

Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/00465/FUL
at 1 - 5 Baltic Street, And 7-27 Constitution Street,
Edinburgh.**

**Proposed mixed use development comprising partial
demolition of existing buildings, purpose built student
accommodation, affordable housing, office units, cafe and
public digital co-working space with associated landscape,
drainage and infrastructure (as amended).**

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver a new use for these unique listed buildings in a heritage led regeneration scheme preserving their industrial setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation, the proposals do not comply with the adopted Edinburgh Local Development Plan or supplementary guidance on Student Accommodation. It is accepted that provision of 50% housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place.

The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LEMP09, LHOU01, LHOU06, LHOU08, LHOU10, LRET11, LRS01, LTRA02, LDES03, LTRA09, LDES01, LDES02, LDES04, LDES05, LDES07, LEN02, LEN03, LEN04, LEN05, LEN06, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU02, LHOU03, LHOU04, LHOU07, LRET07, LRET11, SPTR03, SPTR04, SPTR05,

Report

Application for Planning Permission 20/00465/FUL at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh. Proposed mixed use development comprising partial demolition of existing buildings, purpose built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The site lies to the north of Baltic Street, south of Tower Street and east of Constitution Street. It has an area of approximately 1.05 hectares. The eastern part of the site comprises an old gas works site which has a number of existing buildings and structures. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The western part of the site comprises the existing Daltons scrapyards. The total area of buildings on the site is approx. 8846 square metres. Main access is from Baltic Street and Constitution Street.

The buildings within the old gasometer site are category B listed. They fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies just outwith the application site boundary to the south west (LB27140) listed 14 December 1970. To the south of the site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The Purifying Building is on the Buildings at Risk Register.

A Heritage Statement has been included with the application and this notes the significance of the buildings as follows:

- The eastern façade of the Retort House and Original Gasometer, by virtue of their architecture, rarity as substantial surviving buildings from the earliest days of the gas industry, and their relative state of preservation have the highest significance. A section of screen wall adjacent to the Corn Exchange and the south east courtyard, where three well preserved buildings from different periods of the development of the gasworks can be viewed in their original spatial relationship are also deemed to be of high significance.
- The Office Building has a quite different historical significance from the rest of the site. It is domestic in scale and design and although its interior is in poor condition, it is still intact. This building has medium significance.
- Coal Store. The present-day form of the Coal Store is the result of a series of additions and demolitions over an extended period but remains a substantial and relatively rare survival from Leith's industrial past. It therefore has medium significance and is worthy of retention.
- Purifying Building. The Purifying Building is the last remaining part of a group of processing buildings which defined the northern boundary of the gasworks site, adjacent to the platform of South Leith railway station. It has been abandoned for many years and has been on the Buildings at Risk Register since 2011. It is of medium significance.
- Western Gasometer Building. The Western Gasometer building was the largest and most prominent building on the site until its substantial demolition in the late 1970s to allow it to be used as a builder's yard. The cathedral like roof, an important feature of the original structure, was removed entirely. The monumental character of this building in the Leith townscape has been lost. It is deemed to have some significance but is basically a remnant.

The Heritage Statement also gives an understanding of the historical development of the site. The Leith Gas Light Company was formed in 1823, and by 1829 owned the eastern feu of the site and submitted petitions to the Leith Dean of Guild for the gas works. They later purchased land to the west of this and soon the whole site rapidly developed especially with the development of the South Leith Station to the north to bring coal easily into the site. The site was fully developed by the mid-18th century and maps from that period show the site almost completely covered by buildings. However, this was not big enough for the needs of a growing population and the gasworks were moved to Granton in the early 20th century. Since then various uses and changes have taken place on the site and what remains today is only part of what once covered it.

The group listing for the site was amended in August 2019. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant.

The amended listing excludes the interior of all structures (except the office building), flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the

east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

In the wider area, there are listed buildings at 37-43 Constitution Street and 49 Assembly Street which are category A listed (LB27147) listed 14 December 1970, and 2 Bernard Street/28 Constitution Street which are category B listed (LB26886, listed 14 December 1970).

The site is characterised by coursed and random sandstone rubble walls and pitched roofs finished in industrial materials. The block is enclosed and there is no pedestrian or public links through the site.

To the north of the site is Tower Street which has commercial/industrial type buildings and car parking, with Forth Ports beyond. To the south are mainly tenemental residential properties. To the east of the site is an industrial/ commercial area which is to be developed for housing. To the west are a mix of commercial and residential properties which have a maximum height of seven storeys. The predominant materials in the area are polished ashlar to public elevations and a variety of coursed rubble, brick render and industrial materials. Roofing material ranges from dark grey slate, red artificial slates, corrugated metal or asbestos panels, seamed metal or flat asphalt roofs.

This application site is located within the Leith Conservation Area.

2.2 Site History

1-5 Baltic Street was originally the premises of the Leith Gas Light Company (formed in 1823) and successor businesses, processing coal into gas which was stored on site within the on-site gasometers before being piped into the surrounding locality. Since the early 20th Century 1-5 Baltic Street has been occupied by a timber merchant and more recently a builders' merchant with associated trade counters.

7-27 Constitution Street was originally occupied by a naval yard, but later was the site of a granary and coal yard. It has operated as a scrapyard since the Victorian buildings were demolished in the early 1970s.

19 August 1999 - Installation of traffic calming measures approved (application number 99/01033/FUL).

31 January 2020 - Application for Conservation Area consent for demolition of unlisted buildings submitted (application number 20/00463/CON)

31 January 2020 - Listed Building application submitted to demolish, convert and construct new development for student housing, affordable housing, offices, digital co working space and a cafe (application number 20/00466/LBC)

11 February 2020 - partial demolition of wall on Tower Street granted consent (application number 19/05902/CON).

14 February 2020 Planning permission was granted for installation of gates to Tower Street opening (application number 19/05903/FUL).

History of nearby sites

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

19 March 2020 - Planning application pending determination for a residential development and associated works on the nearby site to the north east of the site at 57 Tower Street and 1 Bath Road. (application number 20/01313/FUL).

04 September 2020 - PAN submitted for the demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works at Bath Road/ Salamander Street (application number 20/03799/PAN).

Main report

3.1 Description Of The Proposal

The overall proposals are for a mixed-use development comprising student accommodation, affordable housing, offices and digital co-working space with a café. Accommodation is provided in six blocks; three new build and three conversion. Five of the blocks are arranged around a courtyard; one block fronts Constitution Street.

The student accommodation consists of 66 HMO apartments to accommodate a total of 558 student bedrooms. The student flats would each have between 4 and 11 bedrooms. Two warden's flats are to be provided in the listed building to the south east of the site. Shared common spaces are provided such as common rooms, laundry rooms and music practice rooms.

The affordable housing comprises eight one bedroomed flats; six two bedroomed flats and four three bedroomed flats. The affordable housing is located on the first to fourth floors of block F fronting Constitution Street above the office units which each have a floor area averaging 79sqm. PV solar panels are proposed to the roof of the affordable housing block.

The digital co-working space, at the junction of Constitution Street and Tower Street is envisaged as being used by both students and local businesses. A cafe will be located within this area. Total floor area would be 353sqmetres. An area for co-working would be located off North Assembly Street. This would have a floor area of 110 square metres.

The height of the proposed new buildings would be five and six storeys. All are five storeys with the exception of the building proposed at the junction of Constitution Street and Tower Street and part of the proposed new building in the centre of the site. There would be a three storey high section of building fronting Constitution Street adjoining the existing Corn Exchange.

A central courtyard area is proposed with connections to Baltic Street, Constitution Street and Tower Street from the eastern site boundary. Pedestrian access points are proposed to/from the south, west and east site boundaries.

Materials proposed for new build elements are natural and dark stone cladding, brick (dark and brown coloured) and zinc cladding to walls. Roofs are to be natural slate and zinc. Infilling of areas of wall in existing structures to be retained are proposed to be brick to match the existing building. Windows to be aluminium and dark coloured. Rainscreen cladding and downpipes to be aluminium.

No car parking spaces are proposed. A total of 661 cycle parking spaces are proposed in five internal storage areas, and two external bike stores.

Surface materials are Caithness stone flags to entrance spaces, permeable clay pavers to main circulation spaces and textured clay cobbles to pocket gardens. Landscape design will aim to re-use materials from the site where possible.

The development includes the proposed demolition of some of the buildings/structures within the site. These comprise the western gasometer building, part of the perimeter wall fronting Constitution Street and Tower Street, the building within the scrapyards site, the north and west extensions to the Retort House and the later warehouse addition to the north and east of the Purifying building.

Previous Scheme

- The revised scheme proposes the replacement of a retail use within the units along Constitution Street with an office use;
- Elevations facing Constitution Street and Tower Street have been revised together with proposed changes to the use of materials including use of stone instead of brick;
- The arched windows to the Retort House have windows resized and positioned;
- The bike store fronting Baltic Street has been altered to create a communal area;
- the revision to the treatment of the retained façade of the Western Gasometer on Baltic Street to activate the frontage;
- A new 2.1-metre-wide footpath is now to be provided to the north boundary of the site running in an east west direction;
- The substitution of traditional slate for metal on the roofs of the restored listed buildings;
- Redesign of the dormer windows proposed for the west elevation of the retort house, reducing its scale and visual impact;
- The removal of metal flashings from the skewers of certain of the listed buildings;
- Changes to the façade treatment of the two storey section of the affordable housing block on Constitution Street;
- Reduction in size of the new windows within the blind arches on the east elevation of the Retort House;

- Changes to the NW corner of the Tower Street elevation, reflecting the relocation of a bin store from Constitution Street to Tower Street;

- Areas of ground floor finished floor level increased to +5.6mAOD; and
- incorporation of more porous surface materials and water garden planting.

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

- Design and Access Statement;
- Air Quality Impact Assessment;
- Planning Statement;
- Supplementary Planning Statement;
- Heritage Statement;
- Landscape Report;
- Townscape Study Report;
- Townscape Views;
- Townscape Appendices;
- Surface Water Management Plan;
- Bat Survey;
- Bat Assessment and Activity Survey;
- Transport Assessment;
- Daylight and Sunlight Assessment;
- Drainage Strategy Report;
- Preliminary GI Report;
- Stage 2 Report;
- PAC checklist;
- Noise Impact Assessment;
- Structural Condition Overview;
- Sustainability Statement;
- Landscape Management and Maintenance Schedule;
- Tree survey, and:
- Affordable Housing Statement.

These are available to view on the Planning Portal.

3.2 Determining Issues

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

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the scale, form, design and landscaping are appropriate;
- e) amenity for future occupiers is acceptable;
- f) impact on neighbouring amenity is acceptable;
- g) the proposal will have any parking, traffic or road safety issues;
- h) there are any other material considerations and
- i) any comments have been addressed.

a) Principle of development

The site lies within the Edinburgh Waterfront in the Local Development Plan (LDP). It is within the Central Leith Waterfront Area, in an area of commercial and housing led mixed use development (proposal EW1b). A route is safeguarded for a cycleway/public transport (proposal T1) along Constitution Street to the west of the site. The proposed uses will need to be assessed against relevant Local Development Plan policies and non-statutory guidance.

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

LDP policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront.

The development principles are set out in Table 11. The aim is to ensure that the regeneration of Edinburgh's Waterfront comes forward in a planned manner within the

context of a long term vision. Development principles for Leith and Granton Waterfront are set out; there is no specific use allocated for this site.

The site must be assessed against all relevant policies within the LDP including policies Hou 1 (Housing Development) and Hou 8 (Student Accommodation). The site's former use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered.

The proposed uses at the site comprise student accommodation, affordable housing, office space, cafe and public digital co-working space. These are each assessed as follows.

Student Accommodation

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

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

The supporting non statutory Student Housing Guidance provides additional locational and design guidance.

Location

The development site is close to a number of bus routes (within 100 metres on Bernard Street) with further buses available on The Shore and Links Place. The main cycle route in the area is the National Cycle route (NCR) 75, the Clyde to Forth cycle route, located approximately 350metres west of the development site. It provides convenient access to the city.

The development site is considered to be located in an area which will be easily accessible by bus and cycling will provide an attractive mode of transport to occupiers.

The tram route is planned to run along Constitution Street with stops in close proximity to the site.

The use is appropriate given the site's location with good access to universities.

Concentration

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

The application site lies within an area with a mixture of uses where a high residential population combines with various commercial uses.

In the wider area, the Leith and Leith Walk Town Centre, and Ocean Terminal provides concentrated areas of retail uses. New development proposals in the area include a mainly residential scheme at the site directly to the east, the development of the Ropeworks site to the south east and there are development proposals under consideration for further mainly residential development on two sites to the east at Bath Road/Tower Street/Salamander Street.

Whilst the number of student bedrooms proposed as part of the application is relatively high, the area has an existing high residential population, and a limited transient population. The development scale will complement the existing character, community, commercial units and nearby town centre. Overall, the proposed student accommodation would not result in a concentration of student housing which is of detriment to character of the area and is accessible to university and college facilities. The proposal accords with LDP Policy Hou 8 parts a) and b).

Policy Hou 1 (Housing Development) part 1 prioritises the delivery of housing on sites identified in the Local Development Plan and other suitable sites in the urban area provided proposals are compatible with other policies in the plan. To comply with Hou 1d), proposals on sites suitable for housing should give consideration to how they might deliver housing as part of proposals.

The non statutory Student Housing Guidance sets out requirements for purpose built student accommodation and requires sites with 0.25ha or greater developable area, which do not share a boundary with a main university or college campus, to provide a proportion of housing as part of the development. This is to be calculated at 50% of the gross new build residential floor area. The site has an area of 1.05 hectares.

The applicant has submitted a Planning Statement which puts forward the reasoning for developing the site as mainly student accommodation. This explains why maintaining the existing use or the development of all or part of the site for general housing is not viable. Details of the marketing history of the site are included and previous proposals that have been considered to develop the site, for a build to rent residential scheme.

A financial viability exercise has also been undertaken and this has been assessed by CEC Property Services. This sets out why a housing development on this site is not financially viable. The appraisal considers the development of the site for housing based on the massing of the current planning application. The mix of uses, costs and potential revenues have been based on normal parameters for the area. The analysis demonstrates that on a 'mid case' basis a residential development of the site would result in a financial deficit equivalent to 30% of project revenues. The applicant states that development costs are so high that even if the site were given to the developer at no cost they would still result in a financial deficit.

Sensitivity testing shows that even if the forecast revenues grew by 20% and the construction costs fell by 15% the project would result in a financial deficit.

The developer has considered an alternative scheme at the site (18/07468/PAN). This was for the development of the site for housing (build to rent), and commercial uses classes 1, 2, 3, and 4. The proposal would have resulted in the removal of three of the

distinct structures covered by the listing, including the purifying building and the standalone remains of the central coal store. The proposal did not encompass the development of the scrapyards and was not capable of meeting any S75 financial obligations. The applicant states that the structural problems, planning restrictions, and site contamination issues would have resulted in complete demolition of three listed buildings and a development with heights of up to nine storeys, with no affordable housing provision or other social contributions in order to make the scheme work.

The applicant has also submitted a financial appraisal of converting the western gasometer building. This has also been assessed and concluded that conversion would not be economically viable.

The site's listed status is a principal factor which has determined how the site can be best developed without adversely affecting the character and setting of the listed buildings. The developer has stated that without redevelopment of the western gasometer building it would be impossible to acquire the scrapyards site. It would be necessary to develop far more densely on the remainder of the site and could involve proposals to demolish the purifying building and the coal store.

The proposed removal of the gasometer building should be seen within the context of being part of a larger development and this provides a sustainable new use for the great majority of this group of listed buildings. In addition, the acquisition and development of the adjacent scrapyards site at 7-27 Constitution Street within the development scheme is positive in the context of the overall design layout of the wider area.

The applicant has cited the Scottish Government's Planning and Environmental Appeals Division (DPEA) recent decision for Gorgie Road (reference: PPA-230-2298). This is with reference to the weight which can be given to the Student Housing Guidance, in particular the stipulation for 50% provision of housing. This appeal was allowed on the basis that the guidance is non-statutory and not adopted policy so less weight can be given to it.

It is accepted that the site poses significant constraints which limits delivery of the site for housing. Whilst the application does not accord with policy Hou 1 d) or part c) of the non statutory student housing guidance, the re-use, repair and re-instatement of significant and unique listed buildings and grounds, and the constraints associated with developing this site, are key material considerations in establishing the principle of developing the site for mainly student accommodation.

The applicant is proposing to deliver a proportion of the site for affordable housing. In this instance, the need to develop the listed buildings in a sensitive and practical way takes precedence and the infringement in terms of policy Hou 1 d) is acceptable.

Affordable Housing

The development includes 18 affordable housing units. Housing at the site is an acceptable use in principle. Port of Leith Housing Association, the affordable housing provider for the proposed development, have written in support of the proposals. CEC Affordable Housing are supportive of the proposed scheme.

Office space, cafe and public digital co-working space

The proposed office units would complement the existing class 4 space in the adjacent Corn Exchange as well as the new class 4 space being developed as part of the nearby Barratt development on Salamander Street, and would help address the shortage of space for small businesses in Edinburgh. This would be consistent with policy Emp 9 which requires space "for a range of business users". The proposed cafe and digital co working space would complement the uses in the proposed development and the existing uses in the vicinity of the site.

b) Character and Setting of Listed Buildings

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

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

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Demolition and Setting.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The Historic Environment Policy for Scotland 2019 (HEPS) requires making sure that nothing is lost without considering its value first and exploring options for avoiding its loss. Steps should also be taken to demonstrate that alternatives have been explored and mitigation measures have been put in place. No potential restoring developers have come forward, and the site has been available for sale since 2007. The applicant states that the site has been extensively advertised to potential restoring developers in full compliance with HEPS.

A number of the buildings have been unoccupied since before 2011 (when the site was included on the Buildings at Risk Register) and the listed buildings are largely vacant. A new use therefore requires to be found for the site.

Demolition

Policy Env 2 of the adopted Edinburgh Local Development Plan (LDP) states that proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continual use.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the Demolition of Listed Buildings states that if one of the following situations applies then the loss of a listed building is likely to be acceptable, as long as this is clearly demonstrated and justified.

- the building is no longer of special interest;
- the building is not capable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;
- the repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to pot

A Heritage Statement has been submitted with the application. The key test in this case rests on whether the structures to be demolished are of special architectural or historic interest. If they are, then the other tests would have to be applied to justify demolition. The applicant's Heritage Statement assesses the significance or special interest of the appraisal site's assets and an appraisal of the impact on that special interest.

The Western Gasometer, in its original form was a highly significant building in Leith due to its visual prominence and its importance in a key industrial process. Its originally 18m wallhead was reduced to less than 6m in the late 1970s and most of its outstanding architectural features lost. As it stands now the building is low level and unadorned. The statement concludes that the limited remaining significance of the building is that it acts as a physical 'plan' of what was once in position. The building therefore has some significance.

The amount of removal is relatively small part of the listed group. The current use of the building is not compatible with the proposed development. Its removal would enable the development of a larger scheme which provides a sustainable future for the remaining more significant parts of the listed grouping. It would be beneficial in enabling the redevelopment of the adjacent scrapyards. The site has been advertised to potential restoring developers without success.

The remains of the 2-storey commercial façade to Baltic Street of the original gasometer building will be retained. This is the most prominent feature fronting onto Baltic Street.

Part of the perimeter wall to Constitution Street is considered to have some significance. The removal of this wall and development of the site with new active frontages will reflect the proposed future role of this key corridor when the tram is implemented. The remaining fabric of the ground floor of the demolished granary is not capable of incorporation and will therefore be removed.

The remaining most interesting and significant part of this section is the arch and keystone and this will be incorporated within the development.

The two storey lean to at the north gable of the Retort House is considered to have some significance. It is not part of the original building and the space it occupies is required to provide safe access for fire vehicles. It is of little interest and its removal is acceptable.

Other features which are considered to have negative significance are the shed to the north and east of the Purifying building, the modern extension to the west of the Retort House, the single storey extension to the west of the office, the modern brick walls to the south of the coal store and the modern building in the scrapyard. The removal of these structures is acceptable.

Historic Environment Scotland acknowledge that compelling evidence is submitted to show that retention of this building is not economically viable in relation to the wider proposed regeneration scheme, including restoration and adaptation of other listed former gasworks buildings on the site. They note there would be a significant conservation deficit if the former west range gasometer house was retained. Given that this building is much altered, and in the interests of progressing a worthy wider heritage-based regeneration scheme, HES is content with the proposed demolition.

The buildings of highest significance will be retained and converted. Based on the information submitted, the proposed demolitions are acceptable.

Alterations to Listed Buildings

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the LDP states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

With regard to the development history of the site, it is acknowledged that the development of the site has been largely driven by the industrial use and processes including how these uses and processes have evolved and changed through time. This is reflected in the piecemeal development and redevelopment of the site and its individual buildings and structures that warrants consideration when assessing their special interest and the impact of new development proposals on such special interest.

The special interest of the listed buildings has been eroded since they were listed due to incremental demolitions and the worsening condition of the buildings. These include insensitive additions to some buildings. The proposed redevelopment has been designed to respond to the historic and architectural character of the buildings in a sympathetic way. The reopening of buildings on North Assembly Street will allow them to be a significant part of the local townscape. The incorporation of the historic commercial frontage along Constitution Street will enable this frontage to be brought back into use.

The conterminous listed building consent application sets out all the proposed alterations to the listed buildings to be retained on the site. The principles that have been applied are based on sound conservation practice - retention of historic fabric of

significance where possible and alterations which are sympathetic to the historic and architectural context but are of their own time. Where, for instance, floor levels are increased to make best use of interior spaces, modern dormers have been created which complement the character of the host building. New openings and bricked up openings are signified by a modern treatment so the history of the site can continue its journey. Traditional detailing has still been sought where this is important e.g. slate rather than metal was agreed for visible roof slopes and metal skewers will be replaced by stone skewers but this has been balanced with more modern materials such as metal roofs for sections of roofs not visible to the public eye.

The removal of some of the later extensions and additions will allow a greater appreciation of the character of the buildings remaining from the old gasworks.

Internally, the works to restore the office building ensure this important historic fabric is retained.

HES have no adverse comments in relation to the proposals and state the alterations to the listed buildings do not affect their special interest and are acceptable. HES recommend that a full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the distinctive former board room oriel window. They also suggest that larger scale drawings for proposed replacement timber framed windows and doors be obtained, and material samples for significant replacement/new work be reviewed and agreed in advance of works commencing. These are covered by condition.

Setting

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

In terms of setting, the proposed development seeks to sensitively respond to the historic and architectural character of the site and its buildings, whilst enabling the site to be regenerated in a positive physical way. The proposals will enhance the setting of the listed buildings, introducing a new use for them, and being sympathetic to their architectural character and appearance. New public realm is to be created to respond to the historic environment and brings the existing category B listed buildings back into an attractive and beneficial use. All new buildings will complement the industrial heritage of the site.

The setting of the A listed Corn Exchange listed building will be preserved. HES broadly support the approach towards this important urban site, which features a mix of repaired and reused historic buildings, together with new build within a landscaped series of courtyards with increased connectivity across the site.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting of the listed buildings.

c) Character and Appearance of Conservation Area

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

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

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

The site lies within the Leith Conservation Area. The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value. The character of the Leith Conservation Area comprises a broad range of buildings and a variety of architectural styles. The site lies just within the Old Leith and Shore sub area of the Leith Conservation Area. Historically this area was the centre of port activities. Constitution Street forms the eastern boundary of this area.

The proposed formation of new street elevations to Constitution Street and Tower Street will infill historic gap sites and will complete the perimeter street block pattern consistent with the conservation area character. New-build heights are generally in keeping with the surrounding townscape and the industrial character of retained gasworks buildings. The scale, form, roof profiles and materials are compatible with the essential character of the area. The use of sandstone on a significant part of the building frontage, which has been significantly increased since Scheme 1, also reflects the conservation area's character.

Overall, the development will enhance the character of the conservation area by re-invigorating a site that is currently unused and in danger of falling into disrepair. It will retain and re-use buildings in commercial use.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

d) Scale, form and design

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

LDP Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at

Leith Waterfront and Granton Waterfront. The requirements in principle include comprehensively designed proposals which maximise the development potential of the area, provide a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods, proposals for a mix of house types, sizes and affordability, and the provision of open space, create local identity and a sense of place. These and other requirements will be discussed in more detail below.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) in December 2019. The overall conclusions were that the Panel noted the evolution from the previous proposals for part of the site and the development of a strong design concept. In taking forward the design, the Panel welcomed the improvements from the previous design and recommended that the following issues should be addressed:

- an archaeological record of the site should be undertaken;
- further work with respect to the setting of the A Listed Corn Exchange;
- enhance the open space/public realm for the affordable homes; and
- enhance the pedestrian experience on Baltic Street.

A copy of the report can be found in the consultations section in the appendix. The applicant has aimed to address these issues in this current submission.

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

The overall design concept represents a sound heritage-led response to this important site; it prioritises the adaptive re-use of listed buildings, including one building which is at risk, and uses Leith's industrial character to inform the design, layout and massing of new buildings and spaces. The immediate site context will be further enhanced by the replacement of inactive street frontages with high density commercial and residential uses that will generate activity and footfall, increasing the vitality of the surrounding area. Infilling the scrapyards site with flatted accommodation above commercial units reinstates the historic frontage pattern and strong sense of street enclosure characteristic of this part of the conservation area.

In terms of LDP Policy Des 2 (Co-ordinated Development), the acquisition of the scrap yard and its integration into the development accords well with this policy; it enables a coordinated approach to the wider site and related land uses. This is particularly beneficial in terms of enabling improvements to the permeability of the site to the wider area and supporting the amenity of future residents. The pedestrian/ cycle route proposed to the north of the site will provide linkages to existing development and new developments to the east.

Policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention

on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

The proposal safeguards important historic features through retention and adaptive re-use of existing buildings and structures. The interweaving of existing and new built fabric on both outward facing elevations and internal courtyard spaces is a particular strength of the scheme. On Constitution Street, incorporating blocked-up sandstone shopfronts into new commercial units reinforces the historic character of the street while significantly improving the pedestrian experience. Similarly, Baltic Street will be enlivened by retention and adaptive re-use of the office building at the south-east corner of site, and by forming the entrance and windows to the student reception area in the existing stone boundary wall next to the Corn Exchange. These re-activated frontages will increase passive surveillance and contribute to the safety and attractiveness of surrounding streets.

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

The proposed scale and massing of new buildings are well-suited to the industrial character of this part of Leith and the proposals respond well to the wider setting.

The proposed building form creates a strong urban edge to the streetscape and mimics the historic urban grain of the site. It responds to the existing buildings surrounding the site and provides a sound response in terms of design to any possible future development of the site to the north. The proposed building form responds to the existing buildings and proposed open courtyard area. The new central building will be placed in a similar position to the demolished former western gasometer building.

Heights have been developed to respond to urban pattern and townscape. Along Constitution Street, heights are lower or reflect those of the existing block opposite. The step down to the Corn Exchange buildings reduces the impact of the height of the proposed new development on the A listed building. The central building at five and six stories high has a massing and height similar to the historic former Gasometer building; it sits comfortably within the site. The blocks along Tower Street at five storeys, edge the site in a coherent way, providing a strong street frontage/edge to Tower Street. The five storey block to the north east relates well to the four and six storey buildings at the neighbouring development site to the east. The view along Constitution Street from the north is key in that the alignment of the street has views linking up to the monuments on Calton Hill. The newer seven storey block on Constitution Street where it meets Tower Street creates an unbalanced view at present; the introduction of the development reintroduces an important section of townscape as an entrance to the city. There will be varied levels to this view and the listed dome will remain a key feature.

The impact of the six storey block B of the Corn Exchange on the view along Baltic Street is mitigated by the site layout which sets this building at an angle to the Corn Exchange, the proposed twin gables, a pitched roof and the set back from Baltic Street

safeguarding the silhouette of the listed building in important views and ensuring that the proposed building sits comfortably in the historic environment.

In terms of views, the site falls within viewcone N11b, Leith Docks - Calton Hill and Hub Spire. There is no impact on any other key views. The applicant has provided information on local key views from the immediate vicinity of the site. The development does not significantly impact any safeguarded key view cones or local identified views of importance.

The proposed new buildings though modern in design, respect the established layout and hierarchy of buildings on site. The architectural form picks up from the form of the lost granaries. The design makes effective use of gable-ends and bold saw-tooth roof forms that make up the new student accommodation. These roof profiles give appropriate rhythm and proportion to street elevations and will also blend well with the historic roofscape in wider city views.

Overall, the elevational treatment will improve the visual character of the streetscape. The proposed use of brick and stone in elevational treatment and the overall proportion of solid to void take reference from Leith's industrial built heritage and make a positive contribution to the wider setting. Elevations make limited but effective use of metal cladding and colour changes to break up mass and create visual interest. The introduction of brick and metal walling to Constitution Street is considered acceptable in this instance because a contrasting palette of materials will help to modulate the rhythm and geometry of this long elevation. A condition has been added to ensure that all detailing and materials will be suitable.

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

The proposed internal layout of the gasworks enclosure blends well with its former industrial character, making use of strong building lines to define movement routes and enclose shared open space. Daytime public access to and through this area for pedestrians and cyclists is welcome because this increases the permeability of the wider area and offers breathing space from busy traffic on Baltic and Constitution Streets. It incorporates a number of relatively narrow, largely pedestrianised entrances to the site through strong perimeter blocks. These provide access to the well landscaped areas to the centre of the site. The proposed layout will encourage the use of cycling and walking.

High quality hard and soft landscaped shared outdoor amenity space is proposed within the courtyard. This includes formal lawns, planting, allotments, seating and public art. Social space, laundry etc.

The configuration of the footway on the northern boundary of the site will enable pedestrian/ cycle links to neighbouring site in an east west direction. This improves connectivity throughout the area.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also provides that in established residential areas, care should be

taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

The proposals fall within mid range of typical densities within the area and the applicant states that it is similar to the historic core of the conservation area. High density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network which is the case for this site.

Policy Hou 3 (Private Green Space in Housing Developments) requires adequate provision of green space to meet the needs of future residents. Open space provision for the affordable housing block is in the form of a courtyard area. A total of 335 square metres is proposed to serve the occupiers which is in excess of 10 square metres per unit.

The site wide landscape design works to tie together the proposed new buildings with the retained existing buildings and industrial heritage of the site context. It creates a variety of public realm spaces that will provide the student and affordable housing residents with a range of high quality external amenity spaces. Legible and cohesive streetscape design throughout the development connects seamlessly with the wider urban context. The place-making approach builds upon the guiding principles set out in Scottish Government guidance 'Creating Places'.

The proposed materials and planting will contribute pleasant and attractive spaces for social interaction.

The applicants have submitted a tree survey. Whilst these trees are protected through the conservation area, they do not currently contribute to its setting. The existing trees on site are being removed to facilitate development; a significant number of new trees are being planted of varying species, sizes and forms. This replacement is acceptable in this context.

In terms of scale, form, design and landscaping the proposed development is acceptable.

e) Amenity

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

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

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

Environmental Protection state that noise and vibration are serious causes for concern with this site. The applicant's Noise Impact Assessment (NIA) considers the potential noise source from traffic noise from Baltic Street/Salamander Street. It also considers

occasional commercial and industrial noise from the various neighbouring industrial sites and operational noise from Forth Ports.

Night time and evening noise from activities at Forth Ports are considered in the NIA as being minimal. It recommends that the minimum composite specification for glazing and ventilation for habitable rooms with a direct line of sight onto Forth Ports should achieve approximately 28-30dB Rw, Ctr.

The NIA states that road traffic noise has been predicted at various locations around the proposed site; the results suggest that the majority of receptors can meet internal noise criteria with open windows. However, some locations will require closed windows and alternative means of ventilation to meet these criteria. Those most affected are those with a clear line of sight to Constitution Street and Baltic Street.

A condition on appropriate glazing to address noise issues has been applied. Discussions between the applicant and Environmental Protection have also been held to address the issue of a mechanical ventilation system (similar to that required for local air quality purposes). Whilst Environmental Protection states it cannot support mechanical ventilation because enforcing is too difficult, it has agreed a condition to allow this to be discussed in more detail and to give the applicant an opportunity to meet its concerns. The condition will require mechanical ventilation to be agreed for all affected properties and where necessary by roof top filtered air. Therefore, whilst Environmental Protection still objects and states that the application should be refused on noise grounds, the application of the condition has reduced its level of concern.

It should be noted that the use of mechanical ventilation has been approved at a nearby residential development site on Bath Road. The Planning Authority considers that the solutions put forward by the applicant to deal with the impacts of noise are the best option on this difficult site. They are the same solutions put forward in the consented development to the east. In addition, the inclusion of the scrapyards site within the development site will improve noise levels in the local area. The mitigation measures are acceptable in this instance and the amenity of future occupiers would not be significantly adversely impacted in terms of noise.

Environmental Protection has raised concerns about odour and floodlighting to occupiers of the development from nearby Seaford Sewage Treatment Works and port/ industrial related activities. On balance, it is satisfied that odour would not be a significant issue, and floodlighting from nearby sites cannot be controlled.

The applicant proposes commercial units on the ground floors of the development. A condition is to be attached to these units restricting the use to Class 4 only; no noise should be generated from a class 4 use. The arrangement of the blocks will ensure that better levels of amenity would be achieved in the outside courtyard areas with some protection from traffic related noise.

The Edinburgh Design Guidance is applicable to both mainstream and student housing with regard to daylight, sunlight, privacy and outlook. The applicants have submitted an updated Daylighting and Sunlight assessment to support the application. Due to the orientation of the site, constraints imposed by the presence of listed structures and surrounding buildings, full compliance with LDP Policy Des 5a (Development Design - Amenity) is not possible.

The study concludes that 89% of the bedrooms and 69% of the open planning living room/kitchens within the development comply with daylight requirements of Policy Des 5a. Considering the surrounding townscape and compact nature of the site, this is considered to be a positive response to the planning daylight requirements.

The solar exposure analysis confirms that 41% of the landscaped garden and amenity areas achieve more than three hours of sunlight potential during the spring equinox. This falls short of planning policy requirement of 50% for two hours. However, this amount is acceptable given the context of developing the site. Comparing the sunlight exposure against the BRE guidance, this demonstrates that 64% of the garden and amenity areas achieve more than two hours of direct sunlight and therefore exceeds this industry recommendation.

The proposed level of amenity for residents is of a high standard with residents having access to shared managed outdoor space. Rooms will have adequate space and facilities along with a good outlook over the shared space or within established separation distances. The proposal complies with LDP Policy Des 5 (Development Design - Amenity).

In terms of the impacts of the proposed development on daylighting, privacy and sunlight to neighbouring properties the updated Daylight and Sunlight Assessment concludes that the proposed development conforms to the requirements of Policy Des 5a. Daylight to neighbouring residential windows on Constitution Street comply with the VSC of Policy Des 5a, assessed either under both the historic granary building pre-development condition and under a notional mirrored building condition for the development land on Constitution Street.

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

Sun path analysis confirms that there are no neighbouring gardens or amenity spaces that will be adversely affected by the proposed development.

Although there are aspects that the development do not fully achieve planning policy requirements, the design and layout of the proposed development have maximised the opportunities to protect daylight and sunlight to neighbouring buildings and spaces while also enhancing daylight and sunlight provisions within the development.

In terms of privacy, the proposals will reflect the perimeter block pattern of the area, and an acceptable level of privacy will be maintained for neighbouring properties.

The Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of

students. It expects that design to be of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles. The Council has no minimum room size standard for student accommodation. The accommodation proposed are designed in the form of 66 HMO flats and can be repurposed to mainstream or affordable housing.

The accommodation mix of the affordable housing includes one, two and three bedroom flatted dwellings. In accordance with the Edinburgh Design Guidance and LDP Policy Hou 2 (Housing Mix), over 20% of the affordable dwellings are designed for families and have a gross floor area of at least 91sqm.

The proposal is considered to be compatible within the uses in the area and will not cause an unacceptable impact with regards to privacy, daylight and sunlight. The impact of noise, odours and floodlighting can be dealt with by condition or are not possible to control.

g) Transport

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

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

A Transport Assessment has been submitted in support of the application. This analysis shows a reduction in net total vehicle trips when comparing proposed and existing uses with a slight increase in the PM Peak (+2 trips). This is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. No further junction impact assessment is proposed due to the negligible impact this development will have on the network. This is acceptable.

The application has been assessed under the Council's parking standards (Edinburgh Design Guidance - January 2020). These permit the following:

- A maximum of 147 car parking spaces; zero car parking spaces are proposed;
- A minimum of 661 cycle parking spaces; 661 cycle parking spaces are proposed;
- A minimum of 25 motorcycle parking spaces; 12 are proposed;
- There is no requirement for provision of accessible car parking, or electric vehicle charging spaces.

The applicant has highlighted that this site falls within phase 1 of the proposed extension to the controlled parking zone (CPZ) (estimated implementation summer/autumn 2021) and that this is likely to be prior to this development opening should permission be granted.

The lack of car parking is justified given the proposed use for the site and the low car ownership associated with student accommodation. The site has good accessibility to

public transport (further improved through the delivery of the Tram to Newhaven project).

The proposed cycle parking is distributed between five internal stores and two external stores across the site. All stores are on the ground floor and have been provided with level access. The external stores are securable and fully covered. The proposed cycle parking is made up of high-density two-tier racks with an adequate aisle width provided. The two external stores would have a sedum roof. The proposed level of cycle parking complies with the Councils parking standards and the design and layout is considered acceptable.

The applicant states that the any permeable routes through the site will be open to pedestrians and cyclists during daylight hours. The application makes provision for a future proofed pedestrian connection immediately to the north between Tower Street and the neighbouring development.

LDP Policy Del 1 sets out the developer contributions required towards transport interventions necessary to mitigate the effects of development or meet sustainable travel targets. In terms of calculating equivalent housing units, the capacity assumption for this site has been used. The LDP allocation is for the whole of EW1b but is based upon assumed capacities for the individual plots. The capacity assumptions for the plots were carried out for the Leith Docks Development Framework (non-stat guidance) and the Edinburgh City Local Plan, which in turn informed the current LDP. For this particular plot, the capacity assumption is 249 units.

Travel actions being considered as relating specifically to this development are as follows;

Based on per unit costs:

- Bernard St/Salamander St Active Travel and Public Realm Project = £848 per unit x 249 = £211,152
- Leith Links to Bath Road = £245 per unit x 249 = £61,005
- Salamander St to Foot of the Walk = £105 per unit x 249 = £26,145
- Action Program Transport Contributions = £298,302
- Plus contributions for the tram = £635,991

Total: £934,293

The roads authority raises no objections subject to the suggested conditions and informatives. The proposal will reduce the use of cars, prioritises active travel and accords with LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking).

h) Other planning matters

Healthcare infrastructure

The site is within the Leith Waterfront area in the Developer Contributions Guidance; a financial contribution of £110,900 is required towards healthcare infrastructure.

Sustainability

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

The applicant has submitted a sustainability statement in support of the application. The site is located in an urban area with excellent public transport links, allowing a reduced reliance upon the car. Photovoltaic panels are proposed to the roof of affordable housing block. Renewable materials are proposed. Porous pavings and water garden planting are proposed to the courtyard area.

The proposal accords with LDP Policy Des 6 (Sustainable Buildings).

Site contamination

A ground investigation report has been submitted with the application. A condition is recommended to assess and deal with any contamination found at the site.

Flood Protection and drainage

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

SEPA have stated that the failure of the flood control apparatus at the harbour could result in water levels exceeding 5.27 AOD. SEPA originally objected to the application on flood risk grounds; the revised scheme with ground floor FFL's of 5.6m AOD, and 5.4m AOD for the coal store building would be acceptable. Where 5.6m AOD is not possible because of the need to provide an active frontage to existing street levels constrained by the presence of protected historic structures, lower risk uses and design measures are proposed which would reduce the potential impact of flooding. SEPA have withdrawn their objection.

The development will introduce a number of mitigations which will reduce runoff such as installation of porous paving, green roofs to bike stores and water gardens. Water gardens have been included to attenuate surface water flow.

Scottish Water have confirmed they have no objection to the proposed development.

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

Ecology

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

A Bat Survey submitted with the application confirms that there are no historical records of bats in this area and few recent records. Seven buildings on site were assessed as having negligible potential for use by bats and required no further surveys. Four buildings were assessed as having low potential for use by bats and required a single bat activity survey. This was carried out in June 2020 and was conducted in suitable conditions. It was found that a small amount of activity by common pipistrelle but no evidence of the use of any of the buildings.

Archaeology

The site has been identified as containing historic industrial buildings of regional significance and is within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

In terms of the required archaeological mitigation of a detailed historic building survey (internal and external elevations and plans, photographic and written survey and analysis) prior to and during any demolition and or alterations should be submitted. This will also be linked with an appropriate programme of archaeological works to deal with any associated buried remains. It is essential that if permission is granted for this scheme, that a programme of archaeological mitigation is undertaken prior to demolition or development.

It is essential that a programme of public/community engagement is undertaken during development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

These are recommended to be addressed in conditions.

Waste

Bin stores have been positioned away from Constitution Street so to mitigate any potential conflict with the proposed tram line operations; refuse storage and collection will be from Tower Street and Baltic Street and CEC Waste Services accept this proposal.

Air Quality

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

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years. The air quality levels for PM 10 concentrations must be assessed against the 18 ug/m³ annual average objective.

The Council has been undertaking monitoring levels in this area since 2009 to enable a trend to be established over a ten year period. This is due to concerns that the ambient concentrations of PM10 are at risk of exceeding the Scottish Government's annual mean objective. A separate AQMA has been declared due to concerns that levels of NO2 are at risk of exceeding the EC annual mean Limit Value. This includes sections of the A199 from the Bernard Street/Shore junction to the Commercial Street/Portland Place junction.

Environmental Protection state that due to the proposed development site neighbouring the port which has a recycling and cement works located to the east, there are concerns regarding potential amenity impacts from dust and smaller particles in the air due to the industrial operations. They also raise the concern that the proposed high-level buildings along Constitution Street which will create a street canyon along this aspect of road.

The applicant proposes mechanical ventilation and filtration as a form of mitigation against the PM 10 levels at the application site. Full details of this can be covered by condition.

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

Environmental Protection recommends the application is refused on air quality grounds. Although the applicant has applied mitigation measures, Environmental Protection remain concerned with the levels of amenity that would be afforded to the residents and the likelihood that complaints would be received regarding industrial operators. Site monitoring of air quality has not been carried out by the applicant. The applicant considers that there is sufficient data of particle monitoring data available from monitoring at four sites adjacent to Forth Ports (Victoria Quay for Cala, Ocean Terminal for S1 Developments, Constitution Street for Port of Leith Housing Association and Salamander Street for Barratt). The applicant states that the monitoring demonstrate that: levels of PM10 do not exceed the Scottish Government's annual mean objective.

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

Matters relating to air quality and this proposal have been considered. On balance, it is accepted that PM10 levels have breached national levels in the past. However, it is acknowledged that with the designation of the Salamander Street AQMA, an action plan will be prepared which will have the primary objective of reducing PM10 levels in the area.

This combined with the fact that the applicant has provided details of mitigation measures in the form of mechanical ventilation is helpful. It is concluded that the proposal does not conflict with LDP Policy Env 22 on air quality grounds.

i) Public comments

Material Comments - objections

- Breach of LDP policy HOU1; better developed for permanent residents - assessed in 3.3a;
- Too far from universities, excessive concentration of student population and short terms lets, and will encourage more car travel; breach of LDP policy HOU8 - assessed in 3.3a;
- Affordable housing versus HMO ratio is unbalanced - assessed in 3.3a;
- Loss of light; breach of LDP policy Des5 - assessed in 3.3 f;
- Proposed with very high walls/ defensive development - assessed in 3.3d;
- Contrary to Student Housing Guidance as ratio of 50% private/ 50% student accommodation is not proposed; the neighbouring site is not within the red line of this planning application site and the guidance should be applied to this site only - assessed in 3.3a;
- Cost of building is not a planning consideration - assessed in 3.3a;
- Financial viability statement has been kept confidential; implication is that too much has been paid for the site - assessed in 3.3a;
- Planners aren't best to judge finances and whether a proposal is 'financially viable or not'- assessed in 3.3a;
- Increased use of public transport to get to university will put pressure on facilities - assessed in 3.3g;
- Developer has not made his plans known prior to planning application submission - a full PAC report has been submitted;
- Properties not suitable for normal housing if there was a need to convert later on - assessed in 3.3e;
- Unsuitable 'postgrad' accommodation in giant boxes - assessed in 3.3d;
- Original listed buildings will lose their meaning -assessed in 3.3b;
- Air pollution; canyon effect created along Constitution Street - assessed in 3.3h;
- Overshadowing - assessed in 3.3e and f;
- Site is practically at sea level and this will rise - assessed in 3.3h;
- More green space is needed -assessed in 3.3d;
- Admire work done by applicant but proposal is not acceptable; Leith needs affordable housing -assessed in 3.3a.

Material Comments - Support

- Preservation of gas works site;
- Replacement of the scrap yard with a use more appropriate for the developing nature of the area;
- Proposed uses along Constitution Street - in particular the provision of an activated frontage with shops and the café / digital co-working space;
- Form of the architecture, which draws on the history of the site;
- Pedestrianisation of the block, and the greatly improved pedestrian porosity;

- Proposed main use class as it will ensure appropriate full time on-site management of the remainder of the block;
- Financial contributions for the tram will help infrastructure provision to develop the Waterfront more;
- General aims of LDP and development of Waterfront area met;
- Provides a good mix of uses on a brownfield site, not taking up Green Belt land;
- New cycle and pedestrian routes through the site will enhance connectivity;
- Provides new open spaces which can be enjoyed by the community;
- Design quality is good and will contribute to the character of the area;
- Will breathe new life into historic buildings;
- Coordinated, developed site; removal of scrapyards will get rid of noise, pollution etc.
- Re-use of shop frontages along Constitution Street is positive contribution;
- Site is a mess and development will provide a positive impact on the area;
- Development is car free which is supported;
- Essential character of listed buildings are maintained with introduction of new modern complementary design;
- Will improve site and enhance listed buildings and the conservation area;
- Proposals provide shop units, café and digital co working space for local businesses;
- Loads of new housing in the area; there is capacity for this type of development in the area;
- Encourages sustainable transport and 100% cycle parking is provided;
- Design to promote heritage of Leith and will add to the community;
- Design will be an asset to the area and
- Opportunity to open site to other users in future; affordable housing is tenure blind and will have access to various facilities which the public can also access.

Material Comments - general

- Swift bricks should be incorporated.

Non-material comments

- Too much building work already in area - this is not a material planning consideration Disturbance from building works - as above
- Tax avoidance loophole - as above
- Restriction of views - private views are not protected

Community Council Comments

Leith Harbour and Newhaven Community Council has submitted comments in support of the application.

Conclusion

This proposal will deliver a new use for these unique listed buildings in a heritage led regeneration scheme preserving its setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation, the proposals do not comply with the adopted Edinburgh Local Development Plan or supplementary guidance on Student accommodation. It is accepted that provision of 50% housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place. The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
2. No development shall not commence on site until the scrapyards site within the application site boundary has ceased operation, and all scrap metal and associated plant and machinery removed to the satisfaction of the Planning Authority.
3. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from Planning Authority a public archaeological and historic interpretation scheme for the site.

5. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for the written approval of the Planning Authority.
6. Prior to the commencement of works on site, specification and detailed drawings of adequate scale, indicating the arrangement of material junctions on external elevations and details of replacement timber framed windows and doors shall be submitted for the written approval of the Planning Authority. The details shall be implemented as approved.
7. A full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the former board room oriel window. These should be approved by the Planning Authority prior to development commencing and implemented as approved.
8. The ground floor offices shall be restricted to Class 4 (Business) of the Town and Country Planning Act Use Classes Order (Scotland) only, and for no other purpose without the written consent of the Planning Authority.
9. The keystone (with triple anchor motif) in the wall to be demolished along Constitution Street should be retained and re-used within the proposed café or other sheltered location within the site. Full details of this shall be submitted to and approved by the Planning Authority prior to development commencing.
10. No development shall take place until a scheme for protecting the residential development hereby approved from noise from traffic and commercial/ port related noise has been submitted to and approved in writing by the Planning Authority.
11. Prior to commencement of development full details of the proposed sound insulation for the proposed cafe should be submitted to and approved by the Planning Authority. The approved details shall be implemented prior to occupation of the cafe.
12. Prior to commencement of development, full details of the proposed mechanical ventilation system shall be submitted to and approved by the Planning Authority. Mechanical ventilation with ISO coarse glass G3 filters shall serve all required properties and where necessary be served by roof top filtered air. The approved details shall be implemented prior to occupation of the development hereby approved.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
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 enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to retain and/or protect important elements of the existing character and amenity of the site.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. 1. Consent shall not be issued until a suitable legal agreement relating to healthcare, affordable housing and transport infrastructure has been concluded and signed. The legal agreement shall include the following:
- a. Healthcare- Contribute the sum of £110,900.00 to healthcare infrastructure.
 - b. Affordable Housing - affordable housing is to be provided in accordance with Council policy.
 - c. Transport - A contribution towards the LDP Action Programme for the following transport works;
 - i. Contribute the sum of £635,991 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - ii. Contribute the sum of £61,005 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - iii. Contribute the sum of £26,195 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - iv. Contribute the sum of £211,152 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - v. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - vi. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development and
 - d. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

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

5. - The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
- The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
 - In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

- The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
- -All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the -Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

6. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Planning Authority

7. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

8. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered 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 meets the sustainability requirements of the Edinburgh Design Guidance.

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 application was advertised on 14 February 2020. Comments have been received from twelve people objecting, four people in support and one making general comments. It should be noted that a further 31 objection comments have been received to the listed building consent application 20/00466/LBC which raise material planning objections and relate to this application for full planning permission.

Scheme 2 was advertised on 11 September 2020. Three comments were received objecting and one commenting to the proposals. Three comments in total were received to the listed building consent and conservation area consent applications, one objecting to the proposal and two in support. These three comments raised issues relevant to the full planning permission.

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision

Local Development Plan

The site is within the Leith Waterfront Development Area in area EW 1b Central Leith Waterfront.

Proposals will be expected to:

- locate any major office development within the strategic business centre identified on the Proposals Map;
- create a publicly-accessible waterside path connecting east and west;
- help meet the Council's open space standards through financial contributions to major improvements to or creation of off-site spaces;
- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development; and
- review the flood risk assessment that has already been provided for this site.

A route is safeguarded for the tram and a stop along Constitution Street.

Leith Docks Development Framework 2005

The Framework sets out an overall vision for the wider area to provide an extension of Leith and the city which integrates the old and new areas in a mixed, balanced and inclusive waterfront community while responding to contemporary aspirations, concerns and ideas regarding urban planning.

The LDDF anticipated that residential development would be the dominant use throughout the majority of the development parcels.

Date registered

31 January 2020

Drawing numbers/Scheme

1,2a,3,4a,5b,6a-19a,20b,21a-40a,41-50,51a,52,53a,54,55a,,
56-62,63a,64-65,66a,67a,68-70,71a,72, 73a,74a,75-78,

Scheme 2

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

Contact: Karen Robertson, Senior planning officer
E-mail:karen.robertson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

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

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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

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

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

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

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

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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

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

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Policy TRAN3 states that local plans should include car parking standards that relate the maximum permitted level to accessibility by public transport.

Policy TRAN4 states that local plans should include policies relating density of development to accessibility by public transport.

Policy TRAN5 states that local plans should consider the transport implications of new development.

Appendix 1

Application for Planning Permission 20/00465/FUL At 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh

Proposed mixed use development comprising partial demolition of existing buildings, purpose built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended).

Consultations

Edinburgh Urban Design Panel report- December 2019

1. Recommendations

The Panel welcomes the opportunity to comment on this proposal and noted the evolution from the previous proposals for part of the site and the development of a strong design concept. In taking forward the design, the Panel welcomed the improvements from the previous design and recommends that the following issues should be addressed:

- an archaeological record of the site should be undertaken;*
- further work with respect to the setting of the A Listed Corn Exchange;*
- enhance the open space/public realm for the affordable homes; and*
- enhance the pedestrian experience on Baltic Street*

2. Planning Context

An application will be submitted for full planning permission for a mixed use development with associated landscape, drainage and infrastructure in the scrapyards and former gasworks. The development includes purpose built student accommodation, affordable housing, affordable retail units, cafe and public digital co-working space. A previous proposal (excluding the scrapyards part of this current site) was reviewed by the Panel in 2018.

Site Description

The site measures approximately 1.05ha in area. It comprises the former Gasworks site and the existing scrapyards site. It is located to the north of Baltic Street and directly south of Tower Street, with part of the site fronting Constitution Street to the west.

To the north of the site are commercial/ industrial units along Tower Street; the site is bound by a high wall along this boundary. The southern site boundary has a number of existing structures which front Baltic Street. To the south are tenement flats on the opposite (southern) side of Baltic Street, the majority of which are four storeys. To the

east are commercial/ industrial buildings along Salamander Street fronted by a high wall. Directly to the southwest, the site is bound by the former Corn Exchange building which is category A listed (Listed Building ref: 27140). The boundary along Constitution Street has a high wall. On the opposite side of Constitution Street is a mix of flatted blocks with commercial premises at ground level.

There are a number of existing buildings on the site, some of which are category B listed. These buildings include the remains of the former Edinburgh and Leith Gas works, a former gasometer house (now reduced in height), former processing house, and former retort house and offices (Listed Building ref: 26744).

This application site is located within the Leith Conservation Area.

Planning Policy

The Edinburgh Local Development Plan (LDP) allocates the site as within the Edinburgh Waterfront. The site is in the Central Leith Waterfront Area, in an area of commercial and housing-led mixed use development sites (Proposal EW1b). The proposed uses will need to be assessed against relevant Local Development Plan policies and non-statutory guidance. The Leith Docks Development Framework LDDF (2007) covers this site. The aim of the framework in terms of uses in the area, is to 'create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.'

A route is safeguarded for cycleway/ public transport along Constitution Street to the west of the Corn Exchange building and scrapyards site.

The Panel's detailed comments are as follows:

Land Use - The Panel were supportive of the proposed mix of uses on the site including student accommodation, affordable homes, co-working space and affordable shop units.

Listed Buildings and Structures - The Panel applauded the heritage led design approach for the site. The Panel also noted the substantive benefits the acquisition of the adjacent scrap yard has brought to the development in terms of coordinated development, the design quality and amenity. The proposal for the listed building located to the north of the site was encouraged by the Panel. Particularly the consideration at this stage of the design process for future proofing for different uses and the design challenges presented given the width of the building and limited floor plate. A significant design consideration and constraint will be how the development relates to the category A Listed Corn Exchange, a prominent feature building in the Leith Conservation Area. From the initial sketch views provided from Constitution Street it would appear that the development will respect the setting of this building by retaining the primacy and sky space of the dome within the townscape. However, this will require further testing and development through view analysis. The requirements for new window openings in the Listed Buildings, will require more detailed design consideration.

Boundary and street edges - Baltic Street: The Panel noted the changing character and context of Baltic Street. This change is primarily due to the large consented residential sites to the east of this site which will generate an increase of pedestrian movements

past this site. The Panel noted that this site provides an opportunity to enhance the pedestrian experience on Baltic Street by providing activity at street level. It was suggested that the retained facade could provide active uses rather than servicing areas. The Panel also noted that the pavement width is very narrow on this street. The Panel encouraged the presenters to discuss opportunities for changes to road design with the City of Edinburgh Council. Constitution Street: The Panel noted the changing character and use of this street particularly with the new tram line. The proposed uses and active frontage on Constitution Street were welcomed by the Panel. The idea of reinforcing what was the historic entrance to the city at the corner of Constitution Street and Tower Street was encouraged by the Panel.

Conservation Area -The Panel noted that the elements that would be lost do not make an overall contribution to the character or appearance of the conservation area. In addition, the heritage led approach results in a scheme that enhances the character and appearance of the conservation area.

Architectural Response -The Panel welcomed the proposed architectural language which makes reference to the site's industrial heritage.

Archaeology Record - The Panel advocated that an archaeological record should be undertaken given the historical importance of the site.

Permeability, open space and public realm - The layout, pedestrian permeability through the site and open spaces were generally supported by the Panel. The exception being the quality of open space allocated for the affordable homes. Additionally, the Panel suggested that the space around the buildings would benefit from being car free. Also, changes to the layout of the adjacent buildings, such as flipping the 'e' shaped plan could provide more open space and assist in providing better levels of daylight to this block. The Panel noted that if possible the pedestrian routes and spaces through the site should remain open at all times and that security for residents be reassessed.

Accessibility - The Panel advocated a design approach which fully considers accessibility for all users at this stage of the design process. For example; ensuring that people with reduced mobility can easily navigate through the buildings and spaces.

Servicing and bin collection -The Panel noted that servicing and bin collection strategies should be fully considered and integrated at this stage of the design process.

SEPA- 23 April 2020

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

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction. For all other matters please refer to our standing advice for planning authorities and developers on development management consultations.

1. Flood Risk

1.1 There is a planning application for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh, NGR 327373 676503.

1.2 Drawings submitted as part of the application indicate proposed finished floor levels of 4.7 mAOD (Above Ordnance Datum) and 5.2 mAOD. We consider these finished floor levels too low and will place the proposed development at risk of flooding.

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

1.4 The water levels in the dock areas are maintained at between 2.6 mAOD and 2.8 mAOD by Forth Ports using artificial means. A shipping lock, by-pass culvert and two locking culverts together comprise the flood control apparatus. This is used to discharge inflows from the Water of Leith out of Leith Docks and into the Firth of Forth in order to maintain near constant levels in the dock area. Should the water level in the dock area rise above 3.047 mAOD, Forth Ports is liable for any consequential flood damage to certain property except at any time when the sea level outside the harbour has also risen above 3.047 mAOD.

1.5 Arup has previously advised that a water level of 4.42 mAOD would be reached by a 0.5% Annual Probability (AP) (1:200) + 20% climate change flood in the Water of Leith, coinciding with a 100% AP (1:1) tide. Arup also advises that should there be a complete failure of the flood control apparatus during a 0.5% AP (1:200) flood coinciding with a 100% AP (1:1) tide then water levels could rise up to 5.34 mAOD. This flood would inundate the ground floors of all the proposed properties associated with the current planning application.

1.6 The 0.5% (1:200) Coastal Flood Boundary (CFB) still water level for Leith Docks area of the Firth of Forth is 3.98 mAOD which is equivalent to 4.84 mAOD for the year 2100. A further 750 mm allowance for waves would give a total level of approximately 5.6 mAOD. This flood event would also inundate the ground floors of all the proposed properties associated with the current planning application.

1.7 SEPA strongly recommends that a minimum finished floor level of 6.0 mAOD, as previously agreed with the City of Edinburgh Council, should be adhered to. This will provide approximately 600 mm freeboard allowance above the estimated 100% AP (1:1) fluvial flood level combined with a shipping lock failure and 400 mm freeboard allowance above the estimated coastal flood level for 2100, including an allowance for waves. It was also previously agreed with City of Edinburgh Council that the minimum finished ground levels should be 5.5 mAOD where possible to provide flood free access and egress during the design flood event.

Summary of Technical Points

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

- Revised minimum finished floor levels consistent with development levels previously agreed by SEPA and City of Edinburgh Council.

Caveats & Additional Information for Applicant

1.9 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

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

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

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

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

Regulatory advice for the applicant

2. Regulatory requirements

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

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

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

is more than 4 hectares,

is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

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

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

2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

SEPA- further comments received 1 October 2020

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

Please note that our comments below should be read in conjunction with our previous responses (PCS/171036 dated 23 April 2020 and PCS/171675 dated 25 June 2020).

1. Flood risk - technical report

1.1 We previously commented with an objection and a maintain objection in April and June 2020 on a planning application (ref: 20/00465/FUL) for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh, NGR 327373 676503

1.2 In June we advised the following; "The new build properties would represent an increase in the numbers of flood risk receptors particularly if not incorporating adequate flood mitigation. The proposed FFL's in the order of 5.2 mAOD to 5.4 mAOD would include very little if any freeboard allowance. SEPA could not support new built development at this location with no freeboard allowance which would represent an increase in flood risk receptors."

1.3 The applicant has submitted a supplementary planning response to a number of objections from consultees including that from SEPA on flood risk grounds. The response advises that, where ground floor residential accommodation is proposed, the finished floor levels (FFLs) in the new build and conversion will be raised to a minimum of 5.6 mAOD and those of the Coal Store have been raised to a minimum FFL of 5.4 mAOD. The document explains that the FFL in the Coal Store cannot be raised further due to the restrictions associated with its listed and historic structure status.

1.4 We advise that we are satisfied that the proposed minimum FFLs are above the design flood level but with a freeboard allowances that are less than that normally expected particularly for buildings providing overnight accommodation. The freeboard allowances will be 130 mm and 330 mm rather than the normal 600 mm. The City of Edinburgh Council should consider if it is satisfied with this reduced freeboard allowance.

1.5 In relation to the conversion of the other existing buildings on site, please refer to our previous response PCS/171675.

Detailed advice for the applicant

2. Flood risk caveats and additional information

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

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

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of

inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

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

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

is more than 4 hectares,

is in excess of 5km, or

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

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

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

3.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

Economic Development

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/00465/FUL for a mixed-use development at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh.

Commentary on existing uses

The application relates to a 1.05-hectare site bound by Tower Street to the north, a timber yard to the east, Baltic Street to the south, and Constitution Street to the west. The site is made up of two elements: a scrapyard to the west, and a trade counter occupying the former Edinburgh and Leith Gasworks to the east.

The scrapyard is made up of a single building of 267 sqm along with the yard itself.

The former Gasworks complex is made up of five B listed buildings: the West Range (truncated former gasometer); the Northwest Range (purifying/processing building); the Northeast Range (original gasometer/retort shed); the Office Range (offices); and the Courtyard Range (former coal/retort shed). These total 8,579 sqm comprising warehouses and offices and are currently in use as a trade counter.

This gives a total area for the buildings currently on the site of 8,846 sqm.

The economic impact of the existing buildings can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm, while retail warehouses (analogous to a trade counter) support one full-time equivalent employee per 90 sqm. This suggests that the scrapyards could be expected to directly support approximately 7 FTE jobs if fully occupied ($267 \div 36$), while the trade counter could be expected to directly support approximately 95 FTE jobs if fully occupied ($8,579 \div 90$), totalling 102 FTE jobs ($7 + 95$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the wholesale sector in Edinburgh is £77,924 per employee per annum (2017 prices). This suggests that the existing buildings could be expected to directly add approximately £7.95 million of gross value added (GVA) to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£77,924 \times 102$). In principle this impact could be increased if the buildings were used for higher value activities (such as manufacturing) but it is recognised that their advanced age and historic character is likely to mean they are unsuited to these activities.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age and not well suited to modern industrial uses. As the site is over one hectare in area, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires that any redevelopment incorporate (among other things) "floorspace designed to provide for a range of business users".

Commentary on proposed uses

The application proposes the redevelopment of the existing site, delivering seven blocks comprising a mix of new and refurbished buildings.

Class 1 - Shops

The development as proposed would deliver four shop units comprising 217 sqm of class 1 space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that high street retail units support on average one full-time equivalent employee per 17.5 sqm. This suggests that the shop units could be expected to directly support approximately 12 FTE jobs if fully occupied ($217 \div 17.5$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the retail sector in Edinburgh is £20,730 per employee (2017 prices). This suggests that the shop units could be expected to directly add approximately £0.25 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£20,730 \times 12$).

Class 9 - Residential institutions (student accommodation)

The development as proposed would deliver 558 student bedrooms. These could be expected to support economic activity via the expenditure of their residents. Based on average levels of student expenditure in the UK (adjusted to control for lower levels of household expenditure in Scotland) the residents of the 558 bedrooms could be expected to collectively spend approximately £10.94 million per annum (2017 prices). Of this £10.94 million, it is estimated that approximately £9.46 million could reasonably be expected to primarily be made within Edinburgh. This £9.46 million could be expected to directly support approximately 120 FTE jobs and £4.71 million of GVA per annum (2017 prices), primarily in the education and real estate sectors (i.e. jobs in

higher education supported by fees and jobs within the student accommodation provider supported by rents).

Sui generis (flats)

The development as proposed would deliver 18 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 18 flats could be expected to collectively spend approximately £0.46 million per annum. Of this £0.46 million, it is estimated that approximately £0.24 million could reasonably be expected to primarily be made within Edinburgh. This £0.24 million could be expected to directly support approximately 2 FTE jobs and £0.08 million of GVA per annum (2017 prices), primarily in the hospitality and retail sectors.

Sui generis (co-working space)

The development as proposed would deliver 384 sqm of "digital co-working space". The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that co-working spaces support on average one full-time equivalent employee per 12.5 sqm. This suggests that the co-working space could be expected to directly support approximately 31 FTE jobs if fully occupied ($384 \div 12.5$). The *Scottish Annual Business Statistics* published by the Scottish Government state that the average gross value added per job for the information and communication sector in Edinburgh is £110,621 per employee (2017 prices). This suggests that the co-working space could be expected to directly add approximately £3.43 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£110,621 \times 31$).

Overall economic impact

The development as proposed would be expected to directly support 43 FTE jobs (12 + 31) plus a further 122 FTE jobs (120 + 2) via the impact of residents' expenditure, representing a total projected impact of 165 FTE jobs (43 + 122). The development as proposed would also be expected to directly support £3.68 million of GVA (2017 prices) (£0.25 million + £3.43 million) plus a further £4.79 million of GVA (2017 prices) (£4.71 million + £0.08 million) via the impact of residents' expenditure, representing a total impact of £8.47 million of GVA per annum (2017 prices) (£3.68 million + £4.79 million).

As set out above, it is estimated that the existing buildings could be expected to support approximately 102 FTE jobs and £7.95 million of GVA per annum (2017 prices). This suggests that the development would have a positive net economic impact of approximately 63 FTE jobs (165 - 102) and £0.52 million of GVA per annum (2017 prices) (£8.47 million - £7.95 million).

The potential economic impact of the existing buildings can be estimated. The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm (gross). This suggests that the existing buildings could be expected to directly support approximately 246 FTE jobs if fully occupied ($8,846 \div 36$). The *Scottish Annual Business Statistics* published by the Scottish Government state that the average gross value added per job for the manufacturing sector in Edinburgh is £56,344 per employee (2017 prices). This suggests that the existing buildings could be expected to directly add approximately £13.86 million of

gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied (£56,344 × 246). It is recognised that the buildings have in recent years not been used intensively and the actual level of employment and economic output currently supported by the buildings is likely significantly lower.

Other considerations

As set out above, the development includes four shop units totalling 217 sqm of space. These are located on the western edge of the development fronting onto Constitution Street. It is suggested that it may not be appropriate to add additional retail space in this location. This stretch of Constitution Street does not fall within a designated town or local centre. Given the general pressures on the retail sector, it is suggested that it may be inappropriate to support the creation of additional space outwith a town or local centre. There also existing convenience stores at the north end of Constitution Street and on the adjacent Bernard Street and any newly-created retail space could be expected to compete with these. Given this, it is recommended that the four units should potentially be required to be class 4. This would complement the existing class 4 space in the adjacent Corn Exchange as well as the new class 4 space being developed as part of the nearby Barratt development on Salamander Street, and would help address the shortage of space for small businesses in Edinburgh. This would be consistent with policy EMP 9 which requires space "for a range of business users".

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 165 FTE jobs and £8.47 million of GVA per annum (2017 prices). When the impact of the existing buildings is accounted for, the projected net impact is 63 FTE jobs and £0.52 million of GVA per annum (2017 prices).

The loss of 8,846 sqm of industrial space is regrettable. However, it is recognised that the buildings in question are of advanced age.

The development as proposed includes 217 sqm of retail space. It is suggested that it is inappropriate to deliver new retail space outwith a town or local centre in the current retail climate and that this would likely displace activity away from existing retailers in the vicinity. The Economic Development service recommends that the class 1 space be required to be changed to class 4 to comply with policy EMP 9.

CEC Children and families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

18 flats are proposed, although only eight have one bedroom and therefore have been excluded from this assessment. Using the pupil generation rates set out in the Supplementary Guidance, a development of ten flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Affordable Housing

The applicant will be required to submit an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal. The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application. The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site.

The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent. The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site. In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind". The affordable homes should be designed and built to the RSL design standards and requirements. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Scottish Water response dated 10 February 2020

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

Water

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

Foul

This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

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

General notes:

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

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

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

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

Next Steps:

Single Property/Less than 10 dwellings

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

10 or more domestic dwellings:

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

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

Non Domestic/Commercial Property:

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

Trade Effluent Discharge from Non Dom Property:

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

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

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer.

Scottish Water further response September 2020

Audit of Proposal

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

Water Capacity Assessment

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

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

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

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

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

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

General notes:

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

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

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

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

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

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections.

Trade Effluent Discharge from Non Domestic Property:

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

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off. For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. The

Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection.

Flood Prevention

- 1. The revised finished floor levels (FFL) for both the new build and conversion are deemed reasonable given the other constraints on the site and the proposed FFL for neighbouring approved applications.*
- 2. Could the applicant please confirm who will adopt and maintain the surface water drainage system, including SuDS and the underground attenuation tank.*
- 3. Once received, could the applicant please confirm that Scottish Water agree with the proposed surface water discharge to the combined sewer system.*
- 4. The applicant has not completed a self-certification certificate (Certificate A1) covering the report. If the development is classed as a major development under Planning definition, then an independent consultant is required to check the submission. They must then sign the required declaration (Certificate B1) for inclusion with the application.*

Transport Planning

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

- 1. The applicant will be required to:*
 - a. Contribute the sum of £635,991 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - b. Contribute the sum of £61,005 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - c. Contribute the sum of £26,195 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - d. Contribute the sum of £211,152 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - e. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - f. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.*
- 2. In support of the Council's LTS Cars1 policy, the applicant should consider contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.*
- 3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.*

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

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

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

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

Note:

I. The application has been assessed under the Council's parking standards (Edinburgh Design Guidance - January 2020). These permit the following:

a. A maximum of 147 car parking spaces (Student Accommodation - 1 space per 6 beds, 1 space per residential unit, 1 space per 50m² of retail and 1 space per 14m² of food/drink). Zero car parking spaces are proposed;

b. A minimum of 661 cycle parking spaces (Student Accommodation - 1 space per bed, 2 spaces per 2/3 room residential unit and 3 spaces for 4+ room residential unit, 1 space per 250m² of retail and 1 space per 75m² of food/drink). 661 cycle parking spaces are proposed;

c. Due to the low level of car parking proposed there is no requirement for accessible car parking.

d. Due to the low level of car parking proposed there is no requirement for electric vehicle charging spaces; and

e. A minimum of 25 motorcycle parking spaces (1 per 25 beds for student accommodation). 0 dedicated motorcycle spaces are proposed.

II. Justification for the level of car parking centres around the proposed use for the site and the low car ownership associated with Student Accommodation and the sites accessibility to public transport (further improved through the delivery of the Tram to Newhaven project). The applicant has also highlighted that this site falls within phase 1 of the proposed extension to the controlled parking zone (CPZ) which is currently estimated to be implemented by summer/autumn 2021 (as per report approved by Transport and Environment Committee - September 2019). The applicant has stated that given the anticipated timescales they would still expect the CPZ (potentially with an extended order process) will be in place prior to the development opening. The proposed level of car parking complies with the parking standards and based on the justification provided is considered acceptable.

III. The proposed cycle parking is distributed between 5 internal stores and 2 external stores across the site. The numbers are as follows:

- a. Store A - 32 spaces (internal/SA)
- b. Store B - 200 spaces (internal/SA)
- c. Store D - 100 spaces (internal/SA)
- d. Store E - 136 Spaces (internal/SA)
- e. Store F - 24 spaces (internal/resi)
- f. Store BPA - 148 spaces (external/SA)
- g. Store BPB - 21 spaces (external/resi & café)

All stores are on the ground floor and have been provided with level access. The external stores are securable and fully covered. The proposed cycle parking is made up of high-density two-tier racks with an adequate aisle width provided. The proposed level of cycle parking complies with the Councils parking standards and the design and layout is considered acceptable.

IV. A transport assessment has been submitted in support of the application. This analysis shows a reduction in net total vehicle trips when comparing proposed and existing uses with a very slight increase in the PM Peak (+2 trips). This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. No further junction impact assessment is proposed which is also considered acceptable due to the negligible impact this development will have on the network.

V. It is proposed by the applicant that the any permeable routes through the site will be open to pedestrians and cyclists during daylight hours. However, this will be "permissive" and not secured as a right of way etc..

VI. The application makes provision for a future proofed pedestrian connection immediately to the north between tower street and the neighbouring development. This connection will be included in any potential redevelopment of the industrial units on Tower Street.

VII. Bin stores have been strategically positioned away from Constitution Street to mitigate any potential conflict with the proposed tram line operations.

VIII. Junctions will need to be in-line with the Edinburgh Street Design Guidance and its relevant fact sheets to ensure the design prioritises pedestrian movements. This detail can be agreed through further permissions required from the Council as Roads Authority.

IX. The Tram Contribution is based on the site being in zone 1 of the tram contribution a net contribution where the existing use is taken into consideration against the proposed use. The existing use of 2,271m² of industrial use generates a contribution of £104,207. The proposed use is based on 20,283m² of Student accommodation, 216m² of office, 384m² of café and 18 residential units which generates a contribution of £740,198. Net Contribution = Proposed Use - Existing Use = £740,198 - £104,207 = £635,991

X. Transport contributions were calculated by firstly identifying relevant actions to the development site that are in the current LDP Action Programme (February 2020). They are as follows:

- Bernard St/Salamander St Active Travel and Public Realm Project - £6,125,000
- Leith Links to Bath Road - £367,500
- Salamander St to Foot of the Walk - £441,000

To find a rate per housing unit the costs above were divided by the estimated housing capacities of the relevant LDP areas:

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

This development site is included within these estimations that are based on the Land Housing Audit carried out for the LDP. This estimates the housing capacity of this site to be 249 residential units. This figure was applied to the rate per unit of each action to provide a reasonable level of contribution to each transport action identified. The calculations are as follows (percentages are for the purpose of the legal agreement):

- Bernard St/Salamander = £6,125,000 / 7,220 (LW(WH) + CLW + LW(SP)) = £848 per unit x 249 = £211,152 (71%)
- Leith Links to Bath Road = £367,500 / 1500 (LW(SP)) = £245 per unit x 249 = £61,005 (20%)
- Salamander St to Foot of the Walk = £441,000 / 4220 (CLW + LW(SP)) = £105 per unit x 249 = £26,145 (9%)

TRAMS - Important Note:

The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

Historic Environment Scotland 28 February 2020

Our locus regarding this application for planning permission is specific to the potential impact on the setting of the above category A listed buildings, both outstanding landmark former civic and mercantile buildings, prominently positioned at the junction of Constitution Street with Bernard Street. We are satisfied that the primacy and setting of these buildings within the townscape, including the predominant dome of the Corn Exchange would not be adversely affected by the proposed development.

Please see our separate consultation reply letters for the associated applications for listed building consent 20/00466/LBC and conservation area consent 20/00463/CON.

Historic Environment Scotland- further comments dated 10 September 2020

As mentioned in our consultation reply letter of 28th February 2020, our locus regarding this application for planning permission is specific to the potential impact on the setting of the above category A listed buildings, both outstanding landmark former civic and mercantile buildings, prominently positioned at the junction of Constitution Street with Bernard Street. We are satisfied that the primacy and setting of these buildings within the townscape, including the predominant dome of the Corn Exchange would not be adversely affected by the proposed development.

We are content that the amended proposals, as published 26th August 2020 on your Council's planning portal, do not alter our above position on the scheme.

Environmental Protection

The applicant proposes a mixed-use development including the provision of postgraduate student accommodation, affordable housing, shops, a café, digital co-working space, 656 cycle parking spaces and 4 disabled parking spaces

Environmental Protection have commented on the recently consented neighbouring residential lead development 18/08206/FUL. Environmental Protection raised concerns with that application due to the poor level of amenity that it would have with regards air quality and noise. The issues with this development site are largely the same. It is noted that this development red line boundary includes the operational scrap metal yard. This would need to cease operation, SEPA permits cancelled and all scrap metal and associated plant and machinery removed before any development commences. This would need to be conditioned.

The site is identified within an area of major change in the Edinburgh Local Development Plan (ELDP), the site is located within Edinburgh Waterfront (EW1b) categorised as major new development in strategic development area. The current LDP states that the Central Leith Waterfront (EW1b) Area should be of commercial and residential led mixed-use development. Forth Ports Ltd has decided to retain land at the Britannia Quay and south of Edinburgh Dock for port related use, and therefore a

modified approach to the development of this area from what is included in the Leith Docks Development Framework (2005) is required. LDP recognises the need for mixed use regeneration of Central Leith Waterfront. It will provide a significant number of new homes however it is noted that the nearby site (16/03684/FUL) has consent for a residential led development when the LDP proposed a commercial-led mixed use would be more appropriate. One of the key development principles is designing new housing to mitigate significant adverse impacts on residential amenity from existing or new general industrial development.

The proposed development site lies north east of Baltic Street / Salamander Street and east of the junction with Constitution Street. The road name changes from Baltic Street to Salamander Street at the south east corner of the proposed development site, close to the junction with Assembly Street. The area consists predominantly of commercial and with some residential use. There is existing residential use immediately opposite the proposed development site on Baltic Street, across Constitution Street with residential use being built out on the site to the east (18/08206/FUL). Bath Road runs north along the aspect of the proposed development site and could provide access to the Forth Ports and various industrial units off Tower Street. To the north of the site is the City of Edinburgh Council car pound and a storage area (which is subject to an active planning application to develop residential use); beyond which is the Forth Ports authority docks and basins.

The applicant proposes a significant number of residential units with 4 disabled parking spaces. Several new blocks are proposed along with the restoration of some existing industrial buildings. This will include proposed high-level buildings along constitution street which will create a street canyon along this aspect of road.

The applicant has submitted various supporting materials including a noise/air quality impact assessment and site investigation reports.

Noise

The applicant has submitted a supporting noise impact assessment which has concluded that the dominant environmental noise source across the proposed development site is road traffic noise from Baltic Street / Salamander Street. There are also occasional contributions of commercial and industrial noise from the scrap metal yard which would be removed if this application is consented with a condition stating the scrap metal yard must close and cease operations prior to commencement of works.

The applicant's noise impact assessment has identified that noise from the road is the dominant noise affecting the site. The applicant has conducted noise surveys to demonstrate that noise levels from the road do significantly affect the internal rooms of the development site. The applicant has not provided details of the required minimum glazing specifications to mitigate traffic noise. The noise impact assessment has only provided noise reduction levels which is not something planning will accept in any proposed condition. The orientation of the proposed blocks has ensured that the outdoor amenity space will also be exposed to a significant level of noise from the traffic as well as a significant percentage of the proposed development. The noise report has recommended that a ventilation system will also be required as also highlighted in the air quality impact assessment. There are no details of the required

ventilation system provided either in these supporting reports or in the drawings. There are no drawings showing the routes of the required ducting that could occupy a significant amount of internal space. The Air quality report states that intakes would need to be located at roof level. There is no reference to this intake on any of the roof drawings or any other submitted material. It should be noted that mechanical ventilation can be a source of noise depending on where the main plant machinery is located.

It has been noted that the applicants noise impact assessment has not assessed the outdoor amenity noise levels.

Noise and vibration from activities at Dalton's scrap yard would be an extremely significant factor as Environmental Health Officers have received noise complaints regarding noise from the scrap metal yard affecting nearby residential properties. This proposed development does include the scrap metal yard and its removal could be viewed as a planning gain for existing residential properties. If this proposal was consented with no conditions on the phasing of development, then this would be a major issue. This development must not be consented without conditions on the scrap yard ceasing operations prior to the commencement of any other development.

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

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

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

received a significant number of justified noise complaints due to 24-hour noisy operations on the docks over a prolonged period of time. This resulted in complaints being received from existing residential properties along the entire docks and mostly from properties located further away from the docks than this proposed development. The complainants could not block the noise out by closing windows or even moving to other areas of their properties.

When there are certain operational demands on the dock, they will meet that which will then often mean significant noise. This proposed development will increase the numbers of people exposed to this and bring residents closer to certain parts of the operational dock. The applicants noise impact assessments required mitigation measures have not been fully detailed as there is no information on the required supporting ventilation system.

No specific assessment has considered the operations to the east of the site including parking compound that is used to stored cars that have up-lifted. It is expected that a number of these vehicles could be impounded with intruder alarms sounding which should have been assessed. The applicant has engaged with the car pound and the car pound advised that no alarms sound in the evenings. This site is subject to another planning application to change use to residential, there is no guarantee that this site will be developed out as residential.

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

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

It is noted that the proposed development site is surrounded by many different noise sources and that any proposed residential development in this location would be challenging that applicant has not proposed the recommended mitigation measures as advised in their own noise impact assessment to minimise impacts albeit that is not even to a level Environmental Protection could support. Phasing of the development has not been covered in the noise impact assessment. It would be critical that the Scrap Metal Yard would need to stop operating before commencement of works on the

site. Otherwise the site could be partially developed out with the scrap metal yard remaining.

On the issues we have regarding noise this would be enough for us to recommend that application is refused.

Local Air Quality

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

The applicant has advised that car parking numbers will remain low at 4 disabled spaces the applicant proposes including a significant number of cycle parking provisions. Both these measures are welcomed by Environmental Protection. The development is well located to take advantage of local amenities and public transport network and proposes cycle parking. The applicant is not required to provide any electric vehicle charging points under the Edinburgh Design Standards. Nevertheless, Environmental Protection recommend that 100% provision is included which would equate to two twin-headed 7kw Electric Vehicle charging points serving the disabled spaces. The site will likely be well served by taxis if consented. The applicant should provide a rapid (50Kw) electric vehicle charging point for taxi use.

As the site is near the St Bernard's Street Air Quality Management Area (AQMA) and is in the centre of the recently declared AQMA for particulate matter smaller than 10 micrometres PM10 (Salamander Street). The applicant was advised to do onsite monitoring for PM10 at the pre planning stage. Elevated levels of PM10 pollutant have been the reason an AQMA has been declared in and around this development site in January 2017. Fugitive emissions from the handling and storage of open material at Leith Docks, was found to be a contributory factor in the elevated concentrations. This AQMA does cover the applicants proposed development site. The applicant has not monitored PM10 on-site. They have modelled the potential future impacts using the data monitored from the council's air quality monitoring station on Salamander Street. Having not done onsite monitoring this reduces the confidence we have on the conclusions of the applicant's air quality impact assessment.

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

Local authorities must assess PM10 concentrations against the 18ug/m³ annual average objective hence the assessment considered whether the PM10 Objective levels would be breached. Planning have been monitoring PM10 in this area since 2009. This has enabled a trend to be established over an eleven-year period. The applicants modelled survey is a mathematical prediction based on many varying parameters more weight must be given to Planning's air quality monitoring data which.

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

Environmental Protection are therefore concerned with the PM10 levels impacting this site, it is recognised mitigation options are limited to deal with this pollutant within the proposed development site. The applicant has not conducted on site air quality monitoring as recommended and the mitigation measures recommended by the applicant's own air quality impact assessment have not been designed into the final submitted drawings based on the information assessed by Environmental Protection. There should be a mechanical ventilation system which draws 'fresh' air in from the roof level. There is no evidence of this in the drawings. It should also be noted that this mitigation method was for Nitrogen Dioxide traffic related pollution not the particulates. The level of particulates will not reduce much with the heights being considered so high-level air intakes will make little difference. The applicant's air quality impact assessment does not even consider the introduction of filters therefore any roof mounted air intake would be pumping polluted air into the proposed habitable rooms if it was installed.

The results from the applicant's own air quality impact assessment indicate that levels of NO2 are at risk of exceeding the EC annual mean Limit Value at elevations within the proposed development that face directly onto Baltic Street at ground and first floor levels. It then goes on to state that air pollution from local road traffic is predicted to decrease significantly with increased height above ground level. The effect of local air pollution on residential units could be significantly reduced by installing Mechanical Ventilation Heat Recovery (MVHR) systems within affected dwellings, provided the air intakes are at roof level and where the residential units are held under positive pressure. Environmental Protection would not support this method of mitigation but would accept that it is a form of mitigation that could reduce impacts if designed, installed with filtration and maintained in perpetuity which is something that cannot be conditioned through planning even if the system was designed and implemented.

It is also noted that the proposed development will introduce a street canyon along Constitution Street which is an important factor with regards local air quality. Atmospheric dispersion may be adversely affected by the inhibiting effect of taller buildings close to the road, which can reduce local wind speeds and consequently prevent dilution of exhaust emissions. This is sometimes referred to as a 'canyon' effect, where the height of buildings on both sides of the carriageway exceeds the combined width of the road and pavements. St Johns Road is an example of an existing street canyon. Environmental Protection would always recommend against the creation of street canyons.

Furthermore, it is noted that the applicant proposes installing a gas fired combined heat and power system (CHP). Large or even widespread smaller gas boilers can lead to increased levels of the background NO2 levels. Once these are installed and operational there is very little that can be done by the Local Authority to reduce their

impacts. That is why they make up the background NO2 levels. The site is near to a NO2 AQMA and was advised to take energy provision into consideration at the pre planning stage. It is welcomed the low level of parking, but they have not in Environmental Protections opinion maximised the possibility of maximising onsite renewable energy provisions. The applicant was advised on the use of ground/air sourced heat pumps, potential for use of dock water for this and on photovoltaics/solar panels linked to energy storage at the pre-planning stage. The Climate Emergency and Zero Carbon ambitions were also highlighted at the pre-planning stage.

The applicant has assessed the possible transport impacts the proposal will have on especially on the Bernard Street AQMA which has been declared due to traffic related pollution. As stated above the site is well located with regards access to amenity, employment and sustainable transport. Environmental Protection satisfied with the schemes level of car parking. It is noted that the current industrial operations on the site have a degree of commercial vehicle activity that would be removed if this is consented and could have a positive impact. On the other hand, there are a number of committed developments in the immediate area with high levels of car parking that could collectively have a detriment impact on the local air quality when they are all developed out.

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

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

Odours

The application site is located approximately 1km from the Seafield Waste Water Treatment Work (WWTW) the applicant was asked to provide a study into the possible impacts WWTW will have on the proposed development site. The applicant has not provided any information on this however an assessment was submitted for the neighbouring consented site which is closer to the WWTW and it was accepted that there would be no adverse impacts. Therefore, odours from the WWTW are not a big concern for this proposed development site.

Contaminated Land

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

In conclusion, Environmental Protection recommend the application is refused. This is due to the potential noise impacts may have on the development site. The site is in the middle of the Salamander Street AQMA for PM10 levels exposing future tenants to excessive levels of pollutants likely to adversely affect their health. The applicant has not applied mitigation measures recommended by their consultants. Environmental Protection remain concerned with the level of amenity that would be afforded to future tenants and the likelihood that complaints will be received regarding neighbouring industrial operators.

Therefore, overall Environmental Protection strongly recommend that this application is refused and should be noted that there is not enough information to even consider developing conditions if approved.

Conditions

1. *Prior to the commencement of construction works on site:*

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. *The operational scrap metal yard must fully cease operation prior to commencement of the development.*

Affordable Housing

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

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

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

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

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

2. Affordable Housing Provision

This application is for a development consisting of up to 18 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (4) homes of approved affordable tenures.

The applicant has submitted an 'Affordable Housing Statement' setting out the proposed approach to the delivery of affordable housing. The current proposal is that affordable housing will account for all 18 (100%) of the new homes and will consist of flatted apartments with a range of one, two and three-bedrooms. This is very welcome.

The developer has identified a Registered Social Landlords (RSL) that will deliver the affordable homes. The RSL has submitted a letter of support.

The applicant has confirmed that the affordable housing will be delivered as social rent or mid-market rent. The tenure of the affordable housing must be agreed by the Council. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters an early dialogue with us and the RSL to ensure that this is delivered.

The affordable housing should be a representative mix of any market housing that is provided across the site and fully compliant with latest building regulations. The affordable housing should be "tenure blind" with a design that is informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The applicant should continue to work with Council and RSL's to achieve this.

The affordable homes will be close to regular public transport links and local amenities. Future occupants will have access to secure cycle parking and landscaped areas.

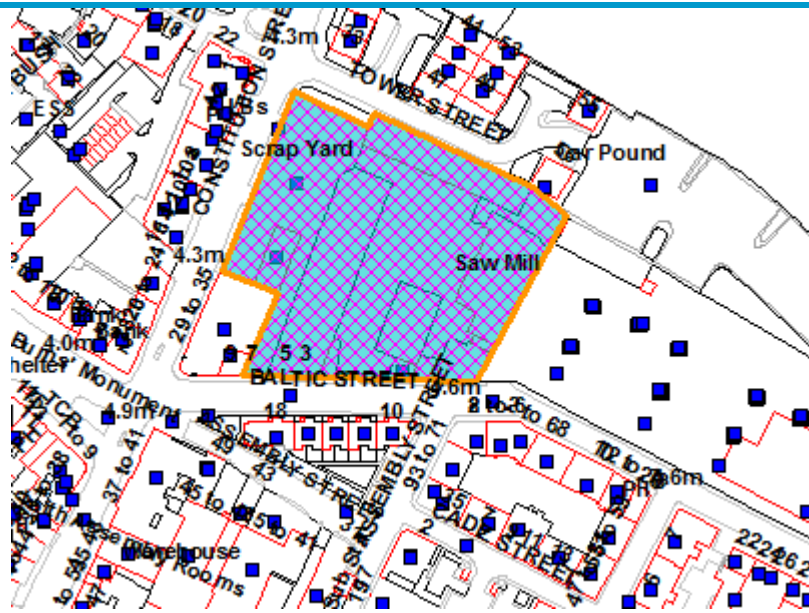
3. Summary

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:

The applicant has submitted an "Affordable Housing Statement", setting out their approach to the delivery of affordable housing. It is proposed that all 18 homes (100%) will be delivered as affordable homes which is very welcome.

The applicant has identified an RSL that will deliver the affordable housing as social rent or mid-market rent.

Location Plan



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