

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 10th January, 2024

Dean of Guild Court Room - City Chambers

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

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 08 January 2024** (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

- 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

- | | | |
|-----|--|--------|
| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee 8 November 2023 – submitted for approval as a correct record | 9 - 20 |
|-----|--|--------|

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

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 HAMCAP Pentland Gait Ltd. for Proposal of Application Notice at 595 And 597 Calder Road, Sighthill, Edinburgh. Proposed partial demolition of the existing office pavilions (Heriot House and Currie House) and redevelopment of site as mixed-use development including purpose built student accommodation (PBSA) and office floorspace (Class 4) - application no. 23/06658/PAN - Report by the Chief Planning Officer 21 - 28

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

- 4.2** Report for forthcoming application by Anschutz Sports Holdings (Trading as AEG Europe) for Proposal of Application Notice at land 70 metres east of 1 Lochside Court, Edinburgh. Proposed arena development Class 11 including Class 1A (retail), Class 3 (restaurants and cafes) and ancillary hot food/bar amenities with associated public realm, access, landscaping, parking and infrastructure - application no. 23/06913/PAN - Report by the Chief Planning Officer 29 - 36

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

Applications

- 4.3** 191 Colinton Road, Edinburgh, EH14 1BJ - Proposal to demolish existing bungalow and erect four storey residential development comprising 6 No. 2 bed and 1 No. 3 bed flats with associated access and landscaping, including change of use (as amended) - 37 - 58

application no. 23/02665/FUL - Report by the Chief Planning Officer

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

- 4.4** 3 Redford Place, Colinton Primary School, Edinburgh, EH13 0AL 59 - 66
- Proposal for modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area - application no. 23/02772/FUL - Report by the Chief Planning Officer

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

- 4.5** Confirmation of Tree Preservation Order No. 207 (Foxhall Gait) - 67 - 78
Report by the Chief Planning Officer

It is recommended that Tree Preservation Order No. 207 (Foxhall Gait) is **CONFIRMED**.

- 4.6** 221B St John's Road, Edinburgh, EH12 7UU - Proposal for the 79 - 86
removal of existing slimline lattice tower, 9 No. existing antennas, 4 No. existing equipment cabinets within existing cabins and other ancillary apparatus and the installation of a new replacement 8.0m high stub tower, 12 No. antennas on proposed headframe /supports, 2 No. GPS modules, 2 No. equipment cabinets and 2 No. ERS racks within existing cabins, 1 No. cable tray, 1 No. stepover, 3 No. self-closing gates and all other associated ancillary apparatus thereto - application no. 23/01771/FUL - Report by the Chief Planning Officer

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

5. Returning Applications

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

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** 98 Ocean Drive, Ocean Terminal, Edinburgh - Proposal for erection of mixed-use development comprising residential and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure, and access arrangements - application no. 22/05599/FUL - Protocol Note by the Service Director - Legal and Assurance – Report by the Service Director, Legal & Assurance and Council Monitoring Officer 87 - 90
- 6.2** 98 Ocean Drive, Ocean Terminal, Edinburgh - Proposal for erection of mixed-use development comprising residential and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure, and access arrangements - application no. 22/05599/FUL - Report by the Chief Planning Officer 91 - 132

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

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

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

Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalgleish, Councillor Neil Gardiner, Councillor Tim Jones, Councillor Martha Mattos Coelho, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Alex Staniforth

Information about the Development Management Sub-Committee

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

Further information

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 529 4264, email jamie.macrae@edinburgh.gov.uk / joanna.pawlikowska@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 8 November 2023

Present:

Councillors Osler (Convener), Bennett (substituting for Councillor Beal), Booth, Cameron, Dalgleish, Mattos-Coelho, Jones McNeese-Mechan, Mowat and Mumford (substituting for Councillor Staniforth).

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in sections 4 and 6 of the agenda for this meeting.

Substitutions:

Councillor Bennett for Councillor Beal.

Councillor Mumford for Councillor Staniforth.

Requests for a Presentation

Councillor Booth requested a presentation in respect of Item 4.1 – 33-34 Castle Terrace, Edinburgh (Former) – application no. 23/02200/FUL.

Decision

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

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

2. 14 Ashley Place, Edinburgh

The Chief Planning Officer had identified an application to be dealt with by means of a hearing for proposed purpose-built student accommodation with associated infrastructure and landscaping at 14 Ashley Place, Edinburgh - application no. 22/06251/FUL.

(a) (Report by the Chief Planning Officer)

Planning permission was sought for the erection of purpose-built student accommodation including amenity space, associated landscaping, and ancillary facilities.

The 'U' shaped building was 4-6 storeys high fronting Ashley Place on two sides with an internal courtyard. There was a small south facing garden fronting Ashley Place. The

building incorporated a roof terrace with the 5th storey set back from the Ashley Place frontage. The wing of the building overlooking the Elizafield Industrial estate was 4 storeys high with a roof garden.

The ground floor layout included the main entrance, internal amenity space, gym, cycle stores, plant, and bin store. The internal amenity space overlooked Ashley Place providing an active frontage to this part of the street.

Accommodation

The student accommodation provided 232 rooms in total. This consisted of 55 cluster flats (24%), 164 Studio Rooms (70%) and 13 accessible rooms (6%). The cluster flats each contained 5 bedrooms sharing a kitchen, dining, and living area. The amenity areas included a south facing garden of 195 sq. m, a 357 sq. courtyard, a 155 sq. m roof terrace - totaling 707 sq. and 252 sq. M internal amenity space.

Landscaping

The three main areas of landscaping included the internal courtyard, the roof top terrace and street garden. The courtyard included seating, three trees, shrubs, ornamental planting grass, and block paving. The roof terrace consisted of a sedum green roof, with ornamental planting and a seating area. The street garden was mainly ornamental planting with three trees, seating, and outdoor gym bars.

Cycle Parking

232 cycle parking spaces (100%) were provided for students on the ground floor level of the building and within covered cycle parking storage in the courtyard. The bike storage consisted of a mix of two-tier bike racks with assisted upper bike racks for 93 spaces (40%) and 93 spaces on the lower tier (40%) as well as 46 spaces on Sheffield stands (20%) with a 2-metre separation distance between them for non-standard bikes. There were an additional six spaces for visitor and short stay cycle parking at the main entrance to the building.

Sustainability

The roof terrace and upper roof would act as a blue roof attenuating, storing, and filtering rainwater. The two lower roofs would be extensive green roofs. Photovoltaics and air source heat pumps would also be provided at roof level, to provide heating and hot water for the development.

Waste

The existing site was asphalt with no remaining buildings on site for the reuse of materials. A target of 90% of the construction waste would be diverted from landfill and separated into key waste groups. All accommodation would be provided with recyclable

waste storage areas and space would be allocated in communal bin stores. Refuse collection would be by a private collection service.

Supporting Information

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

- Archaeology Assessment
- Design and Access Statement
- Geo-environmental Assessment
- Noise Impact Assessment
- PAC Report
- Planning statement
- Site Investigation Report
- Surface Water Management Plan and Flood Risk Assessment
- Sustainability Form
- Transport Statement

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 8 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Leith Central Community Council

Charlotte Encombe addressed the Development Management Sub-Committee on behalf of Leith Central Community Council. Ms Encombe indicated that in October 2019, the developer was granted planning permission to build 65 flats in an area which measured 0.2 hectares. 4 years later, the developer wanted to build 230 students' bedrooms almost on the same site, but it had reduced by 300 sq. metres, which was just below threshold that required the developer to build 50% housing.

There were issues with ownership of the site, circumventing the rules of the council by artificially reducing the size of the site allowing the developer to avoid providing 50% housing on site. This created a precedent for other developers to avoid building housing and build more student housing. In Leith and other areas, there was already a growth of student housing and shortage of other housing. The proposals for more student housing would impact on the community in Leith. There were already plans for over 5,000 student units in the pipeline, many of which would come to Leith, which was already densely populated. This trend was ruinous, local residents felt ignored, could not access services and the local community did not receive the benefits of the new housing.

In conclusion, this development would set a dangerous precedent and would cause more student housing on sites that had been artificially reduced. The local community wanted housing that met the requirements set by the Council, that 50 % was dedicated to housing and should respect and enhance the integrity of the local community.

[Development Management Sub-Committee - Wednesday 8 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillors Caldwell and Rae

Councillor Caldwell addressed the Sub-Committee. He wanted to thank the developers for their engagement at the pre application stage.

This area was not part of the controlled parking zone (CPZ). Phase 2 of the CPZ would be considered by the Transport Committee. He had several concerns. Firstly, there were issues with the change of size, there were 2 previous PANS and more scrutiny was required. Secondly, there was considerable interest from the local community. Thirdly, the way in which the site fitted in with the 2008 Bonnington Development Brief. Fourthly, the previous consents were only for a car park. The previous 2021 application was a mixed development and was closer to the Bonnington Development Brief. Car parks in the current plan indicated the 2004 approval, which was out of the enforcement period to be built.

In summary, the LDP in 2016 required that 25% should be affordable housing on sites larger than 1/4 hectare, as well as there being a 35% affordable housing requirement in the City Plan. This was below this threshold and he was skeptical of the officer's justification for this.

Councillor Rae addressed the Sub-Committee, indicating that Councillor Caldwell had covered most of the technical questions, especially regarding the original Bonnington Brief. The Community Council had indicated that there was so much student housing in Leith and Leith Walk, that the services were being crippled and this was causing difficulties for residents. The other issue was that when students came to access their accommodation, it was causing chaos and brought the area to a standstill at least twice a year. This development seemed similar to other student developments, as it seemed to be a template for making money for developers. Although there was a housing emergency, in this area, there was only 13% social housing provision and people were being evicted from private sector rentals. While at the same time, the Council was permitting student developments.

She concurred with the previous speaker that members should look at the original development, that included housing. This should not be at 25% but at the Council's goal, which was at least 35%.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 8 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Hugh Shepherd (Scott Hobbs Planning), Daryl Teague (Glencairn Properties) and Kerri Nicol (ISArchitect) were in attendance in support of the application.

Kerrie Nicol indicated that she represented IS Architects who were the architects involved in the development and she would introduce the scheme. There might be some repetition with what the planning officer had already outlined and then she would hand over to Daryl Teague who was the developer from Glencairn Properties.

The proposed application sought to re-develop 14 Ashley Peace into purpose-built student accommodation. This proposal was an amendment to the previously consented development and mirrored the consented massing and form, albeit for the change of use. The proposals retained the massing of the previous scheme, addressing Ashley Place, providing articulation at the prominent corner facing onto Tinto Place. This application introduced an additional wing which faced onto the Elizafield Industrial Estate. The new low-level wing also incorporated an accessible roof terrace.

The applicant then outlined the following issues:

- The top floor of the development was set back from the building edge on both Ashley Place frontages.
- The site had excellent connections to public transport, local shops and services and would be car free.
- Cycle parking for 232 cycles and secure parking areas was provided.
- The site had excellent access to local bus services.
- There would be good access to the transport network and the site met sustainable transport requirements.
- The proposed development was significantly below the 50% threshold set by the supplementary guidance for student accommodation.
- The development would not have a material detrimental effect on the living conditions of the nearby residents.
- The proposals did not prejudice the future development of potential of nearby neighbouring land.
- There was the potential for road access immediately to the north-west of the site, connecting the Elizafield Industrial Estate, access and Ashley Place.
- The new wing followed the established urban layout of perimeter blocks and build line off the street.
- The location of a gym and green walls, with proposed planting would provide ecological improvement and increased biodiversity.
- External amenity had been increased to 28% in the revised submission.
- External amenity was provided by way of the south facing area onto Ashley Place and internal courtyard and a roof terrace.
- The construction of both the roof terrace and the upper roof levels would act as blue roofs, which would further enhance biodiversity.

- There would be the provision of low carbon heat pumps, space for photovoltaics and swift bricks incorporated into the facades.
- The landscape proposals for the site would provide significant enhancement to the existing natural habitat.

In conclusion, it was felt that the proposed development met the requirements of the City of Edinburgh Planning and Design Guidelines. The site was excellently located in transport terms to accommodate the proposed student housing, adding vibrancy, contributing to the local economy and creating a diverse and mixed-use area. The application not only considered the immediate site but also the surrounding area, thus providing comprehensive development of both this site and providing a blueprint for a future regeneration.

Darryl Teague indicated that he wanted to provide some clarity to the site area where there had been some misunderstanding. So, while they had not received the previous planning permission, they started to conduct their community council negotiations and related to the consented scheme. Therefore, the area of car parking consented in the adjacent Miller Homes Application was actually included within the area in question. So, the latter scheme had sought to avoid this crossover with the consent and implemented development for Miller Homes next door.

There had been discussions with Miller Homes about the delivery of this parking and also the road link to complete the Ashley Place, which was what was mentioned earlier when talked about the RCC not being fully completed and the road not fully being adopted. So effectively, until they could complete their works, the road would not become adopted.

However, if they did have to deliver that element of the parking, as pointed out by the case officers, the student housing guidance referred to the development of area of sites of more than 0.25. hectares, having the condition of mixed residential and student accommodation. It was also noted that once the highway land was removed from that, their application site was actually 0.22 hectares, so the public area that was going to become adopted was not considered developed in this case, the site area was 0.22 hectares.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 8 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Motion

To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou

8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.

- moved by Councillor Booth, seconded by Councillor McNeese-Mechan.

Voting

For the motion: - 3 votes

For the amendment: - 7 votes

(For the motion: Councillors Cameron, Jones and Mowat.

For the amendment: Councillors Bennett, Booth, Dalgleish, Mattos Coelho, McNeese-Mechan, Mumford and Osler.)

Decision

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou 8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.

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

4. 33-34 Castle Terrace, Edinburgh (Former)

Details were provided of an application for a conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows at 33-34 Castle Terrace, Edinburgh (Former) - application no. 23/02200/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Motion

To **GRANT** planning permission subject to the condition, reason and informatives as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i).

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

The voting was as follows:

For the motion: - 4 votes

For the amendment: - 6 votes

(For the motion: Councillors Bennett, Cameron, Jones and Mowat.).

For the amendment: Councillors Booth, Dalgleish, Mattos Coelho, McNeese-Mechan. Mumford, and Osler).

Decision

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i).

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 33-34 Castle Terrace, Edinburgh (Former)</p>	<p>Conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows - application no. 23/02200/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i). (On a division.)</p>
<p>4.2 – 11 Circus Lane, Edinburgh, EH3 6SU</p>	<p>Proposed change of use from residential house to short-term let (in retrospect) - application 23/03105/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.3 – 4 Crichton's Close, Edinburgh, EH8 8DT</p>	<p>Change of use - vacant office accommodation to 18 No. services apartments (Sui Generis). Alterations include internal partitions, new fire escape stair. New double glazing throughout, new protective barriers to allow for safe window cleaning / safe access onto balconies, minor external alterations to entrance to improve existing lobby roof - application no. 23/02908/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – 31 Duddingston View, Edinburgh, EH15 3LZ</p>	<p>Erection of rear extension to dwelling house and installation of new mansard roof over entire extent of existing and extension footprint to create additional living accommodation on the upper floor - application no. 23/03375/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 6 Picardy Place, Edinburgh, EH1 3JT</p>	<p>Application for non-compliance with Condition 1 of permission 21/05443/FUL. Removal/variation of condition sought to ensure the control and treatment of odours from the premises by utilising a recirculation unit; require ongoing maintenance of the odour control equipment and to limit the range of cooking equipment to that used by Taco Bell - application no. 23/02655/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - Development At Pittville Street Lane, Edinburgh</p>	<p>Demolition of water tower and alterations to former laundry building. To be replaced with residential dwelling, with garage and garden deck (as amended) - application no. 20/04260/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.7 – Development at Pittville Street Lane, Edinburgh</p>	<p>Full demolition of water tower and partial demolition of former laundry building (as amended) - application no. 21/04594/CON</p>	<p>To GRANT conservation area consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 – 81 Rose Street, Edinburgh, EH2 3DT</p>	<p>Change of use from coffee shop (retail) to studio (short-term letting) - application no. 23/00868/FULSTL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.1 - 14 Ashley Place, Edinburgh, EH6 5PX - Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - 14 Ashley Place, Edinburgh, EH6 5PX</p>	<p>Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou 8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.</p> <p>(On a division.)</p>

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Development Management Sub Committee

Wednesday 10 January 2024

Report for forthcoming application by

HAMCAP Pentland Gait Ltd. for Proposal of Application Notice

23/06658/PAN

**at 595 And 597 Calder Road, Sighthill, Edinburgh.
Proposed partial demolition of the existing office pavilions (Heriot House and Currie House) and redevelopment of site as mixed-use development including purpose built student accommodation (PBSA) and office floorspace (Class 4).**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for partial demolition of the existing office pavilions and redevelopment of site as mixed-use development including purpose-built student accommodation (PBSA) and office floorspace (Class 4) at 595 And 597 Calder Road, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/06658/PAN on 03 November 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site is located on the western edge of the city at the junction of Calder Road with the City Bypass. It is bounded to the east by the Union Canal and is surrounded by trees. Beyond the Canal is housing and to the north, across Calder Road, is an area of business and industry uses. Three office blocks are positioned with one to the north of the site near Calder Road and two smaller blocks to the south east of the site.

2.2 Site History

21/04181/FUL - 597 Calder Road, Edinburgh EH11 4HJ. Part change of use class 4 to class 11, and creation of new door opening on western elevation. Granted 21.01.2022.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for partial demolition of the existing office pavilions (Heriot House and Currie House) and redevelopment of the site as mixed-use development including purpose built student accommodation (PBSA) and office floorspace (Class 4).

3.2 Key Issues

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

a) The principle of the development is acceptable in this location;

The site is a Business and Industry Area in the Local Development Plan (LDP) and Policy Emp 8 is applicable. Any application will be required to justify the loss of business floorspace and will need to demonstrate or justify how the proposal will not prejudice future business uses on the site.

In terms of the proposed student housing LDP Policy Hou 8 applies, and the applicant will need to demonstrate that 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. Any application will be expected to also take on board the advice in the Non-Statutory Student Housing Guidance (2016).

National Planning Framework 4 (NPF4) forms part of the Development Plan. Policies in relation to Sustainable Places, Liveable Places and Productive Places, including those in relation to 20-minute neighbourhoods, climate change and biodiversity, blue and green infrastructure, and sustainable transport, will be important policy considerations. Cognisance will need to be taken in terms of the Union Canal and the Local Nature Conservation Site adjacent to the site.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted, City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

b) The scale, design, layout and materials are sustainable and acceptable within the character of the area;

The proposal will be assessed against relevant design policies in National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) as well as non-statutory guidance where applicable (e.g., Edinburgh Design Guidance). Should the status of City Plan 2030 change, for example it becomes a material planning consideration, its policies would form part of the assessment of the planning application.

The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. A high quality design is expected and should show the suitability of the proposed layout, height, mass and scale of development within its context. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed.

A Sustainability Statement and Design and Access Statement will be required to support the planning application.

c) The proposal will have a detrimental impact on the amenity of neighbours and future occupiers of the development;

The proposal will be assessed against relevant design policies in the Development Plan (NPF4 and LDP) and Edinburgh Design Guidance.

Supporting information is required to show the development's relationship to the adjacent buildings and neighbouring the land to ensure that neighbouring amenity is adequately protected.

A Daylighting, Privacy and Sunlight Analysis will be required in support of the planning application and to demonstrate that adequate daylighting will be received by the proposed buildings. A Noise Impact Assessment may be required. Site Investigation information will also be required to ensure that the site is safe for the proposed development and there is no risk to future occupiers' health.

d) The proposed access arrangements, connectivity and parking levels are acceptable;

The proposal shall have regards to the LDP transport policies and NPF 4 policy 13 (Sustainable Transport), as well as the Edinburgh Street Design Guidance and the parking standards in the Edinburgh Design Guidance. The applicant will be required to provide transport information to show the impact on the surrounding road network, demonstrate how the proposal provides for active and public transport travel, and is aligned with the parking standards, including service arrangements, cycle parking and provision for electric vehicles. Full analysis of the connectivity as part of the forthcoming planning application is required.

e) The proposal has acceptable impacts on infrastructure;

The proposal may require infrastructure improvements. Should infrastructure improvements be required to support the proposed development, the application will be required to make appropriate developer contributions in accordance with LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery, NPF 4 policy 18 (Infrastructure First) and LDP Supplementary Guidance on Developer Contributions and Infrastructure Delivery 2018).

f) 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 a detrimental impact on the environment. In order to support the application, the following documents will be required:

- Pre-application Consultation (PAC) report;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Surface Water Management Plan (SWMP);
- Sustainability Statement;
- Site Investigation information;
- Daylight, Sunlight and Overshadowing Analysis; and,
- Transport Statement.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage. For example, a Flood Risk Assessment and a Heritage Statement due to the proximity to the Union Canal.

The proposed development will require to be screened for an Environmental 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

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 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

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 23/06658/PAN) outlined:

- Two public events:-

Event no 1: Monday 27th November, 2023 3pm to 7pm at Heriot House, 595 Calder Road, Edinburgh, EH11 4HH

Event no 2: Wednesday 15th January, 2024 3pm to 7pm at Heriot House, 595 Calder Road, Edinburgh, EH11 4HH

- Newspaper advertisements:

Event no 1: Edinburgh Evening News, 20th November 2023

Event no 2: Edinburgh Evening News, 8th January 2024

– PAN copied/sent to:

Currie Community Council, Sighthill/ Broomhouse and Parkhead Community Councils, local ward councillors (Pentland Hills and Sighthill/ Gorgie, and the constituency MP and MSP.

- Additional consultation required to be carried out:
- Leaflets/posters advertising the public events to be distributed to neighbouring properties/public areas.
- Send details of the PAN to Wester Hailes Community Trust

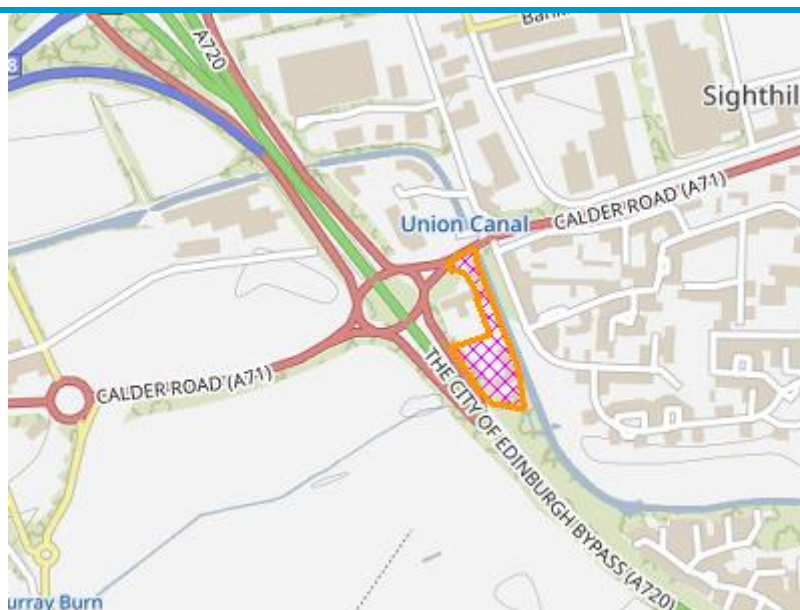
Background reading / external references

- 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
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The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
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Location Plan



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Development Management Sub Committee

Wednesday 10 January 2024

Report for forthcoming application by

**Anschutz Sports Holdings (Trading as AEG Europe) for
Proposal of Application Notice**

23/06913/PAN

**at land 70 metres east of 1 Lochside Court, Edinburgh.
Proposed arena development Class 11 including Class 1A
(retail), Class 3 (restaurants and cafes) and ancillary hot
food/bar amenities with associated public realm, access,
landscaping, parking and infrastructure.**

Item number

Report number

Wards

B03 - Drum Brae/Gyle

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for a proposed arena development Class 11 including Class 1A (retail), Class 3 (restaurants and cafes) and ancillary hot food /bar amenities with associated public realm, access, landscaping, parking, and infrastructure at land 70 metres east of 1 Lochside Court Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/06913/PAN on 20 November 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site is currently vacant land on the south side of Edinburgh Park to the east of Lochend Court where it meets Station Park. It is a fairly flat site and sits below the level of the road. There is a bus turning circle on the south west of the site which is the same level as the road and higher than the rest of the site.

To the south is the Glasgow to Edinburgh Railway line and the tram track with the train and tram stops being next to each other at Edinburgh Park Station. Beyond that there is Hermiston Gait Retail Centre and diagonally opposite the application site, next to Hermiston Gait, is Sighthill Industrial Estate. To the east is an electricity substation, to the north there are offices and vacant land and to the west is an hotel and beyond that vacant land and then the City Bypass (A720).

The surrounding area is predominantly business and commercial use.

2.2 Site History

99/02295/OUT - Edinburgh Park Edinburgh EH12 9JY. Outline planning permission granted to erect offices and other business use, hotel and supporting facilities with associated road works and car parking. Granted 11.04.2003.

09/00430/FUL - Edinburgh Park Edinburgh EH12 9JY. Planning permission granted to vary the terms of condition 1 of planning permission 99/02295/OUT by extending the time period by 10 years (application number). Granted 12.10.2009.

20/02068/FUL - Land Adjacent to Lochside Way, Edinburgh. Development of southern phase of Edinburgh Park to comprise mix of uses including residential (Class 9 houses and sui generis flats), offices (Class 4), hotel (Class 7), crèche (Class 10), leisure (Class 11), ancillary Class 1/Class 2/Class 3 and sui generis public house, car parking, landscaping, roads, access and associated works. Granted 11.01.2022.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for a proposed arena development Class 11 including Class 1A (retail), Class 3 (restaurants and cafes) and ancillary hot food /bar amenities with associated public realm, access, landscaping, parking and infrastructure.

3.2 Key Issues

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

a) The principle of the development is acceptable in this location:

The site is Edinburgh Park/South Gyle in the Local Development Plan 2016 (LDP) and policy Del 4 is applicable. The applicant will need to demonstrate that the proposal will maintain the strategic employment role of the area and introduce a wider mix of uses. Any application will need to demonstrate how the proposed development will contribute to LDP Policy Del 4 including the Edinburgh Park/South Gyle Development Principles.

National Planning Framework 4 (NPF4) now forms part of the Development Plan. Policies in relation to Sustainable Places, Liveable Places and Productive Places, including those in relation to 20-minute neighbourhoods, climate change and biodiversity, blue and green infrastructure, and sustainable transport, will be important cross-cutting policy considerations.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted, City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

b) The scale, design, layout and materials are sustainable and acceptable within the character of the area;

The proposal will be assessed against relevant design policies in National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) as well as non-statutory guidance where applicable (e.g., Edinburgh Design Guidance). Should the status of City Plan 2030 change, for example it becomes a material planning consideration, its policies would form part of the assessment of the planning application.

The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. A high quality design is expected and should show the suitability of the proposed layout, height, mass and scale of development within its context. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed.

A Sustainability Statement and Design and Access Statement will be required to support the planning application.

c) The proposal will have a detrimental impact on the amenity of the neighbours and future occupiers of the development;

The proposal will be assessed against relevant design policies in the Development Plan (NPF4 and LDP) and Edinburgh Design Guidance.

Supporting information is required to show the development's relationship to the adjacent buildings and neighbouring land to ensure that neighbouring amenity is adequately protected. Although there are no residential properties adjacent to the site, the impact on the adjacent hotel will need to be considered.

A Daylighting, Privacy and Sunlight Analysis may be required in support of the planning application and to demonstrate that adequate daylighting will be received by the proposed building. A Noise Impact Assessment will be required. Site Investigation information will also be required to ensure that the site is safe for the proposed development and there is no risk to future users' health.

d) The proposed access arrangements, connectivity and parking levels are acceptable;

The proposal shall have regards to the LDP transport policies and NPF 4 policy 13 (Sustainable Transport), as well as the Edinburgh Street Design Guidance and the parking standards in the Edinburgh Design Guidance. The applicant will be required to provide transport information to show the impact on the surrounding road network, demonstrate how the proposal provides for active and public transport travel, and is aligned with the parking standards, including service arrangements, cycle parking and provision for electric vehicles. Full analysis of the connectivity as part of the forthcoming planning application is required. Information on public safety, e.g. safe existing from events onto the road and transport networks will also be required.

e) The proposal has acceptable impacts on infrastructure;

The proposal may require infrastructure improvements. Should infrastructure improvements be required to support the proposed development, the application will be required to make appropriate developer contributions in accordance with LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery, NPF 4 policy 18 (Infrastructure First) and LDP Supplementary Guidance on Developer Contributions and Infrastructure Delivery 2018).

f) 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 a detrimental impact on the environment. In order to support the application, the following documents will be required:

- Pre-application Consultation (PAC) report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Travel Plan;
- Noise Impact Assessment;
- Surface Water Management Plan (SWMP);
- Landscape Plan;
- Sustainability Statement;
- Site Investigation information;
- Public Safety Statement;
- Daylight, Sunlight and Overshadowing Analysis and,
- Swept Path Analysis.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

The proposed development will require to be screened for an Environmental 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

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 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

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference 23/06913/PAN) outlined:

- Two public events: -

Event 1 - Monday 04 December 2023 (3pm to 7pm) - 1 New Park Square, Edinburgh Park EH12 9GR

Event 2 - Tuesday 09 January 2024 (3pm to 7pm) - 1 New Park Square, Edinburgh Park EH12 9GR

- Newspaper Advert dates:

Dates TBC (at least 7 days before each event)

PAN copied/sent to:

Corstorphine Community Council, Sighthill, Broomhouse and Parkhead Community Council, Ratho and District Community Council, Currie Community Council, local ward councillors, councillors in Almond, Pentland Hills, Corstorphine/Murrayfield and Sighthill/Gorgie wards, and the constituency MP, MSP and Regional list MSP for Lothian.

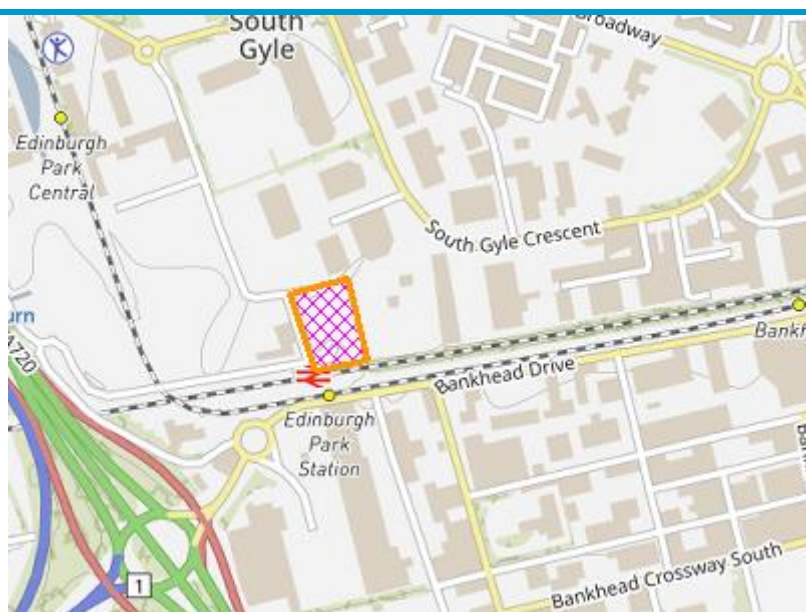
Background reading/external references

- 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](#)

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Chief Planning Officer
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The City of Edinburgh Council

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E-mail: jackie.mcinnnes@edinburgh.gov.uk Tel:0131 469 3731

Location Plan



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Development Management Sub-Committee Report

Wednesday 10 January 2024

**Application for Planning Permission
191 Colinton Road, Edinburgh, EH14 1BJ**

Proposal: Demolish existing bungalow and erect four storey residential development comprising 6 No. 2 bed and 1 No. 3 bed flats with associated access and landscaping, including change of use. (as amended)

**Item – Committee Decision
Application Number – 23/02665/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee due to an elected member request.

Recommendation

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

Summary

Overall, the proposal is in accordance with the National Planning Framework 4 and the Local Development Plan.

The proposal will deliver a sustainable, well-designed development on a brownfield site. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers, safeguard adjacent uses and not result in an adverse impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised.

It is acceptable in terms of archaeology, flooding, waste provision and equalities.

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The site is a detached bungalow located on the east side of Colinton Road. It is setback within the site with garden space fronting the road and trees to the south side. It consists of 695 m² in total.

The grounds of Craiglockhart Tennis Centre border the site on three sides. Outdoor tennis courts are to the north, its vehicular entrance is to the south whilst the main car park and indoor sports facilities are to the east.

Beyond this, the surrounding area is primarily residential in character.

Description of the Proposal

Demolish the existing bungalow and construct a residential development containing 6 x 2 bedroom units and 1 x 3 bedroom unit.

The building will be four storeys with a maximum height of approximately 11.85 m, width of 15.5 m and depth of 15.6m. The overall footprint will be approximately 203 m².

Materials will include ashlar sandstone on the front elevation with dark grey aluminium panel detailing. A white render finish on the side and rear elevations including steel balconies at first and second floor. Windows will have dark grey aluminium frames and the front door will be timber.

The overall building design will be modern including a flat roof form and recessed glazed, roof level with a large terrace area bordered by a steel balustrade. Solar panels will be installed on the roof.

The unit sizes will range from 69 m² to 79 m² (2 bedrooms) and 102 m² (3 bedroom). Internally, access will be provided via a stairwell or lift.

Cycle parking will be located near the building's front elevation via two cycle stores (12 standard and 3 non-standard Sheffield stands). Additional Sheffield stands will also be located nearby. Bin storage will also be located here.

The car park (4 spaces including 1 accessible bay) will be located beside the cycle provision with EV charging points.

Communal garden space with a range of soft landscaping will be to the front and rear of the site comprising of over 150 m². The site will be bordered by a low level stone wall with black steel railings fronting the street with a timber fence to the rear.

Supporting Information

- Design and Access Statement
- Home Report
- Lighting Information
- Noise Impact Assessment
- Planning Statement
- Surface Water Management Plan and Drainage Strategy
- Sustainability Form
- Tree Survey

Revised Scheme

- Car parking spaces reduced from 8 to 4 spaces and EV charging points included.
- Width of vehicular entrance reduced.
- Greenspace and soft planting provision increased to the front.
- Cycle provision increased from 14 to 15 spaces and type changed from two-tier to Sheffield stands (12 standard and 3 non-standard).
- Solar panels added to roof.
- Swift bricks added to side elevations.

Relevant Site History

No relevant site history.

Other Relevant Site History

Adjacent site:

31st March 2017 - Planning permission granted to upgrade and extend existing 4 outdoors courts and provide 5 new floodlit courts and resurface centre court - application reference: 17/00439/FUL

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport Planning

Archaeology

Communities and Families

Environmental Protection

Waste Planning

Scottish Water

Flood planning

Edinburgh Airport Safeguarding

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 26

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 policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 8, 9, 13
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22,

- LDP Design policy Des 1, Des 2, Des 4, Des 5, Des 7
- LDP Developer contributions policy Del 1
- LDP Environment policy Env 12, Env 21, Env 22
- LDP Housing policy Hou 1, Hou 2, Hou 3, Hou 4,
- LDP Transport policy Tra 2, Tra 3, Tra 4

The non-statutory Edinburgh Design Guidance (EDG) is a material consideration that is relevant when considering a number of LDP policies.

Use

Residential

The site is located in the urban area as designated in the Local Development Plan (LDP).

LDP policy Hou 1 (Housing Development) prioritises delivery of the housing land supply and relevant infrastructure on allocated sites through part a) of this policy.

NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) refers to development proposals contributing to local living and 20 minute neighbourhoods.

NPF4 policy 16 a) states development proposals for new homes on land allocated for housing in LDPs will be supported.

The residential use is compatible with its land allocation and is a suitable location for housing. It has local access to public transport, green open space and recreational facilities. The local centre (north) on Colinton Road will provide local services and potential employment opportunities for residents nearby. Therefore, the proposal will contribute to local living.

LDP policy Hou 2 (Housing Mix) states a mix of house types and sizes will be sought to meet a range of housing needs.

The proposal helps to provide some range in house types through provision of one three-bedroom unit in addition to the six, two-bedroom units. The inclusion of a lift internally further increases the suitability of units for a wide demographic of the population. Overall, the house types provided are acceptable given the proportionally small-scale of the development.

LDP policy Hou 3 (Private Greenspace) states planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. This should be based on 10 square metres per flat and 20 % of the overall site area.

The greenspace provision on-site of over 150 m² equates to over 20 % of the overall site area therefore exceeding minimum greenspace standards required.

LDP policy Hou 4 (Housing Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility, and its impact on local facilities.

An appropriate density of development will be achieved. The buildings' four storey scale will be similar to larger developments nearby. Its footprint and retained open space will be proportionate to the plot size and appear in keeping with nearby buildings.

An attractive residential environment will be achieved through the size of flats internally, dual aspect and external amenity space for future residents. The site has access to public transport modes nearby. Lothian bus services 10, 27, and 45 are in close near walking distance on the opposite side of Colinton Road.

In light of the above, the proposal complies with NPF4 policy 15, policy 16 a), LDP policies Hou 1, Hou 2, Hou 3 and Hou 4.

Climate Change and Mitigation

Sustainability

NPF 4 policy 1 (Tackling the climate and nature crises) states when considering development proposals significant weight will be given to the global climate and nature crises.

NPF 4 policy 2 (Climate mitigation and adaptation) intent refers to development minimising emissions and adapting to current and future impact of climate change.

The Scottish Governments' Chief Planners' letter 'Transitional Arrangements for NPF 4' 8th February, sets out this policy is unlikely to be a key consideration for smaller scale developments.

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

NPF 4 policy 9 (Brownfield, vacant and derelict land and empty buildings) intent refers to encouraging reuse of brownfield, vacant or derelict land and empty buildings.

NPF 4 policy 14 b) (Design, quality and place) refers to a quality of a successful place being sustainable. The efficient use of resources, ensuring climate resilience and nature positive solutions.

Demolition of the existing bungalow is appropriate here as the down takings are relatively small in scale and the building is in poor structural condition.

The new development re-uses brownfield land in a sustainable location. The site is near to bus services, shops, places of employment and recreational opportunities in the immediate area on Colinton Road.

The submitted S1 form confirms the development will comply with Section 6 (energy) of the current Building Standards. Sustainability measures including solar panels have been incorporated.

Appropriate measures to manage impacts on climate change have been incorporated with inclusion of recycling facilities and cycle parking.

In this regard, the development and its location are sustainable. The proposal broadly complies with NPF4 policies 1, 2, 3, 9 and 14 b).

Flooding

LDP 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.

NPF 4 policy 22 (Flood risk and water management) a) outlines that development proposals in a flood risk area will only be supported subject to certain criteria.

As identified on the SEPA flood risk maps, the site has no specific river, coastal or surface water flood risk presently or in the future. It is in some proximity to an area with surface water flood risk.

The applicant has submitted a surface water management plan which have been reviewed by flooding officers. The proposal has been designed to mitigate against flood risk to account for the 1 in 200-year storm event plus a 40 % allowance for climate change.

Following review of this, no objections have been received from flood planning subject to Scottish Waters' acceptance of the proposed surface water discharge rate to their network.

Scottish Water has confirmed there is capacity to service the development however further investigations may be required following receipt of a formal technical application. An informative is therefore recommended.

In addition, the development incorporates measures to help reduce surface water run off including soft landscaping and permeable paving.

Overall, the proposal has been designed to mitigate against the risk of future flood risk and complies with NPF 4 policy 22 and LDP policy Env 21.

Trees and Ecology

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

LDP policy Env 12 (Trees) states development will not be permitted if likely to have damaging impacts on trees worthy of retention.

The site has been cleared with 14 unprotected trees removed without the requirement for planning permission. These specimens were categorised as being of low-quality C and U specimens.

The new development incorporates a landscaping scheme including five trees, shrubbery, hedging and greenspace. Overall, this will provide an appropriate degree of mitigation for this recent tree loss. To ensure appropriate species are planted, the full detail of this is required by condition. In tandem with the inclusion of swift bricks this will help provide biodiversity opportunities across the site.

Overall, the proposal complies with LDP policy Env 12 and NPF 4 policy 3.

Design

NPF4 Policy 14 (Design, quality and place) supports development proposals that are designed to improve the quality of an area and are consistent with six qualities of a successful place. These qualities include a place being healthy, pleasant, connected, distinctive, sustainable, and adaptable.

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

LDP policy Des 3 (Development Design - Existing and Potential Features) states planning permission will be granted for development where it is demonstrated existing features worthy of retention on-site have been incorporated.

LDP policy Des 4 (Design - Setting) states development will be granted that has a positive impact on its surroundings including the character of the wider townscape.

LDP policy Des 12 (Alterations and extensions) states planning permission will be granted for alterations and extensions which are compatible with the character of the existing building.

A range of building forms and architecture are evident in the area. Therefore, whilst a modern flat roof building with extensive glazing is not commonplace it will not break any established pattern of development nearby. In regard to scale, there are generally larger buildings on the east side of Colinton Road than the west, setback from the street to varying degrees. The height and width of the building is not at odds with development on this side and its 15 m setback from the street will help reduce its perceived mass. The inclusion of soft landscaping to the front will help contribute towards attractive street frontage onto Colinton Road.

The materials are appropriate as they are generally characteristic of the surrounding area. Natural ashlar sandstone takes cues from more historic villas and light render has been used on more modern developments. As a new-build, modern building the use of zinc detailing is appropriate. A condition for specification of all external materials is required to ensure an appropriate high-quality finish is achieved.

Moreover, demolition of the existing bungalow of a functional design with a modern development of appropriate quality and design will make a positive contribution to the areas character.

The boundary treatment, including a low stone boundary wall and black iron railings is appropriate as it will provide continuity with developments to the south.

The proposal will be in keeping with the prevalent character of the immediate area through providing an appropriate response to design height, scale and spatial pattern.

The building will help promote principles of a safe, pleasant place through the natural surveillance of the public street from additional windows facing onto Colinton Road.

In addition, it is conceivable the proposal could be adaptable, in future, to accommodate a different use if necessary. However specific alternative uses are not identified by the applicant and cannot be assessed under this submission.

In this regard, the proposal supports the delivery of a health, pleasant, distinctive and adaptable place. Other identified place qualities are considered through other sections of the report.

The design of the building is an appropriate response to its immediate context, compatible with the townscape character in terms of height, scale, materials and footprint in compliance with relevant NPF 4 and LDP Design policies.

A condition has been applied for full details of all external materials prior to commencement of development to consider these matters in detail.

Amenity

LDP policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate future that future occupiers will have acceptable levels of amenity.

EDG states generally gardens longer than 9 m are encouraged. In addition, that ground floor flats should generally be provided with private gardens of minimum 3m depth.

NPF 4 policy 23 (Health and safety) states development proposals likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development.

Furthermore, the Edinburgh Design Guidance (EDG) states that private views are not protected however immediate outlook of the foreground of what can be seen from within a building may be.

In regard to privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances.

Future Occupiers

Daylight, sunlight, privacy and outlook

Adequate daylight and outlook will be achieved for all units from the large size of openings serving habitable rooms facing the front and rear.

The length of amenity space (communal and private) at 6.5 m and 1.5m respectively falls below EDG guidance. However, the provision of over 150 m² usable greenspace to the front and rear equates to more than 10 m² green space per flat and more than 20 % useable greenspace in line with policy.

The size of this greenspace in tandem with its orientation and separation distances to the neighbouring properties is sufficient to achieve appropriate levels of sunlight. In tandem with the provision of private terrace or patio space for all flats will ensure adequate amenity space is achieved overall for future occupiers. An infringement of the guidance is therefore appropriate in this context.

The nearest residential building will be separated by 17 m from the new development to the south and over 40 m will be retained to houses on the opposite side of Colinton Road. These distances are in keeping with the spatial pattern of the area and will provide an appropriate degree of privacy for new occupiers.

In addition, all flats meet or exceed the minimum space standards in the EDG.

There is potential for the flats and garden space to be impacted on by noise from tennis activity and traffic. To keep noise within acceptable thresholds the submitted Noise Impact Assessment (NIA) recommends acoustic fencing, glazing and ventilation specifications. A condition has been included for implementation of these measures prior to first occupation of the residential flats. To ensure an appropriate living environment is achieved and prevent limitations on nearby uses.

Information has been received detailing that light will spill onto the site from floodlights serving the tennis courts and Environmental Protection has raised concern regarding this. The potential for some impact is noted, however this lighting would likely be operated at only certain times of the year and day. Moreover, the design of the flats mainly prevents direct outlook onto the courts. The glazed top floor flat is above the line of sight of this light source and openings to the rear primarily face open land with the courts to the north side of this.

Moreover, given the sites' urban location some proximity and impacts between these uses might reasonably be expected. Overall, an appropriate living environment will therefore still be achieved.

With regard to the above aspects, the proposal complies with LDP policy Des 5 and NPF 4 policy 23.

Neighbouring Occupiers

LDP policy Des 2 - states permission will not be granted for development which will compromise the effective development of adjacent land.

LDP policy Des 5 (Development Design - Amenity) also requires development proposals to demonstrate the amenity of neighbouring developments is not adversely affected.

In regard to privacy, the EDG refers to the rearward side of development providing a better opportunity for privacy than the street side. The latter being compromised by the position of windows relative to the street. In addition, an areas' pattern of development will help define appropriate distances between buildings.

As per the above, retained distances between buildings will not be at odds with the spatial pattern of the area. It is recognised the buildings height and glazing will change the relationship from the site to facing properties on Colinton Road with some view onto their land. However as per the EDG, the privacy of buildings on the street side is somewhat compromised by the visibility of windows from the street. In this regard, it is considered these properties better opportunity for privacy will continue to be from the rear. In consideration of this and the sites' compatibility with the surrounding spatial pattern no adverse impact on neighbours' privacy will occur.

To the south, no habitable room openings will directly face onto the nearest flatted property. Retained distances of 12 m to their boundary and 17m between buildings will prevent any material impact on privacy.

In regard to daylight, the submitted cross section diagrams demonstrate the new building is adequately spaced from all neighbouring buildings to ensure no adverse impact will occur. Similarly, the space retained to neighbouring gardens will prevent an adverse impact on sunlight to garden spaces.

In regard to noise, continued residential use of this site is compatible with the areas character therefore no unreasonable impacts from this are anticipated.

The proposal will not have an adverse effect on the amenity of neighbouring developments and therefore complies with LDP policy Des 5.

Contaminated Land

Given the previously developed nature of the site, Environmental Protection has recommended a condition for information on the land's potential contaminants and any required mitigation measures to be submitted thereafter.

Transport

Car Parking

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

NPF 4 policy 14 b) (Design, quality and place) refers to a quality of a successful place being its connectivity. Supporting well-connected networks that reduce car dependency.

NPF 4 policy 13 (Sustainable Transport) b) states development proposals will be supported where demonstrated transport requirements have been considered including transport needs of diverse groups including users with protected characteristics.

Part e) (Sustainable Transport) refers to proposals with low or no car parking being supported in urban locations well served by sustainable transport provided there are no barriers to access by disabled people.

The site is within Zone 2 of the Edinburgh Design Guidance Parking Standards where residential properties should have a maximum car parking provision of 1 space per dwelling. There is no minimum car parking provision.

The provision of 4 car parking spaces is lower than maximum standards set out in guidance and is appropriate in this location which is in proximity to sustainable transport modes. In addition, one accessible parking bay will be accommodated to provide access for disabled users.

Representations have raised potential concerns regarding road and pedestrian safety. Transport Planning has been consulted and have raised no objections on these aspects. It is not anticipated the proposal will result in any significant increase in traffic generation due to the relatively small scale of development and the revised vehicular access is considered acceptable. Therefore, no further transport information has been sought.

An informative has been included regarding the design of car parking, site entrance and requirement for separate consent to form the footway crossing.

The proposal complies with NPF 4 policy 13, 14 b) and LDP policy Tra 2.

Cycle Parking

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

The EDG standards state properties in this zone should have a minimum of 2 cycle spaces for dwellings with 3 habitable rooms. For properties with 4 habitable rooms or more, this should equate to 3 cycle spaces.

NPF 4 policy 13 b (Sustainable Transport) refers to the supply of safe, secure and convenient cycle parking to meet needs of users.

In addition, principles of the Council's cycle parking factsheet include that provision should include 20% non-standard bicycles.

For the seven flats, the required provision equates to 15 cycles in total.

This provision of 12 standard and 3 non-standard Sheffield stands within an enclosed, secure store near the buildings' entrance meets the standards with regard to quantity, quality and accessibility.

An additional, four visitor spaces near the building entrance will also provide adequate space for visitor parking on-site.

In light of the above, the proposal complies with LDP policy Tra 3 and the cycle parking factsheet.

Archaeology

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The City Archaeologist has been consulted on the proposals and has stated there are no known archaeological records from the site or immediate area. Therefore, there are no known archaeological implications from the development.

The proposal therefore does not conflict with NPF4 policy 7 o).

Waste

Refuse facilities will be positioned to the front of the site and the design statement refers to the bins being moved out to the front at appropriate times for collection.

This waste strategy has been reviewed by Waste Management Services who confirm agreement to the proposals with comments that this is only agreed with the applicants' factor agreement in place. In addition, that the applicant will be required to contact this department a minimum of 12 weeks prior to collection agreement. An informative has been included in regard to this.

Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact and where commensurate to the scale of the proposed development.

On 19 April 2023 the Planning Committee approved the Edinburgh Local Development Plan: Action Programme 2023. The latest pupil generation rates (PGR) were set out in the report and were used to assess the cumulative impact of housing developments across the learning estate.

Overall, the development is not expected to generate any primary school or secondary school pupils therefore no education contribution is sought.

Regarding health care, the site is located within the Allermuir Contribution Zone where developments are expected to contribute £526.26 per dwelling. A contribution of £3,683.82 is therefore sought for the seven flats.

Subject to securing this provision through legal agreement, the proposal complies with LDP policy Del 1.

Conclusion in relation to the Development Plan

Overall, the proposal is in accordance with the National Planning Framework 4 and the Local Development Plan.

The proposal will deliver a sustainable, well-designed development on a brownfield site. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers, safeguard adjacent uses and not result in an adverse impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised.

It is acceptable in terms of archaeology, flooding, waste provision.

b) 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.

The site provisionally forms part of the 'Central Leith Waterfront' area - designated for commercial and housing led mixed-use development in the draft plan.

However, at this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Section 149 of the Equalities Act 2010 refers to a public authority in exercise of its functions having due regard to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not.

Protected characteristics can include for example age, disability, pregnancy and maternity.

With regard to the above, the proposal helps to advance equality of opportunity as it will help to increase provision of fully accessible homes. Each unit being accessible via a lift from ground floor. Moreover, the provision of some range in unit sizes helps deliver homes designed for individuals with differing needs.

Through these above considerations, due regard has been had to the public sector equality duty under the above section of the Equalities Act. 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

25 comments have been received including (14 letters of support, 9 objection letters and 2 neutral comments) summarised below:

material considerations

support

- Creates additional housing provision: Addressed in section a) Use.
- Sustainable location: Addressed in section a) Use, Climate Change and Mitigation.
- High quality design: Addressed in section a) Design.
- Positive addition to the area: Addressed in section a) Design.

neutral

- Swift bricks should be incorporated: Addressed in section a) Climate Change and Mitigation
- Should be car free development: Addressed in section a) Transport.

objection

- Adverse impact on road and pedestrian safety: Addressed in section a) Transport.
- Loss of privacy and daylight: Addressed in section a) Amenity.
- Inappropriate design (building and layout): Addressed in section a) Design.
- Adverse impact on drainage: Addressed in section a) Flooding.

non-material consideration

- Not in keeping with the conservation area: The site is not located within a conservation area and the proposed development will not impact on its setting. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 or NPF4 policy 7 are therefore not engaged, and this is not a material consideration in assessing this planning application.

Conclusion in relation to identified material considerations

Overall, the material considerations support the presumption to grant planning permission.

Overall conclusion

Overall, the proposal is in accordance with the National Planning Framework 4 and the Local Development Plan.

The proposal will deliver a sustainable, well-designed development on a brownfield site. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers, safeguard adjacent uses and not result in an adverse impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised.

It is acceptable in terms of archaeology, flooding, waste provision and equalities.

Other material considerations support the presumption to grant planning permission.

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. Prior to first occupation of the approved residential units, the mitigation measures (acoustic glazing, fence and ventilation) detailed on pages 30 to 33 of the submitted Noise Impact Assessment (reference: R-9773-MP-RGM, dated 28th September 2023) shall be fully installed and operational.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. The landscape scheme approved under condition 4 shall thereafter be fully implemented within six months of completion of the development.

Reasons

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. To safeguard the amenity of future occupiers and prevent limitations on operations of adjacent uses.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

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

These matters are:

This site falls within the Allermuir Contribution Zone. The following contributions are required as a health care contribution:

-£3,683.82

The developer should enter into a suitable agreement with the Council to secure the contribution.

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.
 - a. 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.
 - b. Continuous footway crossing on the access is required.
 - c. Any off-street parking space should comply with the Council's Guidance for Householders 2021

<http://www.edinburgh.gov.uk/downloads/download/13430/planning-guidance> including:

- Off-street parking should be a minimum of 6m deep and a maximum of 3m wide.
- Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g., loose chippings) being carried on to the road.
- Any gate or doors must open inwards onto the property.
- Any hard-standing outside should be porous.
- The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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

5. The applicant will be required to submit a Pre-Development Enquiry (PDE) Form to be submitted to Scottish Water prior to any formal technical application being submitted.
6. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 7 July 2023

Drawing Numbers/Scheme

01A, 02A, 03, 04C, 05A, 06B, 07B, 08A, 09B, 10A, 13, 14, 15

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objections subject to conditions or informatives as appropriate.

DATE: 27 September 2023

NAME: Archaeology

COMMENT: No objections.

DATE: 14 September 2023

NAME: Communities and Families

COMMENT: No education contribution required.

DATE: 30 November 2023

NAME: Environmental Protection

COMMENT: Proximity to tennis court floodlights may impact on future occupiers of the development. Noise mitigation measures recommended as a condition should permission be granted.

DATE: 13 December 2023

NAME: Waste Planning

COMMENT: A waste strategy is agreed.

DATE: 4 December 2023

NAME: Scottish Water

COMMENT: No objections. The applicant will be required to submit a pre development enquiry prior to any technical application.

DATE: 11 September 2023

NAME: Flood planning

COMMENT: No objections. Condition recommended regarding Scottish Waters' acceptance of proposals.

DATE: 1 November 2023

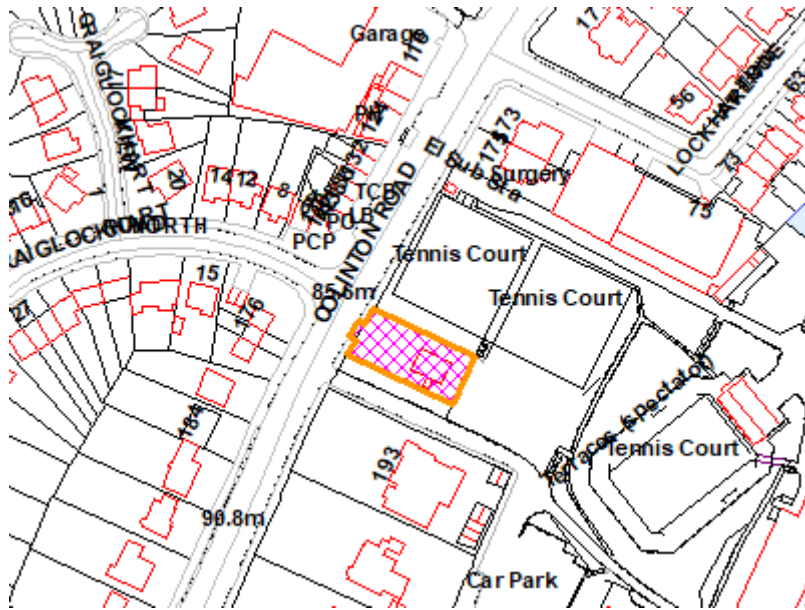
NAME: Edinburgh Airport Safeguarding

COMMENT: No objections.

DATE: 7 December 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 10 January 2024

**Application for Planning Permission
Colinton Primary School, 3 Redford Place, Edinburgh.**

Proposal: Modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area.

**Item – Committee Decision
Application Number – 23/02772/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as the applicant is the Council.

Recommendation

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

Summary

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

SECTION A – Application Background

Site Description

The application relates to the playgrounds of Colinton Primary School, located between Redford Place to the west and Braid Burn to the east.

There is an area of open space to the northwest which includes a playing field, with a wooded area to the east and southwest.

The school is a single storey flat roof building with a playground area to the east.

The surrounding area is mainly residential in character.

Description of the Proposal

The proposal is for a single storey modular building, measuring approximately 10 metres by 12 metres with an overall height of 3.2 metres. The treatment finish will include insulated wall panels and wall trims clad with Tata Colorcoat Plastisol Steel. The roof will include a pre-finished profiles steel sheet in white. All windows are to be double glazed in uPVC.

The building is required to support the function of the existing primary school, where it will house a kitchen, toilets, stores, and an office area.

Supporting Information

Flood risk assessment and drainage strategy.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Team

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 July 2023

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

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 policies to be considered are:

- NPF4 Sustainable Places policies 1 and 2;
- NPF4 Liveable Places policies 14 and 22;
- LDP Design policies Des1, Des 4 and Des 5 and
- LDP Environment policy Env 21.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering design and amenity related policies.

Principle of Development

The site is located within the urban area and is within the curtilage of the existing school. The principle of development within this location is therefore established.

Climate Mitigation and Adaption

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 proposal is to support the requirements of the existing school, and this is linked to the spatial principles 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

NPF4 policy 2 seeks to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. As the proposed development utilises an existing land use, this is linked to the spatial principles 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

The use of steel cladding is a sustainable and recyclable material. As the proposed development supports an existing use, the impact on emissions will therefore be minimised.

The proposal complies with NPF 4 policies 1 and 2.

Development design

The proposed modular building will be situated within the school grounds where it will be functional in scale, form and design and will complement the main school building. It will not have an adverse impact on the character or appearance of the surrounding area.

The proposal complies with NPF 4 policy 14 and LDP policies Des 1 and Des 4.

Amenity

LDP policy Des 5 (Development Design - Amenity) requires the amenity of neighbouring developments not to be adversely affected.

The proposed development will not result in loss of privacy, sunlight or result in adverse overshadowing.

In terms of noise and odours, a representation has raised the issue of fumes from cooking entering the playground. This is not a material consideration as the playground is not a neighbouring development.

Odours from cooking and potential noise from ventilation fans can be considered in the context of impact on neighbouring properties. The main ventilation fans from the kitchen area are on the north and west elevations. On the north elevation there is approximately 12 metres separation between the proposed standalone modular building to the nearest residential building at 1, Redford Place, separated by the access road into the school. On the west elevation there is approximately 28 metres separation between the proposed building and the nearest residential building at 2 Redford Place, separated by a section of school ground, public road and garden. In both cases the proposed development is a sufficient distance away for potential odours or noise from the ventilation fans to have a negative impact.

All the ventilation fans are fitted with external cowls to reduce noise. The proposed development will not have a materially detrimental effect on the living conditions of

nearby residents.

The proposal complies with NPF4 policy 14 and LDP policy Des 5.

Flooding impacts

It is identified that there are no areas of fluvial, surface water, groundwater or coastal flooding located within the development site. There is an area with a low likelihood of fluvial flooding which covers the immediate surrounding area. A drainage strategy has been submitted and this is designed to prevent the increase in run-off from elevating the baseline risk. A soakaway manhole is proposed to the west of the proposed building. This Sustainable Urban Drainage (SuDS) feature will provide minimum storage for surface water run-off for rainfall events up to and including the 200 year critical storms (including allowance for climate change) providing future resilience to the proposed development. CEC's Flood team raise no issues in relation to the Flood Risk Assessment and the Drainage Strategy.

The proposal complies with NPF4 policy 22 and LDP policy Env 21.

Playground Space

A representation has raised the issue of loss of green space. The proposed development is within the school grounds so there is no loss of public green space. There is an area to the north west of the school buildings which includes a playing field and there is a playground to the east of the main building. There are wooded areas to the east and south west of the school and these are unaffected.

Conclusion in relation to the Development Plan

The proposed development complies with the policies contained in NPF4 and in the Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for Examination. As such, limited 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

Two representations have been received. Both are objections.

A summary of the representations is provided below:

material considerations

- Loss of green space. Addressed in a) above.
- Will take away green space that acts as sustainable drainage. A SuDS feature is included. Addressed in a) above.
- Fumes from cooking will be ejected into playground. Addressed in a) above.

non-material considerations

- This is a short-term fix. The application is not for temporary consent.

Conclusion in relation to identified material considerations

The material planning considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 27 June 2023

Drawing Numbers/Scheme

01, 02, 03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

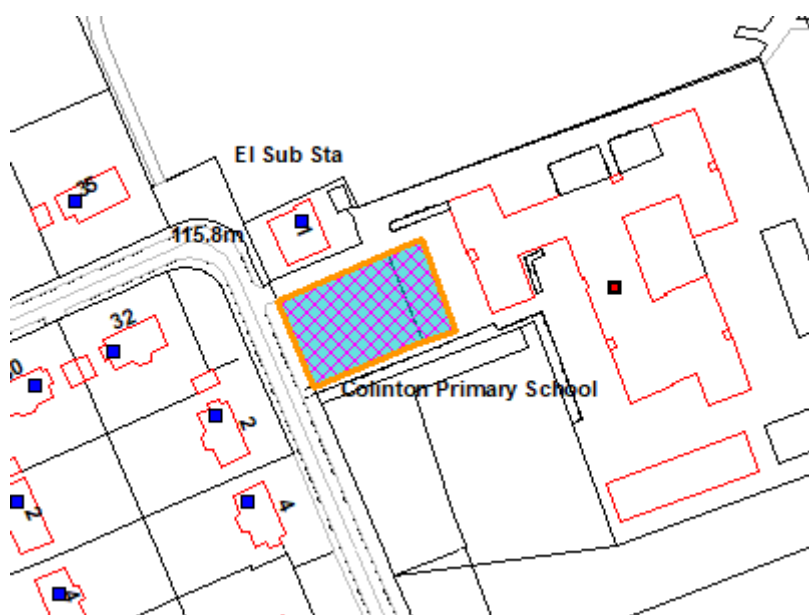
NAME: Flood Team

COMMENT: No comments.

DATE: 29 November 2023

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

Location Plan



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Development Management Sub Committee

10 January 2024

Confirmation of Tree Preservation Order No. 207 (Foxhall Gait)

Item number

Report number

Wards

1 - Almond

Summary

Tree Preservation Order No. 207 (Foxhall Gait) was made on 20 July 2023 to protect trees and woodlands in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 20 January 2024 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 207 (Foxhall Gait).

Links

[Policies and guidance for this application](#) CDP ENV12

Report

Confirmation of Tree Preservation Order No. 207 (Foxhall Gait)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

Foxhall Gait is a site of around five hectares in size to the east of Kirkliston which is currently under development. To its west, south and east are existing mature tree strips.

2.2 Site History

Planning permission in principle was granted for residential development of around 100 units, landscaping, access and associated works on 12 September 2018 under reference 17/04751/PPP. A subsequent application for detailed matters reference 21/03112/AMC was approved for 124 residential units on 8 September 2021.

Main report

3.1 Description of the Proposal

Foxhall Gait is currently being developed. The existing tree strips are in close proximity to gardens on the east and west site. At the south of the site an amenity greenspace is planned, and existing trees will be immediately to the south of this area. Given these juxtapositions it is likely that there will be pressure from residents for removal of trees in order to reduce the impacts on their gardens and park. Over time this could mean a substantial reduction in the tree cover. The Order was made to allow the planning authority to limit and control the loss of existing trees and to ensure that any lost trees are replaced.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

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

- a) the making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
- b) the proposal complies with the development plan;
- c) equality and human rights issues have been addressed and
- d) any representations received indicates the Order should be confirmed, confirmed with modifications or abandoned.

a) Amenity, Expediency and Cultural or Historic Interest

The existing tree strips line the east, west and south boundaries of the site providing green walls which will have amenity value to future residents of the development. They are also visible from users of the Boathouse Bridge Road which passes the development and form a green backdrop for the adjacent residential street Auldgate. They form part of the green-blue network, forming a link between the River Almond and a woodland strip to the north of the site which runs up to Dalmeny.

The making of the Order is expedient because the new development creates new potential conflicts with the trees. The planning authority have already received enquiries from residents of the first homes to be sold who want tree works carried out in order to reduce the impact on their gardens. Over time the cumulative effect of such operations would be likely to significantly reduce the amenity value of the tree strips.

The trees are not considered to have cultural or historic interest.

b) Development Plan

The site forms part of the urban area within the adopted Edinburgh Local Development Plan 2016. To the north, east and south this site is bound by the Edinburgh Green Belt. To the north -west the site sits adjacent to a Local Nature Conservation Site and an area of open space. Protecting the trees on this site strengthens this green belt boundary and ensure the LNCS remains linked to other surrounding greenspaces.

The supporting text of Policy Env 12 (Trees) of the Edinburgh Local Development Plan states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

In view of the amenity provided by the trees, the requirement to apply a Tree Preservation Order complies with the development plan.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations were received.

Conclusion

The tree strips provide significant amenity to the area. The development currently under construction could present conflicts which may lead to trees being lost.

TPO 207 was made under delegated powers to protect the trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed in order to provide permanent protection.

The Tree Preservation Order Schedule and map are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 20 July 2023 and displayed at Kirkliston Library in accordance with regulatory requirements. A copy was also available to view on the Council's website.

David Givan

**Chief Planning Officer
PLACE
City of Edinburgh Council**

Contact: Ruthe Davies
E-mail: ruthe.davies@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Appendices

APPENDIX 1

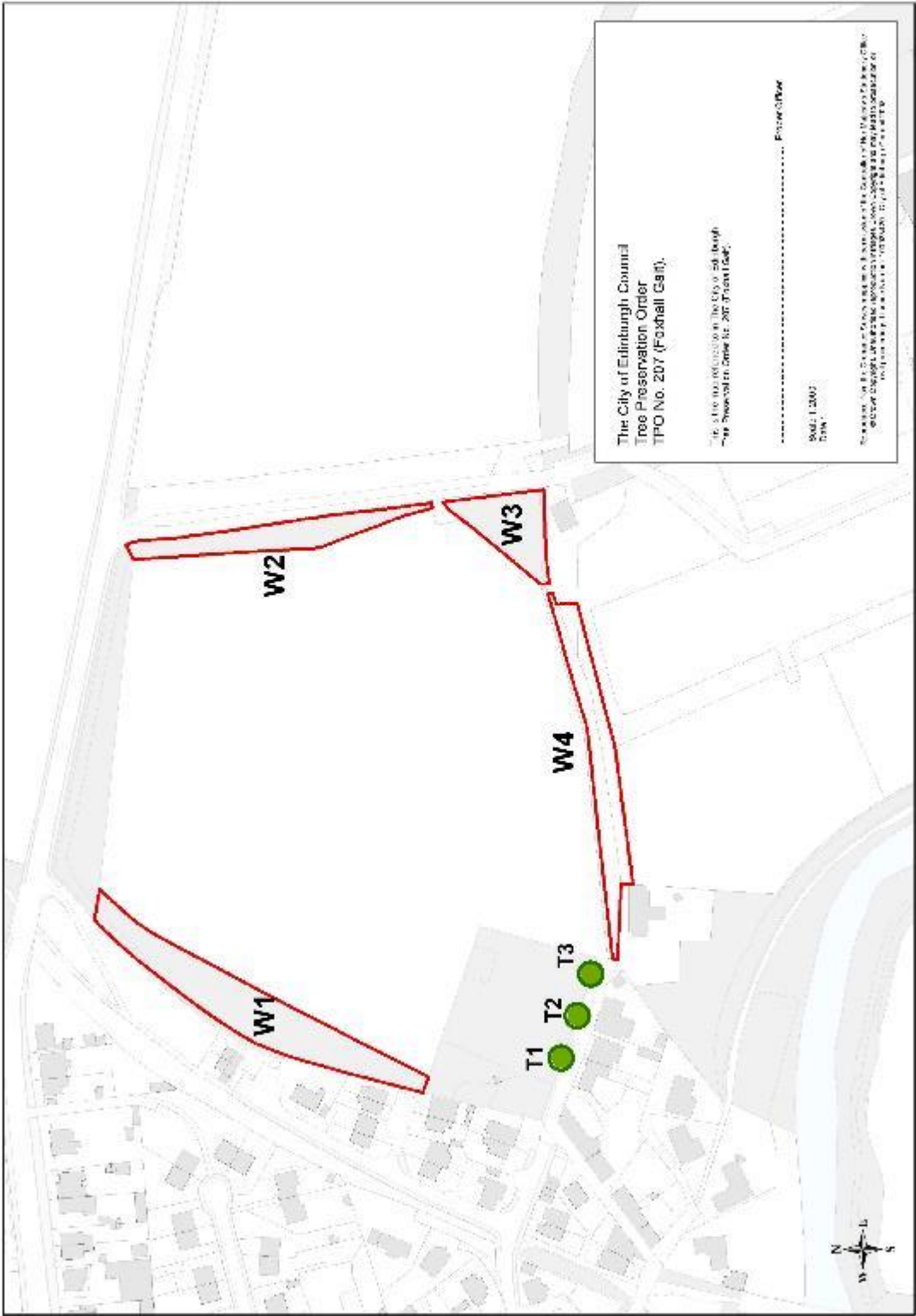
Tree Preservation Order First Schedule

Trees specified individually (marked in green on the map)		
<u>No on map</u>	<u>Description</u>	<u>Situation</u>
T1	Sycamore	On the land at FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.
T2	Ash	On the land at FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.
T3	Ash	On the land at FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.
Trees Specified by Reference to an Area (with a continuous black line on the map)		
<u>No on map</u>	<u>Description</u>	<u>Situation</u>
None		
Groups of Trees (within a broken black line on the map)		
<u>No on Map</u>	<u>Description</u>	<u>Situation</u>
None		
Woodlands (within a continuous red line on the map)		
<u>No on Map</u>	<u>Description</u>	<u>Situation</u>
W1	Mixed woodland	On the land at FOXHALLGAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.

W2	Mixed woodland	On the land at FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.
W3	Mixed woodland	On the land at FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813.
W4	Mixed woodland	On the land at: <ul style="list-style-type: none"> - FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN24813; and - FOXHALL GAIT, KIRKLISTON and being part of the Titles currently registered in the Land Register of Scotland with Title Number WLN49123.

APPENDIX 2

Tree Preservation Order Map



**APPENDIX 3
Photographs**



Fig. 1: the north end of W1



Fig. 2: W1 behind the newly built houses



Fig. 3: W2 – houses will soon be built adjacent to this woodland strip



Fig. 4: Part of W4 to the south of the site, and a house from an existing adjacent street

APPENDIX 4 Site plan



Fig. 5: Site plan from 21/03112/VAR4 showing the planned site layout. Note that the trees along the south boundary (W4, T1, T2 and T3) are not shown on this map.

Development Management Sub-Committee Report

Wednesday 10 January 2024

Application for Planning Permission
221B St John's Road, Edinburgh, EH12 7UU

Proposal: The removal of existing slimline lattice tower, 9 No. existing antennas, 4 No. existing equipment cabinets within existing cabins and other ancillary apparatus and the installation of a new replacement 8.0m high stub tower, 12 No. antennas on proposed headframe /supports, 2 No. GPS modules, 2 No. equipment cabinets and 2 No. ERS racks within existing cabins, 1 No. cable tray, 1 No. stepover, 3 No. self-closing gates and all other associated ancillary apparatus thereto.

Item – Committee Decision
Application Number – 23/01771/FUL
Ward – B06 - Corstorphine/Murrayfield

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 it has received more than twenty material representations in objection and the recommendation is to grant planning permission.

Recommendation

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

Summary

The proposal is acceptable and would accord with the objectives of NPF4 Policies 1, 14, 16 and 24 and LDP Policies Des 1, Des 12 and RS7. The proposal would harmoniously relate to the host property in terms of its appearance and would represent a minor increase in size and scale in comparison to the existing telecommunications equipment that is situated on the roof of the building. It would not have an unacceptable impact on amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a three storey commercial building situated behind two storey mixed-use buildings that front St John's Road to the north. Residential properties, which are mainly one and two storeys, are located to the south, south-west, and north-east.

The roof of the application site houses a number of telecommunications antennas, cabinets and cabins.

Description of the Proposal

The proposal is for the installation of a 5G antenna (19.5m in height, approximately) and related infrastructure to the flat roof of the building, to replace the existing telecommunications equipment (17m in height) and related infrastructure.

Additional material

ICNIRP Certificate

Planning Statement

Relevant Site History

19/02471/PNT

221B St John's Road

Edinburgh

EH12 7UU

Installation of 6 No. replacement antennas with ancillary supporting apparatus onto existing roof top stub mast, refurbish existing rooftop equipment cabin.

Permitted Development

24 June 2019

14/05291/FUL

221B St John's Road

Edinburgh

EH12 7UU

The removal of 3 existing Vodafone antennas and the installation of 6 replacement antennas and 3 RRU's (Remote Radio Units) onto the existing stub tower on the roof of Corstorphine Telephone Exchange. The proposal also involves the removal of 3 existing equipment cabinets and installation of 3 replacement cabinets within the existing equipment cabin located on the roof.

Permitted Development

19 February 2015

14/04227/PNT

221B St John's Road

Edinburgh

EH12 7UU

Installation of 3no additional antennas and a new equipment cabinet at Corstorphine telephone exchange St John's Road, Edinburgh.

Permitted Development

29 October 2014

12/04329/PNT

221B St John's Road

Edinburgh

EH12 7UU

Installation of an additional equipment cabinet on existing grillage at Corstorphine telephone exchange, St John's Road, Edinburgh EH12 7UU.

Permitted Development

24 December 2012

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 5 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 315

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 policies to be considered are:

- NPF4 Policies 1, 14, and 24.
- LDP Design Policies Des 1 and Des 12.
- LDP Telecommunications Policy RS7.

Principle

Within National Planning Framework 4 (NPF 4) the Scottish Government has set out its aspirations for the roll out of the most up to date connectivity. Councils are encouraged to support digital infrastructure improvements, where possible, to reduce gaps in connectivity and barriers to access.

The improvements in infrastructure would have the potential for more people to work from home and reduce the need to travel to work, thereby reducing carbon emissions from vehicles.

The proposal would comply with NPF 4 Policies 1 and 24 and LDP Policy RS7.

Scale, Form and Design

The application site is partially screened from public view to the north, on St John's Road, by the buildings that front onto that road.

The proposal is of a similar size and scale to that of the existing telecommunications infrastructure situated on the roof. Given the functional appearance of the building and its relatively inconspicuous location, the increase in size of the proposal would represent a modest alteration that would sit comfortably on the roof of the application site.

The proposal complies with NPF4 Policy 14 and LDP Policies Des 1 and Des 12.

Amenity/Health

The Scottish Government has recently published a position statement in relation to perceived health threats from telecommunications apparatus. It states that In the UK and internationally, independent expert groups have examined the accumulated research evidence. The conclusions of these groups support the view that there is no convincing evidence that radio frequency field exposures below international guideline levels (ICNIRP) cause health effects in either adults or children.

This application includes a submission confirming that the development would comply with ICNIRP, and accordingly it is concluded that the proposal would not have an adverse effect on the health of residents.

The proposal would have no adverse effect when assessed against non-statutory guidance in relation to privacy, daylight or sunlight for neighbouring residential properties.

This complies with NPF4 Policy 24 and LDP Policy Des 12.

Conclusion in relation to the Development Plan

The proposal would form an appropriate addition to the building and would not have an unacceptable impact on the character of the area or on residential amenity. It would promote the most up to date digital connectivity and would support the opportunity for people to work close to their place of residence.

The proposal complies with NPF4 Policies 1, 14 and 24 and LDP Policies Des 1, Des 12 and RS7.

b) 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

Three hundred and eleven representations were received (In objection).

material considerations

The main theme of the representations were related to health concerns and the impact on the character on the area; these have been addressed in section a).

Conclusion in relation to identified material considerations.

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable and would accord with the objectives of NPF4 Policies 1, 14 and 24 and LDP Policies Des 1, Des 12 and RS7. The proposal would harmoniously relate to the host property in terms of its appearance and would represent a minor increase in size and scale in comparison to the existing telecommunications equipment. It would not have an unacceptable impact on amenity. 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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 April 2023

Drawing Numbers/Scheme

01-06

Scheme 1

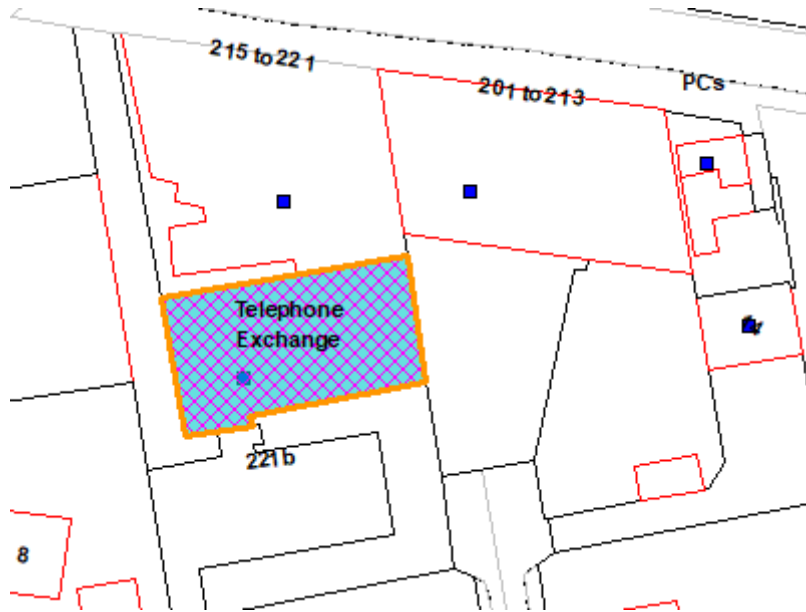
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee

10.00am, Wednesday 10 January 2024

Protocol Note for Hearing

Ocean Terminal, 98 Ocean Drive, Edinburgh – Erection of mixed-use development comprising residential and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure, and access arrangements – application no. 22/05599/FUL

Report number	6.1
Wards	B13 – Leith

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

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

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

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees Leith and Newhaven Community Council (TBC) Individuals TBC	10.40 – 10.45
3	Ward Councillors Councillor Katrina Faccenda (TBC) Councillor Adam Nois-McVey (TBC)	10.50 – 10.55 11.00 – 11.05
4	Break	11.10 – 11:25
5	Applicant and Applicant’s Agent Colin Smith (Turley) Representatives from Ambassador Group/Ocean Terminal Ltd, Keppie Design, LDA Design, and Sustainability Unlimited	11.30 – 11.45
6	Debate and Decision on Application by Sub-Committee	11.50

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 10 January 2024

**Application for Planning Permission
Ocean Terminal, 98 Ocean Drive, Edinburgh.**

Proposal: Erection of mixed-use development comprising residential and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure, and access arrangements.

**Item – Committee Hearing
Application Number – 22/05599/FUL
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as it falls under the definition of a National Development under NPF4 as a major application within Edinburgh Waterfront. Consequently, under Section 38A of the Town and Country Planning (Scotland) Act 1997 a pre-determination hearing is required prior to determination.

Recommendation

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

Summary

Residential led mixed-use development is acceptable at this location and permission has already been granted for the demolition of the northern part of Ocean Terminal. The proposed uses comply with the NPF4 designation.

Based on the information submitted the height is generally in keeping with the emerging character of the area will have an acceptable impact on the views considered in the submitted Townscape and Visual Impact Assessment (TVIA).

The proposed materials and detailing references the various surrounding areas and the design approach is acceptable as it provides a smart contemporary development. The proposed layout is acceptable, and it provides a mix of uses that allow for activity and surveillance. The scheme opens up the area more than the present buildings and introduces good areas of public realm.

However, the fence associated with the Royal Yacht Britannia yard requires upgrading to enhance the public realm experience. The proposed housing mix is acceptable, and the level of affordable housing proposed complies with policy.

The proposal results in some potential minor infringements with regards to daylighting within the new properties. In addition, Environmental Protection has raised concerns with regards to some amenity aspects of the development, mostly in relation to port noise. In this regard, a number of conditions have been recommended.

Other matters such as transport implications, flooding, biodiversity and sustainability are considered acceptable.

Subject to recommended conditions and a legal agreement, the proposal is acceptable and broadly complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan (LDP), as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site, covering 5.39 hectares, is located at the northern point of Ocean Terminal; a large shopping centre in the north of the city. The site fronts both the Port of Leith basin and the Royal Yacht Britannia at Leith Docks as well as Ocean Drive. To the north-east is the entrance to the Albert Dock basin, to the south east is Ocean Drive, the office building known as Ocean Point 1, and the residential area known as Waterfront Plaza, with Victoria Dock beyond. To the south-west is Melrose Drive with a mix of hotel and residential uses nearby and mixed uses including commercial uses in the vicinity. To the north-west is the Port of Leith basin and the Royal Yacht Britannia. The new Port of Leith Distillery is located to the immediate north-east of the application site, but not within it.

The site consists of existing buildings including:

- Ocean Terminal Shopping Centre and entrance area
- Ocean Terminal's Red and Blue Car Parks and surface level car park
- The Discovery Garden
- Ocean Terminal bus stop and public realm fronting onto Ocean Drive

Within the application site is Whisky Quay, parallel to Ocean Terminal along the Port of Leith basin and the Albert Dock and the ancillary infrastructure for the Royal Yacht Britannia.

There are a number of landscaped areas including trees on site - within the discovery garden, fronting onto Melrose Drive, between Whisky Quay and the Port of Leith basin and between Whisky Quay and Albert Dock Basin and around the surface level car park between Ocean Terminal and Ocean Point 1.

Bus stops are located immediately outside the main pedestrian entrance to Ocean Terminal and the tram line is now complete along Ocean Drive.

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). Ocean Terminal is designated as one of the City's Commercial Centres.

The LDP Proposals Map contains a safeguarded route for the Waterfront Promenade.

Further north of the site is the Imperial Dock Lock Special Protection Area (SPA) which contains a tern colony.

Description of the Proposal

The proposals relate to the northern area of Ocean Terminal primarily covering the northern-most multi-storey car park and the former Debenhams retail unit. Planning permission has previously been given for the demolition of these areas and for a new gable end and entrance. The remainder of the Ocean Terminal shopping centre is not included in the proposals.

The proposal is for a mixed-use development that in summary consists of:

- 531 residential units including 135 affordable units and 396 build to rent units;
- Nine commercial units providing a total of 1,236 sqm of floor space split between Class 1A and Class 3 uses;
- 52 car parking spaces including four disabled spaces and 10 EV ready spaces;
- 1130 cycle spaces are provided, 26 for the commercial uses and 1104 for the 531 residential units. A further 33 external stands are provided;
- Highest elements at 55.95m AOD (17 storeys in height);
- Landscape deck and terraces providing residential amenity space; and
- New public realm space of approximately 6000 sqm, including padel tennis court, playground, access arrangements and ancillary infrastructure.

A new pedestrian street would be created linking Ocean Drive directly with the Royal Yacht Britannia and opening out to a public space fronting the ship. The Royal Yacht Britannia Dock compound remains in its current location.

The proposals include three groups of buildings A, B and C in a rectangular format around a central area which includes cycle and car parking, bin store at ground level with an upper deck comprising landscaping and amenity space. The buildings would be encircled by Whisky Quay and the new pedestrian street would connect the proposals with Ocean Terminal shopping centre. Each block has its own design, though the primary material proposed throughout is brick of various colours.

Block A contains 174 BTR units and is angled towards Western Harbour and the Royal Yacht and has seven commercial units at the ground floor level which sit behind a colonnade. The building rises up to 17 storeys alongside 10 and six storey elements with sawtooth roofs. Two roof terraces are also proposed. The material palette contains buff brick and tinted concrete.

Block B contains 222 BTR units and is orientated to the north facing onto Leith Docks and is dog-legged in shape. It responds to the existing road that runs adjacent to the newly completed distillery. There is variation in height with six, ten, twelve and seventeen storeys proposed. The design is described as having a 'warehouse' typology with a butterfly roof and punched window openings. The primary material is red brick.

The ground floor amenity space consists of bookable rooms, library, lounge, coffee-shop and bar, cinema, fitness centre and studios. Two roof terraces would also be provided.

Block C is an 'L' shaped block located on the eastern part of the site. It contains 135 affordable housing units above two commercial units alongside amenity space and ancillary infrastructure. It fronts onto the existing road and the existing Ocean Point 1 office building. It also forms a frontage onto new end of Ocean Terminal. The height is a mix of eight and twelve storeys. The design is described as having a 'tenemental' typology which utilises a material palette of grey brick with decorative upstands and corncicing.

The commercial uses are proposed at the ground floor under Block A and C. Those on the southern elevation will front onto the new bookend of Ocean Terminal the units on the western elevation will front onto the proposed new area of public realm adjacent to the yacht.

The six class 3 units are 102 sqm, 109 sqm, 141 sqm, 161 sqm, 242 sqm and 86 sqm in size. The three class 1A units are 102 sqm, 128 sqm and 165 sqm in size.

A padel tennis court and playground would be located next to Ocean Terminal fronting onto Ocean Drive. A sculpture would be erected fronting onto Ocean Drive opposite the Ocean Point 1 building.

Previous schemes:

The original scheme contained 580 units in a similar design and had a higher overall height with differing design of the uppermost sections. Block A was private for sale instead of build to rent. An interim scheme was also proposed which lowered the number of units to 571 and altered the height and massing.

The design and form of the development consisted of largely the same form of development. The internal courtyard area was smaller, the affordable housing contained less three bedroom units, the ground floor BTR amenity space was undefined and the design of the three main buildings contained more mismatched elements. Fifty-eight car parking spaces were proposed.

Supporting Information

- Cultural and heritage assessment;
- Daylight and sunlight and amenity report;
- Design and access statement;
- Ecology assessment;
- Economic and social benefits statement;
- Flood risk assessment;
- Geo-environmental desktop study;
- Industrial emissions assessment;
- Habitat regulations information;
- Landscape management and maintenance and specification;
- Noise impact assessment;
- Planning statement;

- Pre-application consultation report;
- Sustainability statement;
- Townscape and visual impact assessment;
- Transport assessment and
- Wind microclimate assessment.

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

Relevant Site History

99/00018/FUL

Land @

Ocean Drive

Edinburgh

Erect mixed use development, including retail, leisure, restaurants & bars, multi-screen cinema and Britannia Visitor Centre with 2 car parks

Granted

2 December 1999

14/04482/FUL

Ocean Terminal

98 Ocean Drive

Edinburgh

Front extension to units comprising Class 1 retail on the ground floor, staff welfare facilities on the first floor and mechanical plant on the second floor.

Granted

12 August 2015

16/02815/PPP

Car Park 137 Metres Northeast Of 98

Ocean Drive

Edinburgh

Erection of Hotel development (Class 7), associated facilities and ancillary works, including Boardwalk (As Amended)

Minded to Grant - Legal Agreement

21/04565/SCR

Ocean Terminal

98 Ocean Drive

Edinburgh

Request for EIA Screening Opinion.

EIA Not Required

20 September 2021

22/01372/FUL

Ocean Terminal

98 Ocean Drive

Edinburgh

Part demolition of existing shopping centre, remodelling and re-facing of facade to provide reconfigured commercial units (Class 1/2/3) at ground floor level; reconfigured visitor attraction space (Class 10) and potential co-working office space (Class 4), commercial units (Class 1/2/3) and/or leisure uses (Class 11) on upper floors; relocation of access bridge to Royal Yacht Britannia; temporary landscaping on the cleared site; and associated works.

Granted

29 September 2022

23/01625/FUL

Ocean Terminal

98 Ocean Drive

Edinburgh

Change of use of 5 units within Ocean Terminal to accommodate new tenants and relocation of existing tenants within the centre. Unit S2 - Class 1A to Class 11; amalgamate units S1, RU11-RU19, and area of common mall space - Class 1A to Class 11; amalgamate units LSU3, RU56a/b, and RE2a - Class 1A to Class 11; amalgamate units RU50/51 - Class 1A Class 11; amalgamate units RE9 and L2.83 - Class 1A to Class 10.

Granted

13 September 2023

Other Relevant Site History

Land adjacent to the site:

01/01030/FUL

Ocean Drive

Edinburgh

Erection of two office buildings of 9 and 11 storeys respectively, with a combined floor area of 25,000sqm. The 9-storey building (Ocean Point) has been implemented.

Granted

31 October 2001

16/03684/FUL

Land 120 Metres South East Of 98 Ocean Drive (Waterfront Plaza)

Edinburgh

Planning permission for proposed residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (As Amended).

Granted

14 August 2018

17/04428/FUL

Land Adjacent To Ocean Drive
Edinburgh

Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery-related servicing and storage.

Granted

26 September 2019

19/02778/FUL

Land 143 Metres Southeast Of 94 Ocean Drive (Skyliner/Dockside)
Edinburgh

Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).

Granted

3 November 2020

23/01615/FUL

Land 143 Metres Southeast Of 94 Ocean Drive (Skyliner/Dockside)
Edinburgh

Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) for a 14 storey Block A.

Minded to grant

22/011/2023

23/04069/FUL

Land 58 Metres South Of 94 Ocean Drive (Ocean Point 2)
Edinburgh

Erection of mixed-use development comprising residential and purpose-built student accommodation, along with commercial uses /co-working and amenity space, landscaping, and infrastructure.

Application pending consideration

Submitted 01.09.2023

Pre-Application process

Pre-application discussions took place on this application.

Early proposals and concepts were presented to the Edinburgh Urban Design Panel (EUDP) on 29 September 2021. The full report is available to view on the Planning and Building Standards Online Service.

In taking forward this proposal, the Panel recommended that the following should be addressed:

- expand the brief to allow the remaining ocean terminal building to be adapted to engage with both the street and water's edge
- consider the site in the wider context with respect to opportunities to link to wider coastal projects and to Leith

- place sustainability at the heart of the design and expand energy-reduction measures to address 2030 zero-carbon targets
- develop a residential proposal which places liveability first and visitors second
- develop a strong public realm and landscape strategy
- use microclimate studies to inform the design process
- develop a proposal which is car free
- security and public safety should be integral to the early design process

Consultation Engagement

SEPA

NatureScot

Leith Harbour and Newhaven Community Council

Flood Prevention

Roads Authority

Environmental Protection

Affordable Housing

Communities and Families

Waste Services

Archaeology Officer

NatureScot - Further Comment

SEPA - Further Comment

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

Publicity and Public Engagement

Date of Neighbour Notification: 26 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 29 September 2023 19 May 2023 22 December 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 35

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 policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 4, 7, 9, 10, 12 and 13.
- NPF4 Liveable Places policies 14, 15, 16, 18, 22 and 23.
- LDP Delivering the Strategy Policies Del 1 and Del 3.
- LDP Design policies Des 1, Des 2, Des 4, Des 5, Des 7, Des 8, Des 10 and Des 11.
- LDP Environment policies, Env 21 and Env 22.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4 and Hou 6.
- LDP Retail policy Ret 4.
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 7 and Tra 9.

The non-statutory Edinburgh Design Guidance, Affordable Housing Guidance and the Leith Docks Development Framework are relevant material considerations when assessing the application's compliance with the development plan.

The Scottish Government's Planning Minister and Chief Planning Officer wrote to stakeholders on 03 February 2023 in a letter that sets out guidance on the interpretation of NPF 4 policies 1, 2, 3, 16, 23 and 27(d) and this guidance is a material consideration where applicable to development proposals.

Principle

NPF4 states that development at Edinburgh Waterfront will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community and commercial purpose (amongst other uses).

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront. It is located within the Central Leith Waterfront Area, in an area of commercial and housing-led mixed-use development (proposal EW1b). The policy requires (amongst other matters) comprehensively designed proposals which maximise the development potential of the area, the provision of a series of mixed use sustainable neighbourhoods, proposals for a mix of house types, sizes and affordability and the provision of local retail facilities and leisure and tourism attractions.

LDP Policy Hou 1 (Housing Development) gives priority to the delivery of the housing land supply and relevant infrastructure as part of the mixed use regeneration proposals at Edinburgh Waterfront, including the area identified as EW1b. Furthermore, NPF4 Policy 16 (Quality Homes) supports development proposals for new homes allocated for housing in LDPs.

The principle of a housing led mixed use development at this location accords with these policies.

The proposal ties with the earlier permission to demolish part of Ocean Terminal and the multistorey car park and responds to the space that will be created in line with LDP Policy Des 2 (Co-ordinated Development) that seeks to ensure the effective development of adjacent land.

LDP Policy Ret 4 (Commercial Centres) sets criteria to assess additional retail floorspace and allows additional floorspace with very specific justification and demonstrating impact on sequentially preferable locations. As a significant amount of floor space is to be lost with the demolition of the northern end of the centre and the proposal is for a mixed use development, the proposed nine commercial units, split between classes 1A (shops and financial, professional and other services) and class 3 (food and drink) are acceptable in principle.

NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. Developments should have access to a sustainable mode of transport, including walking, wheeling and cycling networks alongside uses such as employment, shopping, health and social care facilities, play and open space and housing diversity.

A high density mixed use proposal adjacent to the remaining Ocean Terminal building, with its associated commercial and leisure uses, and the tram stop puts the development in a strong position to meet the aspirations of a 20-minute neighbourhood.

In line with NPF4 Policy 16 (Quality Homes) a Statement of Community Benefit has been submitted. This is briefly summarised as:

- It meets local housing requirements as the site is located within Edinburgh Waterfront which the LDP identifies for mixed use regeneration proposals. It provides a mix of new housing of which 25% will be affordable. The supporting information indicates that some of the affordable housing will be let on a social rent basis to those over 55 years with homes designed to meet their needs as they get older.
- In terms of infrastructure and services, it notes that the applicant is willing to work with the Council to agree appropriate developer contributions. The statement also sets out the economic benefits of the development including the construction stage and operational stages, with the proposal including a number of commercial units. The statement also provides information on the community tenants that the wider Ocean Terminal facility helps support including the Wee Hub (a community hub supporting community organisations/ groups), the Wee Museum of History, Leith Collective, House of Jack (non-profit dance studio), and St Columba's Hospice.
- The residential amenity will be enhanced by the development which will improve the relationship and streetscape by providing new active frontages, pedestrian links and opening up the waterfront.

In summary, residential led mixed use development is acceptable at this location. The proposal complies with NPF4 designation at this location alongside the relevant parts of NPF4 Policy 15 and LDP Policies Del 3, Hou 1 and Ret 4.

Design, Quality and Place:

Height, Scale and Massing:

LDP Policy Des 4 (Development Design - Impact on Setting) requires development to demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) states that planning permission will only be granted for development which rises above the building height prevailing generally in the surrounding area where a) a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use; b) the scale of the building is appropriate in its context; c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.

Three potential options for development were presented at the EUDP and encouragement was given to option 3 that appeared to create a lower more broken urban form which will allow some sunlight and daylight to the residential units and open space. The submitted planning application has built upon this option and has expressed a variation in height, with the higher elements positioned to create urban markers and to maximise views, whilst the lower elements are used to aid in achieving adequate daylighting.

The proposed urban form of the development creates a large perimeter block with a range of heights and roof top designs. The proposal contains three higher elements, with the highest tower elements rising up to 59.55m AOD (which equates to 54m above the average ground level).

The development is split into three 'typologies' that relate to the various parts of the site and adjacent areas. The variation in heights and roof forms consisting of flat, pitched and sawtooth formats, and this provides a layered approach that breaks up the urban form and potential impact.

A Townscape and Visual Impact Assessment and associated addendums have been provided in support of the application.

In local views the proposal can be broadly viewed in scale within other modern built form and strengthens the relationship of the current disparate grouping of buildings. The different architectural treatments go some way to breaking up the mass.

View 1 from Western Harbour Drive and View 2 from Lindsay Road shows the development as providing visual interest and the changes in the heights show the built form rising up and then lowering down towards the distillery and the dock.

Views taken from Portland Street (View 3), Lindsay Road at the crossroads with Ocean Drive (View 8) and Leith Links (View 4) show that the proposal will have limited perceivable impact. Likewise, the view provided from Rennie's Isle shows visible sections of the proposed development sitting comfortably with the granted development at Skyliner/Dockside and the distillery building.

The height of the proposed buildings matches the emerging height in the area. The Ocean Terminal site located at the western area of this part of the harbour is the most appropriate area for the highest sections. There is general compliance with Policy Des 11 a) and b).

The main longer citywide views that need consideration are from the Castle Ramparts (TVIA View 11) (Protected View C1b), Calton Hill (TVIA View 9) and Arthur's Seat (TVIA View 10).

The protected view from the castle (TVIA View 11) towards Inchkeith Island. The proposal retains a visible extent of water between the proposed roofline and the shore of Inchkeith Island. The height appears to sit in line and in part behind the existing high-rise tower block of Persevere Court. The lower elements then allow for a greater extent of water to remain visible. The massing from this view, although providing a cluster of buildings over the current scenario would have limited overall impact in the context of the World Heritage Site and, as noted above retains the importance backdrop of water space between the top of the building and Inchkeith Island.

TVIA View 9 from Calton Hill shows the development rising and falling with the variation in heights and roof forms. It largely ties in with the emerging development and retains some gaps in the development from this view. Views across to Fife are retained.

TVIA View 10 from Arthur's Seat indicates that the development will not have an overall negative impact on the view in the context of the emerging pattern of development and the expanse of water that is visible to the north of the development.

Cumulatively, the submitted information shows the proposals against the backdrop of some of the emerging development on the adjacent sites. This generally shows differing heights which helps to avoid clustering of the blocks.

Other developments and permissions in the locality, such as Ocean Point (including the unbuilt section) and the Skyliner/Dockside development, establish that tall buildings in the area reflecting the relatively low-lying coastline and broad expanse of water can be acceptable.

The plans have been revised since the original submission to refine the massing, materiality and the introduction of some visual breaks which reduce the bulk. The main change to townscape character is appraised in the TVIA as beneficial due to change within and surrounding the development site, reflecting an area of regeneration at the waterfront and owing to the opening up of access and views to the water's edge, Royal Yacht, formation of new public realm and introduction of higher density living supporting a range of uses at ground floor.

Overall, based on the information submitted the height is generally in keeping with the emerging character of the area and will have an acceptable impact on the views considered in the submitted TVIA. It therefore complies with LDP Policy Des 11.

Materials and Detailing:

The development has been split into three character types that the Design and Access Statement Addendum sets out have taken inspiration from sections of the wider Leith area.

Brick has been proposed as the primary material with different colours and tones proposed for the different areas.

The elevations for the Block A show a uniform style of development utilising ordered fenestration flanked by concrete panelling. The primary material is a buff brick on the upper levels which is split by a horizontal pigmented concrete string course. The lower levels contain ground floor colonnades with a concrete arch detail. The sawtooth roof details add interest and variation to the scheme.

Block B which largely forms the northern elevation has been designed to reference warehouses given the location within the former dock area. This is emphasised with the pitched roofs proposed. The primary material proposed is a red/rose brick with the introduction of panelling and ground floor arch style design. The overall design of the elevations is relatively uniform with simple repetitive window patterns.

Block C is closer to the adjacent Waterfront Plaza development and takes its design cues from the tenements in the area. A grey brick has been proposed as the primary material and the elevations take a simple form of ordered fenestration and a horizontal concrete string course.

The design attempts to strike a balance between being contemporary yet taking more historic design cues with roof styles and detailing. The simplification of the design from the earlier scheme enables each area to be more identifiable rather than the previous more elaborate approach which mixed a number of styles throughout the development providing a lack of coherence.

There are a number of metal Juliet balconies through the development and metal and glass balustrades where the roof gardens/terraces come to the edges of the blocks. The introduction of ground floor colonnades adds some character to the development and improves the interaction with the surrounding public realm.

The proposed materials and detailing references the various surrounding areas and the design approach is acceptable providing a smart contemporary development.

Layout:

Policy Des 7 (Layout Design) seeks an integrated approach to the layout of buildings and routes around them with good connectivity to local centres and public transport. Whilst LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been designed as an integral part of a scheme as whole.

The position of the buildings enables active elevations to all four public facing sides of the development. The southern elevation of the development aligns along the east/west access of Ocean Drive, opening up the area and providing views through to the yacht. The proposal helps to enliven an area that is currently impenetrable, creating new spaces and the orientation of the development ensures that newly created areas of public realm will be overlooked.

The EUDP recommended that active frontage should be provided to both the waterfront and to Ocean Drive which is currently an unfriendly pedestrian environment. The proposals address this by including ground floor uses, either with commercial spaces or the internal amenity areas associated with the BTR blocks. This allows for interaction between the internal and external areas. This includes adding windows and uses in areas such as the access point to the underdeck car parking area.

As a mixed use development within a commercial centre next to the bus and tram stops, the proposal provides good accessible links to services and meets the requirements of LDP Policy Des 7.

An area of high quality public realm is proposed around the development. The planting and seating in the link space between Ocean Terminal and the proposed development is positive as is the landscaped edge to the commercial units. The proposals contain 127 new trees and large shrubs. The application has been supported by a wind microclimate study that notes effects in certain areas from wind due to the coastal location.

The study also notes that with the proposed landscaping details and features, the risk posed to pedestrians and users are considered to be low or the wind speeds will be reduced to acceptable comfort levels. It is recommended that the materials and planting specification are conditioned to ensure their quality and acceptability for the proposed use.

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach in order to achieve the six qualities of successful places. LDP Policy Des 1 (Design Quality and Context) encourages development that will contribute towards a sense of place and draws upon the characteristics of the surrounding areas.

The six qualities relate to the following headings of healthy, pleasant, connected, distinctive, sustainable, and adaptability.

The proposals will provide an attractive development and a much improved pedestrian experience when compared with the existing buildings. The inclusion of ground floor activity, areas for sitting and increased planting are all positive additions. The design and materials will contribute to a sense of place with enhanced connectivity and potential views through to the yacht. The main landscape courtyard for the future residents provides opportunities for various outdoor activities. The proposal will create a more welcoming and pleasant area and includes a play area and a padel tennis court that adds further leisure activities and opportunities for social interaction. Natural surveillance is provided onto the surrounding spaces. Biodiversity enhancements and sustainability measures have been incorporated into the development.

LDP policy Des 10 (Waterside Development) requires development of sites on the coastal edge to provide an attractive frontage to the water and maintain, provide or improve public access along the water's edge.

There is currently limited access to the water's edge. The proposals open up access to part of the waterfront. However, this is still limited as the Royal Yacht Britannia and its existing compound is remaining in place. The applicant has advised that the compound is necessary for security, ancillary exhibitions, access and fire exits and is currently formed by an unappealing fence. The Royal Yacht Britannia has written in support of the application. The Design and Access Statement sets out that there is potential for a new feature fence that could form a piece of artwork and perforations to make the yacht more visible. When assessed against the requirements of Policy Des 10 this is considered an essential element to make the waterfront more attractive. Therefore, a condition is recommended for the design and implementation of the proposed fence.

Forth Ports has advised that within the site, adjacent to the distillery is a navigational aid that is an important guide for vessels and that nothing should hinder its ability to be used. A drawing has been provided by the applicant to show that the aid is remaining in situ. Forth Ports has recommended a condition to prevent any lights or structures being placed in front of it.

Overall, the proposed layout is acceptable and builds on previous designs presented to the EUDP. It provides a mix of uses that allows for activity and surveillance. The scheme opens up the area more than the present buildings and introduces good areas of public realm, but the remaining compound yard requires enhancement. Subject to conditions the layout is acceptable.

Housing Mix and Sizes:

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. A mix of studio through to three bedroom units are proposed. The Edinburgh Design Guidance states that 20% of the total number of homes should be designed for growing families.

Across the two BTR blocks 79 of the units are three bedroom units, which out of the 396 BTR units accounts for 20%. Likewise, 20% percent of the affordable units are also made up of three bedroom units (27 out of the 135). Due to concerns from SEPA there are no ground floor residential units proposed within the development, which would usually be the best location for the three bedroom units. There are a limited number of three bedroom units that have direct access to the larger communal garden area and terraces. Otherwise the three bedroom units are scattered throughout the development, but will have lift access through the development. Accordingly, a wide range of units are proposed and the number of three bedroom units meets the quantitative requirements of LDP Policy Hou 2.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with the minimum sizes, noting that there is some allowance for slightly smaller one bedroom units.

The EDG sets out that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. The schedule of accommodation shows that 48% of the units are dual aspect. In the context of BTR development the level of dual aspect units is acceptable as the EDG allows for a limited increase in single aspect units over the standard 50%.

The proposed housing mix, floor sizes and percentage of dual aspect units are all generally in accordance with LDP Policy Hou 2 and the standards in the EDG.

Affordable Housing:

NPF4 Policy 16 supports development proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

LDP Policy Hou 6 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. For proposals of 20 or more dwellings, the provision should normally be onsite.

Block C has been designated as an affordable housing block containing 135 units, which equates to 25% of the total number of units proposed. The applicant has indicated that there will be 57 social rent units (17 x one bedroom units, 13 x two bedroom units and 27 x three bedroom units), 38 mid-market rent units (17 x one bedroom and 21 x two bedroom units) and 40 'Livingwell' units aimed at supporting elderly occupants (29 x one bedroom units and 11 x two bedroom units). There is a mix of unit sizes provided and the 20% of units contain three bedrooms. The applicant has been in discussion with an RSL.

Subject to a legal agreement the provision of affordable housing within the development is acceptable.

Density:

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and the need to encourage local services.

NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) supports development proposals that will result in the sustainable reuse of brownfield land. The location near to services and the tram line supports high density living at this location and supports the concept of 20 minute neighbourhoods.

Using a simple calculation of 531 units on the area being developed at approximately 1.5 hectares (excluding the wider Ocean Terminal site within the redline boundary) this equates to 354 dwellings per hectare. This calculation does not take into account any commercial uses.

This is a high density development, but is an efficient redevelopment of a brownfield site within a commercial centre and near to public transport options. It is within an area where the character is changing and a number of developments on adjacent land with longstanding developments are coming forward. The proposals comply with LDP Policy Hou 4 and NPF4 Policy 9.

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protects people and places from environmental harm. LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

Open Space:

LDP Policy Hou 3 (Private Green Space in Housing Developments) requires development to make adequate provision for green space to meet the needs of future residents. In flatted developments it is expected that communal provision will be based on a standard of 10 sqm per flat and a minimum of 20% of the total site area should be useable greenspace.

The 531 proposed residential units requires 5,310 sqm of open space.

A large central area of open space covering 3,542 sqm is provided in the internal courtyard area. There are then six roof terraces throughout the development which have been attributed to the blocks of development.

Block A contains 174 units, eight of which have a private garden space, resulting in the requirement for 1,660 sqm for the remaining units. The two roof terraces associated with this block provide a combined area of 437sqm. Leaving a requirement of 1,223 sqm within the communal area.

Block B contains 222 units, six of which have a private garden space leaving the requirement for 2160 sqm. The two roof terraces associated with the block account for 775 sqm leaving a requirement for 1385 sqm of space within the communal area.

Block C contains 135 units with the requirement for 1,350 sqm of open space. The two roof terraces associated with this block provide 791 sqm of open space leaving a requirement of 559 sqm within the communal area.

Taking the figures above into account there is the need for 3,399 sqm to be provided within the central courtyard area. This size of space is provided and as noted above is 3,542 sqm.

The space has been designed to provide a range of uses. It incorporates trees, various planting, areas for seating, winter gardens and play areas.

Additional to this is the 6,048 sqm of public realm that is provided outwith the blocks and around the development. The commercial nature of the public realm means that the majority of this is hard landscaping rather than greenspace. Taking this figure against a development site of approximately 1.5 hectares, this provides a figure of 40% (not including the residential space).

The overshadowing assessment demonstrates that the garden area assessed meets the EDG requirements for overshadowing on the spring equinox.

Open Space Strategy:

Representations have raised the issue of the lack of larger areas of open space within the area, making reference to Open Space Strategy (OSS) and the aspiration that households should be within 800m of a large open space of over 2 hectares.

The existing park at Leith Links is approximately 1,300 metres from the development and the proposed park at Western Harbour is of a similar distance.

It would not be feasible to provide a two hectare park at this location without giving over most of the Ocean Terminal building to open space. There are no relevant actions within the LDP action program for open space contributions. The proposal does provide adequate private communal space for future residents.

The proposal does provide an area of approximately 6048 sqm of public realm (outwith the open space for the blocks) which opens up the area more than the current buildings and also provides for further access to the water's edge.

It is noted that Leith Docks Development Framework shows public space / park on the area currently occupied by the Scottish Government car park. However, there is no timescale for the delivery of this.

Daylighting:

Daylight to adjacent sites:

Vertical Sky Component analysis has been undertaken for the nearest residential units in Block B of the Cala development at Waterfront Plaza alongside the proposed development on the nearby Ocean Point 2 site.

Out of the 115 windows analysed on the Cala Block B building, a total of 107 pass, with the remaining eight not attaining the required target level. Following this with an Average Daylighting Factor assessment shows that of the corresponding six rooms analysed that these also do not meet the target figures.

The Daylighting Study explains that the rooms in question are living/kitchen/dining spaces that already have low existing ADF values due in part to the design of the Cala Block which has deep recessed windows sat behind internal balconies.

In terms of the proposed development on Ocean Point 2 site, the information submitted shows that using the VSC method there will be no impact on the proposed student block, although three windows on the residential block will potentially be impacted. Utilising the ADF method leaves one room that does not attain the target, which is a relatively small impact.

Daylight for future occupiers of the development:

The no sky line method of assessment has been used to assess the daylight for the future development blocks.

It should be noted, as set out in the Design and Access Statement, that where there are combined living/kitchen/dining spaces that the kitchen has been excluded from the calculation area as it is not by itself defined as a habitable room. A sliding door is shown to separate the kitchen from the rest of the room.

The information shows:

Block A - 388 rooms analysed and all meet the required target.

Block B - 602 rooms analysed with 588 meeting the target and 14 (2%) not.

Block C - 362 rooms analysed with 339 meeting the target and 23 (6%) not.

Therefore, out of the 1,352 rooms assessed 1,315 (97%) meet the target with 37 (3%) not.

The 37 rooms have been identified as bedrooms, which are in some circumstances less important than other habitable rooms.

Overall, the proposal will have some infringements in terms of daylighting when considered against the relevant tests, but as set out above these are generally minor.

Privacy distances:

The internal distances are generally quite generous across the rear courtyard area.

There are some pinch points between the ends of the blocks with two of them measuring approximately 13m. The gap between the Block A and Block B largely avoids direct overlooking due to the angle of the buildings and the location of the lift and stair well. The gap between Block B and Block C largely relates to bedroom windows.

The gap at the upper levels of Block A, where the roof terrace is created, is approximately 17 metres and similar sized space is proposed for the gap between the differing heights/urban form in Block B

Elsewhere, there will be a distance of approximately 18 metres between the southern elevation of the development and the new gable end of the Ocean Terminal Building.

The gap between the blocks and the Ocean Point 1 office building is approximately 30 metres.

The location of the development means that direct overlooking will be avoided with the distillery allowing for sufficient residential amenity.

Noise:

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

A Noise Impact Assessment and follow up assessment has been provided in support of the application. Environmental Protection has raised concerns in relation to a number of noise issues in relation to protecting future residents' amenity.

Commercial noise:

The NIA states that noise breakout from commercial units is likely to comply with NR15 with partially open windows and it recommends a glazing specification. Environmental Protection has recommended a condition to this effect.

The NIA advised that the final design of the extracts or other plant potential proposed within the development is not known at this stage and not considered appropriate to include a full assessment. Both Environmental Protection and the applicant indicate that a pre-occupation condition could address this.

Port Noise:

The site is opposite the dock and there are potential noise implications arising from port operations and the associated industrial uses. Environmental Protection has concerns over the noise impacts and the level of information submitted as the docks contains a number of sporadic noisy operations.

The applicant notes that the survey covered several days and the on-site consultant observed ships in the port and that the proposals will incorporate significant mitigation.

Applications for residential development on adjacent sites have been granted permission with mitigation measures and associated conditions. A number of noise conditions have been suggested by Environmental Protection.

Padel Court:

A Class 11 padel court is proposed adjacent to the new gable end of Ocean Terminal. It is not expected to impact upon residential amenity however the factors will be expected to manage any issues associated with the area. However, a condition is recommended to limit the use to just sports rather than the wider types of Assembly and Leisure uses that could be taken up under a wider Class 11 use.

Distillery Noise:

The development is in close proximity to the distillery. The submitted NIA goes into more detail than that submitted as part of the distillery application.

The information submitted indicates that acceptable internal noise levels will not be achieved, and so all habitable rooms are to be fitted with mechanical ventilation and installation of a glazing specification which would allow for acceptable noise levels as recommended within the NIA report.

Environmental Protection is of the opinion that future occupants should be allowed to purge ventilate their properties (i.e. open their windows) without being affected by noise. Furthermore, Environmental Protection do not generally support mechanical ventilation, though it has been accepted in other developments. Notwithstanding this a condition has been by Environmental Protection to ensure the recommended glazing and ventilation is installed.

In summary, Environmental Protection recommend that the application be refused with particular concern relating to the potential for port noise to impact upon the proposed residential properties. However, housing-led mixed use development is acceptable on the site and will replace a large multi-storey car park and redundant retail area. A number of conditions have been recommended to help mitigate some of the concerns.

Odour/Fumes/Dust:

As number of units have been proposed for Class 3 use there is the potential for impact from cooking. Environmental Protection has recommended a condition for ventilation to be included within the build.

Within the wider area there are a number of uses that have potential for emissions and dust, including ADM Milling, the distillery, dry dock operations and port operations. An industrial emissions assessment has been provided to consider the potential effects. The results of the assessment indicated the predicted effect significance was between negligible and slight at the development site. Although Environmental Protection has concerns in relation to the vessels sitting in the port with their engines running, this is to be expected to some degree within a port.

With regards to the distillery there is also the potential for odours to impact upon the amenity of the proposed residential properties due to the height differential and separating distances.

The distillery will discharge emissions from a single vertical flue with a termination point at 39.75m above ground level, which will contribute to effective dilution and dispersion of emissions alongside the prevailing winds. The emissions assessment also notes that distilling emissions will not be continuous. Though this will be below some of the proposed heights of the development. However, overall responsibility for odour lies with the operator of the distillery and any environmental licences/legislation that it needs to adhere to.

The potential impacts from odour have been considered and information provided by the applicant that indicates impacts will be limited and other residential developments have been granted and are being built out in close proximity to the site.

Air Quality:

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) ensures that applications are assessed to ensure that development does not adversely affect air quality in identified Air Quality Management Areas (AQMAs).

The site is near to two AQMAs centred around Great Junction Street to the south and Salamander Street to the east.

The previously granted permission for the demolition of the multistorey carpark will result in the loss of 754 car parking spaces, with limited car parking proposed within this application. The reduction in car parking is supported by Environmental Protection alongside the low and zero carbon technologies proposed.

Environmental Protection has raised no overall issues in relation to air quality identified and the proposal complies with LDP Policy Env 22.

In summary, the proposal largely complies with NPF4 Policy 23 and LDP Policy Des 5 (Development Design - Amenity) and there are some potential minor infringements on daylighting. Environmental Protection has raised concerns with regards to some amenity aspects of the development, largely in relation to port noise. It would be unreasonable to refuse an application at this location on noise grounds and a number of conditions have been recommended.

Transport and Servicing

Transportation information was submitted as part of the application which provides an assessment of the transport considerations associated with the development.

Access:

NPF4 Policy 13 (Sustainable Transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities including matters such as safe walking and cycle connections, access to public transport and safe, secure and conveniently located cycle parking. NPF4 Policy 14 (Liveable Places) promotes the six qualities of successful places, which includes designing for pedestrian experience to deliver 'connected' places.

The existing servicing is via a one-way route taken from Melrose Drive and exiting at the northern end next to the distillery. This also provides access to some limited parking at the rear of Ocean Terminal. The proposed development continues to follow the same servicing route. This will result in vehicles needing to access the proposed public realm area.

The applicant has indicated that to minimise disruption on the public realm area, servicing windows will be introduced to avoid busy times when retail facilities are open and to avoid unsociable hours given the proximity to residential development. The servicing windows will likely fall at the beginning and end of the day. Enforcement of the servicing strategy will be through the introduction of rising bollards at both sides of the pedestrian area and signage identifying appropriate servicing times, such as that used within the pedestrian zone on Rose Street.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) seeks to protect safeguarded transport routes which includes the cycle / footpath at the north of this site and the proposed tram along the southern boundary of the site. The proposal will not impede on the tram route which is now operational.

The LDP Proposals Map shows a proposed cycle/footpath link that runs along the water's edge adjacent to Ocean Terminal which would form part of the promenade.

Policy Tra 9 (Cycle and Footpath Network) states that planning permission will not be granted for development which would prevent the implementation of proposed cycle paths/footpaths.

Aside from the relatively limited access to the water's edge opened up through the development and associated public realm, the proposal does not provide additional access or a pedestrian / cycle link to the rear of Ocean Terminal.

In discussions with the applicant, they have responded that the area directly to the rear of the Ocean Terminal building is firstly a service area for the centre, involving significant manoeuvring for a range of vehicles, including large vehicles. This is a necessary function for the space, which cannot be achieved elsewhere. The area beyond the service yard is not within the ownership of the Ocean Terminal client- Forth Ports own the five metres from the dock edge. The entire length is a working quayside, with boats of different size and function tying up alongside at any time. While all of this may not preclude a future access, it is not within the exclusive gift of the applicant of this project to achieve. The project team have borne the aspirations in mind and have worked to ensure that nothing proposed precludes a connection in future.

It is unfortunate that a walkway cannot be delivered through this application, but in the strict terms of Policy Tra 9 the proposal does not prevent its potential future implementation.

The site is nearby to National Cycle Route (NCR) 75 which runs into the city centre and also connects to NCR 1 which runs through to East Lothian. To the south west of Ocean Terminal there is also the Ferry Road Cycle Path (Quiet Route 14) which leads west.

The access and servicing arrangements are generally acceptable.

Parking:

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. Tra 4 (Design of Off-Street Car and Cycle Parking) sets out parking design considerations.

The proposal includes 52 car parking spaces, including four accessible spaces and ten electric vehicle charging spaces. These are all under the internal landscaped deck area and accessed from east of the proposed building opposite Ocean Point.

The parking standards allow for a maximum of one space per residential unit. The number of accessible spaces meets the guidance level of 8% and the number of EV spaces is above the requirement of one of every six spaces.

The relatively low level of car parking is supported in this location near to public transport choices. The parking is contained within the underdeck area of the building which complies with LDP Policy Tra 4. The low levels of parking proposed, and accessible nature of the site, ensure that the proposal complies with LDP Policy and Tra 3 Policy 13 of NPF4.

Cycle parking:

A total of 1130 cycle spaces are provided; 26 for the commercial uses and 1104 for the 531 residential units. A further 33 external stands are provided.

The spaces for the residential units are split across the ground floor and the upper ground floor, the supporting information shows the following split: two tier 552 spaces (50%), standard 332 spaces (30%) and non-standard 222 spaces (20%). The proposed numbers meet the parking standards in the EDG (1103 spaces). Lifts are used between the floors.

The spaces for the commercial uses are located internally to the rear of one of the commercial units and consist of 20 standard and six non-standard.

The Roads Authority does not object to the proposal. Overall, the transport implications for the site are acceptable. The low level of car parking is supported at this location and is in line with the parking standards and the cycle parking is acceptable in numerical terms.

Flooding and Drainage

NPF4 Policy 10 (Coastal Development) sets out that proposals in developed coastal areas will only be supported where it does not result in the need for further coastal protection measures taking into account matters such as sea level change and coastal erosion alongside the need to take into account projected climate change.

NPF4 Policy 22 (Flood risk and water management) states that proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other matters, for the redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

LDP Policy Env 21 (Flood Prevention) seeks to ensure that development does not result in increased flood risk for the site being development or elsewhere.

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. This accords with CEC Flood Preventions requirements.

SUDS measures proposed include green roofs, raingardens and permeable surfacing. The proposed SUDs measures are acceptable for a high-density urban development.

In terms of flood risk, SEPA originally responded that it would object unless a condition was applied to ensure that no residential development would be located on the ground floor level. The reason given was to protect highly vulnerable residential development from the residual risk of coastal flooding in the event defence failure and avoid the need for further coastal protection measures, taking into account future sea level change.

The applicant sets out that the proposed development does not require new defences to keep it safe from flooding during the 1 in 200 year plus climate change plus 600mm freeboard event including a total failure of all existing flood defences.

Nonetheless, following further discussions, the amended scheme removed residential units from the ground floor. Subsequently, SEPA has confirmed that it is content with the arrangements.

The proposed development is within a previously developed area and there is no requirement for further coastal defences as part of this development. The removal of the most vulnerable users (i.e. future residents) from the ground floor of the development meets with the requirements of SEPA and the requirements of NPF4 and the LDP.

Although this change removes the ground floor residential units it does retain the entrance points and for the northern BTR block it removes the previously proposed single aspect north facing residential units replacing it with the internal amenity space for the block which will still provide some ground floor activity.

In summary, the proposal complies with NPF4 policies 10 and 22 and LDP policy Env 21 which all seek to ensure that sustainable water management and flood risk measures are in place for new development.

Archaeological Remains

The aim of NPF4 Policy 7 parts n) and o) is to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable.

The Archaeology Officer has noted that Ocean Terminal was constructed on the site of the historic Robb shipyard constructed in 1918, which itself had replaced earlier shipyards. The site has been significantly impacted by previous demolition and construction. However, evidence of the earlier dock infrastructure may survive and a condition has been recommended for a programme of archaeological work.

Subject to the use of a condition, the proposals will comply with the relevant parts of NPF4 Policy 7.

Contaminated Land

Previous uses of the site may have caused the area to have become contaminated. Environmental Protection has recommended a condition to ensure the appropriate investigation and mitigation is undertaken.

Biodiversity

The proposal has the potential to impact on three Special Protection Areas (SPA), the Firth of Forth SPA, the Imperial Dock Lock SPA and the St Andrew Bay Complex SPA.

NPF4 Policy 4 (Natural Places) seeks the protection of such natural assets and states that development proposals which will have an unacceptable impact on the natural environment will not be supported.

The status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"), are relevant. Consequently, the City of Edinburgh Council is required to consider the effect of the proposal on these sites (commonly known as Habitats Regulations Appraisal) and reach a conclusion of 'no adverse effects upon site integrity' before it can be consented.

NatureScot has commented that a building height under 55m would not require further assessment in relation to shadowing on the tern colony at the Imperial Dock Lock SPA.

The proposed highest part the development is 59.55m AOD, which equates to 54m above the ground level.

The terns nest in the open and appreciate the warm summer sun during this period. The shadow study diagrams, modelled on the 59.55m AOD height, from March through to August show that the shadow cast from the proposed development will fall short of the imperial dock between the hours of 9am to 5pm. It can be interpreted from the drawing that the shadows from the proposed development will move past and to the east of the nesting site after 5pm.

The NatureScot response also notes that the applicant has confirmed that use of the dock remains similar to previous years and that likely disturbance from the development will not be above that of normal port operations and activity.

Based on information submitted by the applicant, a Habitat Regulations Appraisal has been undertaken. On this basis, it has been possible to reach a conclusion of 'no adverse effects upon site integrity'. Therefore, the proposal complies with NPF4 Policy 4.

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

Currently the site is fairly limited in relation to biodiversity given the built-up nature. The Ecology Report notes that the existing buildings and small areas of planting on the site have negligible habitat value. It does not identify any protected species using the site.

The information provided indicates that there will be no adverse impact on biodiversity from the loss of habitats. Furthermore, the redevelopment presents opportunities for habitat creation, roost provision and nesting provision.

Overall, there are no overriding concerns in relation to the SPA or protected species in or around the site. The proposals comply with NPF4 policies 3 and 4.

Climate Mitigation and Adaptation

NPF4 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. NPF4 Policy 2 (Climate mitigation and adaptation) is also relevant.

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 commercial use and housing within an emerging community.

NPF4 Policy 9 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. Permission has previously been granted for the demolition of the northern end of Ocean Terminal and this will represent a high density efficient re-use of previously developed land.

A Sustainability and Climate Mitigation and Adaptation Statement has been provided alongside the Sustainability Form.

The proposal meets the essential criteria of the sustainability form. Roof mounted Air to Water Heat Pumps feeding individual Water to Water Heat Pumps in each residential apartment are proposed. This will be supplemented by Solar PV on roof and roof amenity canopy PV subject to final design. The sustainability statement also indicates that investigations are currently ongoing into the feasibility of using waste heat from the distiller with the proposed development allowing for future connectivity.

The proposal complies with the aims of NPF4 and detailed building design methods will be subject to Scottish Building Standards

Waste:

NPF 4 Policy 12 (Zero Waste) seeks to reduce, reuse or recycle materials in line with the waste hierarchy.

The applicant has been in dialogue with Waste Services and a waste strategy has been agreed.

The sustainability statement states that a pre-demolition waste audit (for the existing part of Ocean Terminal and car parks) has identified and categorise around 27,000 tons of materials and waste for re-use and re-cycling, diverting residual waste from landfill as appropriate.

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 and Infrastructure Delivery) requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Education:

The Action Programme 2023 set out the latest pupil generation rates to assess the cumulative impact of housing developments across the learning estate. The requirement for additional education infrastructure is assessed on a cumulative basis with other known housing developments. Communities and Families undertake a cumulative impact assessment considering latest school roll projections, pupil generation rates and housing output assumptions in the area to determine whether the actions identified in the finalised Supplementary Guidance and Action Programme are sufficient.

Communities and Families notes that the cumulative impact of the proposed development on the capacity of the learning estate has not been previously assessed. The Ocean Terminal site was not included in the 2022 Housing Land Assessment (HLA).

The capacity of the extension to Victoria Primary School is required to accommodate known housing developments in its catchment area. The latest LDP Action Programme identified a requirement to extend Victoria Primary School to 21 classes. There is a risk it will not be able to accommodate other known housing developments if this application is approved.

Communities and Families has advised a per flat rate of £10,876 (index linked) based on £5,962 per flat towards primary infrastructure at Victoria Primary School and £4,914 per flat towards secondary infrastructure at Trinity Academy is required (indexed linked). A cost of £325 per flat towards land contributions is also required.

The per unit rate is based on 238 units and excludes studio and one bedroom flats.

Healthcare:

The site is located within the Leith Waterfront Healthcare Contribution Zone which requires a contribution of £945 per residential unit.

Affordable Housing:

As considered earlier in the report, Affordable Housing will account for 25% of the new homes and will be provided on site.

The above matters will be secured by a legal agreement.

Conclusion in relation to the Development Plan

Residential led mixed use development is acceptable at this location and permission has already been granted for the demolition of the northern part of Ocean Terminal. The proposed uses comply with the NPF4 designation.

Based on the information submitted the height is generally in keeping with the emerging character of the area will have an acceptable impact on the views considered in the submitted TVIA.

The proposed materials and detailing references the various surrounding areas and design approach is acceptable providing a smart contemporary development. The proposed layout is acceptable and it provides a mix of uses that allows for activity and surveillance. The scheme opens up the area more than the present buildings and introduces good areas of public realm, but the remaining Royal Yacht Britannia compound yard requires enhancement. The proposal housing mix and the level of affordable housing proposed.

The proposal has some potential minor infringements on daylighting and Environmental Protection has raised concerns with regards to some amenity aspects of the development, mostly in relation to port noise and a number of conditions have been recommended.

Other matters such as in relation to transport implications, flooding, biodiversity and sustainability are considered acceptable.

b) 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 on the Proposed City Plan 2030 and its supporting documents. These documents have now been submitted 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 City Plan 2030 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

Scheme 1

Scheme 1 attracted 16 representations - four support, 11 objecting and one general comment.

Objections

Principle

- the need for housing at this location - assessed in section a)
- not identified as housing site in the development plan - assessed in section a)

Design

- overdevelopment of the site with too high a density- assessed in section a)
- height of buildings excessive and not in line with building height in the area (e.g. Cala site) - assessed in section a)
- lack of access to open space in the area - assessed in section a)
- proposal will not provide 20% good quality, attractive open space - assessed in section a)
- overshadowing and overlooking of open space - assessed in section a)
- impact of high winds on public spaces and roof top terraces - proposals accompanied by a microclimate study, some wind inevitable.
- proposal will create an unattractive and alien waterfront image that will dominate the whole of Leith waterfront with its intrusive bland design which is different to the character of the area - assessed in section a)
- the proposal will adversely affect the amenity of the surrounding area by introducing architecturally brutalist, bland, oppressively dominant buildings of grossly excessive height - assessed in section a)
- proposals should be of a more human scale and meet the six qualities of successful places - assessed in section a)
- excessive building heights that are above the prevailing heights in the surrounding area. 18 storeys/58 metres high will not enhance the skyline and will negatively impact on views - assessed in section a)
- the proposed development comprises a random positioning of over dominant tower blocks - assessed in section a)
- view along Ocean Drive should be kept by not building on existing outdoor car park - views assessed in section a)
- proposal does not reflect its setting and harms views from many vantage points including that of the Royal Yacht Britannia - assessed in section a)
- development fails to draw upon positive characteristics of the area and would dominate in an oppressive and unattractive way - assessed in section a)

Flooding

- increased risk of flooding - assessed in section a)

Transport

- traffic/congestion impacts - assessed in section a)
- lack of parking and potential for overspill parking to surrounding streets - assessed in section a)
- waste collection - assessed in section a)

Infrastructure

- impact on infrastructure (schools, healthcare) - assessed in section a)

Ecology

- proposed open space does not encourage biodiversity - assessed in section a)

General comments

- requirement for navigation aid to remain in its precise location - now included on drawing.
- Detailed discussion on footpath to rear of Ocean Terminal required with Forth Ports - ownership not a planning matter
- phasing of works
- incorrect site area of 5.42 hectares used in the application form - redline boundary covers wider Ocean Terminal site.

Support

- application as it is integral to the ongoing success and future of The Royal Yacht Britannia as one of the UK's top visitor attractions which will secure circa 200 jobs plus external suppliers - noted
- development will enhance the area, opening up the waterfront to the public and making this part of Leith a more exciting and accessible location - notes
- need to attract services to the area to support the increasing number of residents - noted

Non-material

- construction stage matters

Scheme 2

A further 12 representations were received - 10 support and two objecting.

Objections

- residential properties need supported by new amenities - schools, doctors, dentists, supermarkets etc. - assessed in section a)

Support

- general support for new look Ocean Terminal - noted
- proposal integral to on going success of Royal Yacht Britannia - noted
- provision of new homes (including affordable), commercial spaces and active public realm supports ongoing reinvention of Ocean Terminal as centre at the heart of 20 minute neighbourhood - assessed in section a)

- development commensurate with emerging scale of new building along Ocean Drive - assessed in section a)
- enhance viability of existing centre - noted
- create / secure jobs - noted
- support leisure uses - noted
- economic investment in area - noted
- uses support the ever changing population of Leith and Newhaven - noted

Non-material

- number of documents
- comments not public

Scheme 3

A further seven representations were received - two support, five objecting.

Objections

Design

- height of buildings should be no higher than the adjacent distillery - assessed in section a)
- buildings too high- assessed in section a)
- replacement of private for sale flats to BTR attracts a niche market - BTR treated as a form of mainstream housing.
- high number of studio and one-bedroom apartments - assessed in section a)
- daylighting impacts - assessed in section a)
- overshadowing - assessed in section a)
- poor outlook of proposed flats - assessed in section a)
- poor public realm - assessed in section a)
- design lacks character due to block arrangement - assessed in section a)
- inappropriate density for small site - assessed in section a)
- impact on skyline - assessed in section a)
- block architecture reminiscent of worst 1960s tower block architecture that has thankfully been demolished - assessed in section a)
- lack of access to open space - assessed in section a)

Flooding

- careful consideration of flooding required - assessed in section a)

Infrastructure

- residential properties need supported by new amenities - schools, doctors, dentists, supermarkets etc. - assessed in section a)

General

- navigational aid should not be obstructed - now shown on plan.

Support

- support for the proposal - noted
- economic development - noted

Conclusion in relation to identified material considerations

The other material considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

Residential led mixed-use development is acceptable at this location and permission has already been granted for the demolition of the northern part of Ocean Terminal. The proposed uses comply with the NPF4 designation.

Based on the information submitted the height is generally in keeping with the emerging character of the area will have an acceptable impact on the views considered in the submitted Townscape and Visual Impact Assessment (TVIA).

The proposed materials and detailing references the various surrounding areas and the design approach is acceptable as it provides a smart contemporary development. The proposed layout is acceptable, and it provides a mix of uses that allow for activity and surveillance. The scheme opens up the area more than the present buildings and introduces good areas of public realm. However, the fence associated with the Royal Yacht Britannia yard requires upgrading to enhance the public realm experience. The proposed housing mix is acceptable and the level of affordable housing proposed complies with policy.

The proposal results in some potential minor infringements with regards to daylighting within the new properties. In addition, Environmental Protection has raised concerns with regards to some amenity aspects of the development, mostly in relation to port noise. In this regard, a number of conditions have been recommended.

Other matters such as transport implications, flooding, biodiversity and sustainability are considered acceptable.

Subject to recommended conditions and a legal agreement, the proposal is acceptable and broadly complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan (LDP), 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. 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.

3. 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.

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

5. Prior to occupation of the first residential unit, details shall be submitted showing the final design and location of a new decorative fence around the Royal Yacht Britannia compound. The fence will then be installed and maintained, unless otherwise agreed in writing with the Planning Authority.

6. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting (including specification), shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

7. The development shall be carried out in accordance with the landscaping scheme approved under condition 5. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced 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.

8. Notwithstanding the provisions of the Use Classes Order, the use of the padel court and multi-use games area as shown on drawing OTM-KEP-D1-00-DR-A-852092 P02 (CEC reference 40A) and dated 01/24/22 shall be restricted to sports uses and for no other purpose falling within Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

9. The 10 parking spaces shown on drawing referenced OTM-KEP-D2-00-DR-A-706100 P14 (CEC reference 04C) and dated 19/11/21 shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

10. A noise impact assessment shall be provided which considers noise from all plant (including cooking ventilation extraction) and commercial noise (separating wall and floor specifications) associated with the development with mitigation measures

specified and agreed in writing with the Planning Authority. All mitigation measures shall be installed and operational prior to occupation of the residential development and prior to start of proposed commercial operations.

11. The noise mitigation measures as recommended (and described in section 7) within noise impact assessment report Ref: P5024-R10-V2 Version 2 and dated 4/5/23 shall be installed and operational prior to the start of operations on site.

12. The Class 3 ventilation details as shown on drawings reference 202104-XBU-01-00-DR-ME-50-1201 Rev. P04 (CEC drawing 41), dated 22/12/21 and drawing reference 202104-XBU-03-00-DR-ME-50-1201 Rev. P04 (CEC drawing 42) dated 22/12/21 shall be installed and operational prior to the start of operations on site.

13. No structures or lighting are to be placed behind or around the navigational aid as shown on plan ref: plan ref; OTM-LDA-XX-ZZ-DR-L-0001 (CEC drawing 32C) without prior approval of the Planning Authority in consultation with the Statutory Harbour Authority and the Competent Harbour Authority for the Firth of Forth.

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

3. In order to enable the planning authority to consider this/these matter/s in detail.

4. In order to safeguard the interests of archaeological heritage.

5. In order to enable the planning authority to consider this/these matter/s in detail.

6. In order to enable the planning authority to consider this/these matter/s in detail.

7. In order to ensure that the approved landscaping works are properly established on site.

8. In order to safeguard the amenity of neighbouring residents and other occupiers.

9. To encourage sustainable forms of transport.

10. In order to safeguard the amenity of neighbouring residents and other occupiers.

11. In order to safeguard the amenity of neighbouring residents and other occupiers.

12. In order to safeguard the amenity of neighbouring residents and other occupiers.

13. To enable safe movement of vessels.

Informatives

It should be noted that:

1. Legal

Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing:

Affordable Housing will account for 25% of the new homes and will be provided on site

Education:

Contribute a per flat rate of £10,876 (index linked) based on £5,962 per flat towards primary infrastructure at Victoria Primary School and £4,914 per flat towards secondary infrastructure at Trinity Academy for all two bedroom flats or above.

Plus a per unit rate of £325 towards land contributions.

Healthcare:

£945 per residential unit towards the Leith Waterfront Healthcare Contribution Zone.

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. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.

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

5. The applicant/developer is advised to contact Waste Services (wasteplanning@edinburgh.gov.uk) a minimum of 12 weeks prior to any collection agreement to allow time to arrange a site visit and to add these to its collection systems.

6. TRAMS - Important Note:

The proposed site is on or adjacent to the operational / proposed Edinburgh Tram.

To ensure that work on or near the tramway is carried out safely, it is necessary to obtain authorisation to agree a safe system of work. It is a legal obligation to comply with the Authority to Work (AtW) process whilst working on or near the tramway. See

<https://edinburghtrams.com/atw>

7. The applicant should consider the provision of 2 car club vehicles in the area. Contributions would be required.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 November 2022

Drawing Numbers/Scheme

01,02,03B,04D,05D,06B-20B,22B,23B,24B,25C,26B,27A,28A,32C,33B-39B,40A,41,42,44

Scheme 3

David Givan
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PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
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Summary of Consultation Responses

NAME: SEPA

COMMENT: No objection subject to a planning condition requiring no residential development on the ground floor level.

DATE: 29 January 2023

NAME: NatureScot

COMMENT: Further information is required

DATE: 19 January 23

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Object to the proposals:

- Creation of tunnel effect along Ocean Drive, height and density,
- the height and density is totally inappropriate and further obstructs the view and access to the Waterfront from Ocean Drive
- block arrangement lacks character
- Daylight and sunlight issues, particularly for the Affordable housing block, also amenities such as privacy, open space.
- Poor public realm which lacks greenspace
- Air quality and noise concerns
- Split between social rent and midmarket rent should be 70/30.
- Build to Rent (BTR) tends to attract niche market rather than fully integrated communities that include disabled and elderly.
- infrastructure impacts on schools and GP practices.
- Need to accommodate intergenerational services and public services such as nursery, community centre, carehome / disabled facilities.
- lack of play areas
- no facilities for hanging washing.

DATE: 26 January 2023

NAME: Flood Prevention

COMMENT: This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 16 January 2023

NAME: Roads Authority

COMMENT: No Objection

DATE: 11 December 2023

NAME: Environmental Protection

COMMENT: Environmental Protection continues to highlight noise, odour, dust and fume issues of concern that in the opinion of this team have the potential to impact upon the amenity of the proposed development and therefore cannot support the application. This team has however recommended the conditions should Planning be minded to support the application,

DATE: 25 May 2023

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: 18 December 2023

NAME: Communities and Families

COMMENT: No objection provided a contribution to education infrastructure is secured through the legal agreement.

DATE: 12 December 2023

NAME: Waste Services

COMMENT: A waste strategy has been agreed.

DATE: 30 November 2023

NAME: Archaeology Officer

COMMENT: Earlier dock infrastructure may survive and recommend a condition for a programme of archaeological work.

DATE: 12 December 2023

NAME: NatureScot - Further Comment

COMMENT: If the building below 55m, then we advise no LSE in relation to the SPA, and therefore no appropriate assessment is required.

DATE: 6 October 2023

NAME: SEPA - Further Comment

COMMENT: As residential accommodation has been removed from the ground floor, SEPA withdraws its objection on the grounds of flood risk.

DATE: 19 May 2023

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

Location Plan



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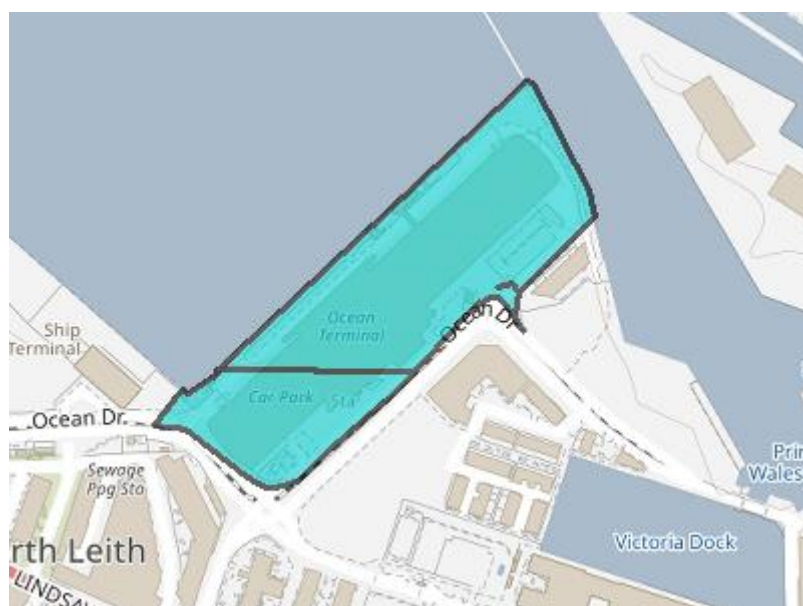
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