active Travel and Public Realm Project;
- £245 per residential unit towards the Leith Links to Bath Road link; and
- £105 per residential unit towards the Salamander Street to Foot of the Walk Action.

In addition a contribution of £5,500 per car towards the provision of car club vehicles in the area.

## *Health*

The current proposal lies within the Leith Links Healthcare contribution zone. The development would require a financial contribution of £945 per residential unit.

## *Affordable housing*

LDP policy Hou 6 (Affordable Housing) requires residential development consisting of 12 or more units to include provision for affordable housing of 25% of the total number of units proposed.

The applicants confirm that they have engaged with Port of Leith Housing Association (PoLHA). PoLHA have confirmed in principle, their support for the development with regard to being the provider of the affordable housing element if the scheme is delivered for private sale.

The above financial requirements would be secured by s75 legal agreement. The proposal complies with LDP policy Del 1.

## **Conclusion in relation to the Development Plan**

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan identifies the site as part of Ew1b. Residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for occupiers including noise, air quality, odour, and lighting. The site is in an area where residential development is acceptable in principle, recent planning approvals have been granted for residential development at nearby sites, and the proposed mitigation measures would reduce the impact of amenity issues of future occupiers. Impacts on amenity of nearby existing property will need to be fully addressed at detailed application submission stage. Improvements have been made to the proposed overall design, however it has not been demonstrated fully that the proposals are an acceptable design solution for this difficult site. The proposal will not comply fully with LDP design and housing policies. A number of planning conditions, including matters reserved for detailed consideration, and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The proposal complies with Paragraph 29 of SPP.

### Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time little weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

Objections have been received from Living Streets Edinburgh Group and one neighbour.

A summary of the representations is provided below:

#### *material comments*

These issues have been addressed above.

Objections are raised on the grounds of:

- development should be car free with good access to public transport;
- car parking space numbers are significant;
- the width of the footway on Salamander Street should be increased for safety;
- public transport provision eg bus stops should be enhanced;
- pedestrians must take priority and
- infrastructure in the area is already poor, the development will worsen this.

### **Conclusion in relation to identified material considerations**

The material considerations do not raise any matters which would result in recommending the application for refusal. There are no equalities or human rights issues, detailed matters relating to accessibility can be fully considered at detailed planning application submission stage. The proposal complies with the SPP Sustainability Principles. Therefore, the application should be granted.

## Overall conclusion

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan (LDP) identifies the site as being part of EW1b. Within this area residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for future occupiers including noise, air quality and odour. However, the site is in an area where residential development is acceptable in principle, and new residential development is under construction at nearby sites. The proposed mitigation measures for future occupiers would reduce negative impacts, however, impacts on amenity of nearby existing property will need to be fully addressed through subsequent applications.

Similarly, the layout, scale, height and density will need to be considered carefully at detailed submission stage, to ensure the character of the area is maintained and enhanced. These detailed design considerations will need to be reserved for full consideration under subsequent applications for matters specified by conditions (AMC). Full details of access arrangements, pedestrian/ cycle connections, the levels of car and cycle parking, landscaping, surface water, sustainability and waste and recycling arrangements will be reserved. In addition, a number of other planning conditions and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

The principle of uses proposed is acceptable, and it is recommended that planning permission in principle can be granted. There are no material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following:-

### Conditions :-

1. The development to which this planning permission in principle relates must be begun not later than the expiration of five years beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in paragraph, the planning permission in principle lapses.
2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
  - (i) the expiration of 3 years from the date of the grant of the permission,
  - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused and

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for

- (a) different matters and
- (b) different parts of the development, at different times.

3. Details of all matters listed below shall be submitted for consideration by the Planning Authority in a single package of information, for each phase or phases and the development in question will not begin until the following matters have been approved by the Council as planning authority. The submission shall be in the form of a detailed layout covering points (a) - (n) below.

(a) a site development layout showing built development, footpath, cycle, and road access and connections, including open space provision, SUDS drainage and landscaping;

(b) details of the layout, siting, design, form, density, height, tenure, and the number and mix of units, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum;

(c) the precise location and extent of individual uses to be developed including the number of residential units and any class 2, 3 and 4 uses;

(d) design and configuration of public realm and open spaces, all external materials and finishes;

(e) cycle parking in secure undercover locations, motorcycle parking, car parking including city car club parking spaces, disabled spaces and electric charging points and spaces;

(f) access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas;

(g) footpaths, cycle routes and verges;

(h) waste management and recycling facilities;

(i) Site investigation/decontamination arrangements;

(j) surface water and drainage arrangements including management, maintenance, ownership and adoption;

(k) existing and finished site and ground levels in relation to Ordnance Datum;

(l) any further noise, fume, odour, dust or light mitigation measures arising from the updated studies, including details, materials and finishes;

(m) full details of sustainability measures;

(n) full details of proposed mechanical ventilation system. Mechanical ventilation with ISO coarse glass G3 filters shall serve all required properties and where necessary be served by roof top filtered air;

(o) details of any cooking ventilation systems for Class 2, 3 and 4 uses and

(p) full details of the landscape proposals including fully detailed plans of the design and configuration all external materials and hard and soft landscaping details.



This shall include:

- (i) walls, fences, gates and any other boundary treatments;
- (ii) the location of new trees, shrubs and hedges.
- (iii) a schedule of plants to comprise species, plant size and proposed number/density;
- (iv) programme of completion and subsequent maintenance and management of any flooding mitigation measures, SUDS drainage, and open space areas;
- (v) existing and proposed services such as cables, pipelines, substations and
- (vi) other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment.

The following supporting information shall also form part of any submission:

1. an updated Air Quality Impact Assessment including mitigation measures;
  2. an updated Ecology Assessment and Bat survey including mitigation measures during construction and operation;
  3. an updated Odour and Fume Assessment including mitigation measures;
  4. an updated Light Pollution Assessment including mitigation measures;
  5. an updated Noise Assessment including mitigation measures;
  6. an updated Transport Statement;
  7. an updated Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
  8. an Affordable Housing Statement setting out how 25% affordable housing will be provided on site including delivery, tenure and location;
  9. an updated Landscape and Visual Impact statement detailing the impact on both City and Local views;
  10. an updated Flood Risk Assessment of the detailed design including a study of highlighting how the layout, finished floor levels, landscaping and SUDS have been designed in relation to the Flood Risk;
  11. an updated drainage and surface water management strategy including site levels and landscaping to ensure it safely managed exceedance surface water flow;
  12. details of adoption, management and maintenance of the landscaping, SUDS, open space; and any other flood prevention or drainage measures and
  13. an updated waste management strategy.
4. The ground floor commercial premises shall be restricted to (Class 2 (Financial, Professional and other services), Class 3 (Food and drink) (and Class 4 (Business)). For the Class 3 use hereby approved the cooking, heating and reheating operations on the premises shall be restricted to the use of microwaves only unless otherwise agreed by the Planning Authority.
5. 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.
6. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from the Planning Authority a public archaeological and historic interpretation scheme for the site. In addition, the armorial plaque of the J & J Cunningham Chemical & Manure Factory identified as Site 19 and depicted on plates 6 & 8 in Wardell Armstrong's Heritage Statement, is considered to be of local archaeological importance and must be salvaged and retained.
  7. No demolition, or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
  8. Prior to the occupation of the development, the air quality mitigation measures either as set out below or as set out in an updated Air Quality Assessment as part of the AMC application should be implemented.  
The air quality measures include:
    - zero or reduced car parking;
    - funding for city car club spaces;
    - disabled car parking spaces in line with Council standards;
    - a residential travel plan;
    - cycle parking would also be provided secure, under cover and in line with the Council standards.
    - electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be `actively' powered) and
    - ducting the remainder of any spaces provided (i.e. `passive' provision) such that future EV charging can be retrofitted as demand dictates.
  9. Areas of living accommodation must be above 5.6m AOD unless otherwise agreed in writing by the Planning Authority. Any area below this level within residential units is to be used for access/egress & storage purposes only.
  10. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals and sections submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.

**Reasons:-**

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.

3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to protect the amenity of the occupiers of the development.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to safeguard the interests of archaeological heritage.
7. In order to safeguard the interests of archaeological heritage.
8. In the interest of air quality management and residential amenity.
9. To reduce risk of residential habitable buildings being flooded at the site.
10. To define the terms of this consent

## **Informatives**

It should be noted that:

1. 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.
2. 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.
3. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals and sections submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.
4. Consent shall not be issued until a suitable legal agreement relating to affordable housing, transport, education and health has been concluded and signed. The legal agreement shall include the following:
  - i. Affordable housing - 25% of the total number of residential units shall be developed for affordable housing provision.
  - ii. Transport - the following transport contributions are required:  
The application site lies within zone 2 of the Tram Contribution Zone. The applicant will be required to:
    - Make financial contribution in line with the approved Tram Line Developer Contributions report. This would require a contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- In support of the Council's LTS Cars1 policy, the applicant should contribute £1,500 per order plus £5,500 per car towards the provision of car club vehicles in the area;
- In line with the LDP Action Program and the Supplementary Guidance for Developer Contributions and Infrastructure make a financial contribution towards Bernard St/Salamander St Active Travel and Public Realm Project of £848 per residential unit;
- In line with the LDP Action Program and the Supplementary Guidance on Developer Contributions and Infrastructure make a financial contribution towards the Leith Links to Bath Road link of £245 per residential unit;
- In line with the LDP Action Program and the Supplementary Guidance for Developer Contributions and Infrastructure make a financial contribution towards Salamander St to Foot of the Walk Action of £105 per residential unit.

iii. Education - Additional Primary School Capacity associated with primary school places at equating to a contribution of £7,420 per flat (with more than one bedroom) for primary school infrastructure and £3,262 per flat (with more than one bedroom) for secondary school infrastructure.

iv. Health - £945 per residential unit for Leith Links Healthcare provision.

5. The applicant should note that the following orders are likely to be required:
- a. A suitable order to redetermine sections of footway and carriageway as necessary for the development;
  - b. A suitable order to introduce waiting and loading restrictions as necessary;
  - c. A suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings. The successful progression of Orders is subject to statutory consultation and advertisement and cannot be guaranteed;
- 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. 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;
  - The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
  - A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
  - The applicant should consider developing a Travel Plan including provision of 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 applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity and

- Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. 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.
- 6. The applicant is encouraged to interpret the site's archaeological heritage and include this within a detailed design.
- 7. Prior to construction the applicant should confirm that Scottish Water accept the surface water connection to the combined network.
- 8. Roosting bats are considered likely absent from the Site at this time, and so no mitigation measures in regard to roosting bats are considered necessary. However, as bats have been recorded as using the Site for foraging and commuting, should a period of one year lapse between the completion of the 2022 surveys and commencement of development /demolition works, then the surveys should be repeated to ensure the status of bats on Site is unchanged. Artificial lighting can often impact the foraging and commuting behaviour of nocturnal mammals such as bats. As a consequence, it is advised that any lighting should be directed to where it is needed and light spillage (whether direct and/or in-direct) should be avoided, particularly within the vicinity of the northern Site boundary and introduced shrub habitat which lies to the north of the Site. The times during which the lighting is on should be limited to provide some dark periods.
- 9. Flood resistant and resilient measures are recommended to be included in the design and construction on the site to mitigate residual flood risk.
- 10. A dust management plan is recommended to limit and control dust emissions during the construction phase.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 8 March 2021**

### **Drawing Numbers/Scheme**

1, 2a

Scheme 3

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Karen Robertson, Senior planning officer  
E-mail: [karen.robertson@edinburgh.gov.uk](mailto:karen.robertson@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Leith Links Community Council

COMMENT: How effective was neighbour notification?

Massing and density; design, scale and layout. The buildings will dominate Salamander Street oppressively, blocking out light, and creating a canyon effect. There is not enough green space. An updated place brief is needed for whole area.

Intensification of air pollution. Traffic impact on the local road system.

Impact on local infrastructure.

DATE: 9 November 2021

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 12 October 2021

NAME: Scottish Environmental Protection Agency

COMMENT: We remove our objection provided that planning condition(s) be attached to the consent to ensure that no living accommodation is to be made of any area below 5.6mAOD and any area below this level within residential units is to be used for access/egress & storage only.

We have no objection on flood risk grounds.

DATE: 6 September 2022

NAME: CEC City Archaeology

COMMENT: It is recommended that an archaeological condition be applied to any granted permission.

DATE: 15 July 2022

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Lack of innovative ideas for proposed 20 minute neighbourhoods for and intergenerational facilities.

Lacking in character as result of block arrangement. Tunnel effect.

Poor air quality. Affordable Housing provision should be 35%.

Car parking still high and accessing a busy road.

Integrated communities that include disabled and elderly needed.

DATE: 4 August 2022

NAME: CEC Economic Development

COMMENT: LDP policy Emp 9 (LDP) requires the development to deliver an element of class 4 space in order to comply with the policy. The provision of class 4 space

aimed at small businesses in this area is desirable given the undersupply of space for small businesses in Edinburgh.

DATE: 6 July 2022

NAME: CEC Waste Management

COMMENT: A Waste Strategy has not been agreed for this site. We would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance to ensure waste and recycling requirements have been fully considered.

DATE: 6 September 2022

NAME: Scottish Water

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

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.

There is currently sufficient capacity for a foul only connection in the EDINBURGH Waste Water Treatment works to service your development.

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.

DATE:

NAME: Environmental Protection

COMMENT: Environmental Protection recommend the application should be refused. Concerns are in relation to air quality levels, nuisance dust, avoiding producing street canyons on Salamander Street, noise, odours, flood lighting, fumes and contaminated land. The development should be car free to reduce the impact upon the local air quality from road traffic based pollution.

DATE: 12 July 2022

NAME: CEC Flood Planning

COMMENT: Prior to construction (as part of the building warrant process), the applicant should confirm that Scottish Water accept the surface water connection to the combined network.

The applicant must ensure that there is no detriment during the temporary phased condition from the existing or proposed final condition with respect to flooding throughout the construction of the full site.

DATE: 29 September 2022

NAME: Transport

COMMENT: No objections subject to conditions relating to reserved matters including car, cycle, disabled, car club, electric vehicle charging and motorcycle spaces. Parking provision to be to Council standards, including design and layout; the road layout (including carriageways, footways, cycle tracks and verges).

Informatives relating to contributions to the tram, LDP actions and city car club.



Access via steps and external lifts to public spaces is not acceptable.

DATE: 11 November 2022

NAME: Affordable Housing

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

DATE: 13 July 2021

NAME: Children and Families

COMMENT: The proposed development is required to make a contribution towards the delivery of a new 12 Class Primary School and providing additional capacity at Leith Academy and Holy Rood RC High School.

New 'per flat' rates set out below will be required to ensure the proposed development makes a proportionate contribution to cover the revised action.

Per unit infrastructure contribution requirement:

Primary Infrastructure: Additional Primary School Capacity- New 12 Class Primary School £7,420 per flat

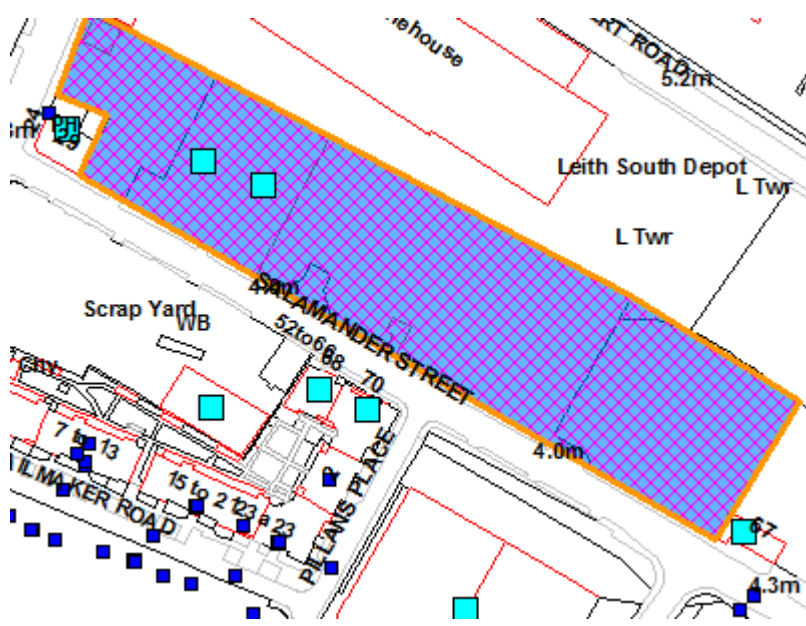
Secondary Infrastructure: Additional Secondary School Capacity - Additional SS places (Leith Academy, Holy Rood RC High School) £3,262 per flat

If the appropriate infrastructure contribution is provided by the developer Communities and Families do not object to the application.

DATE: 9 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

# Location Plan



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