

# Development Management Sub Committee

**Wednesday 9 February 2022**

**Application for Approval of Matters Specified in Conds  
21/01334/AMC**

**at Unit 1 146 Duddingston Road West, Edinburgh, EH16  
4AP.**

**Application to approve matters (a-e) (h-m) (o-r) specified in  
condition 2 of planning permission in principle  
18/07736/PPP as amended by 20/01340/FUL.**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

## **Summary**

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The principle of the development was established through planning permission in principle (PPP) 18/07736/PPP as amended by 20/01340/FUL.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as the proposal's design will preserve and enhance the listed buildings within the site. It will deliver a good quality residential environment in a sustainable brownfield location. It will have no material impact upon existing residential properties or businesses.

The proposal accords with the Edinburgh Local Development Plan and the Edinburgh Design Guidance. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

## Links

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

LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES12, LEN03, LEN04, LEN09, LEN12, LEN16, LEN21, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LRET06, LRET08, LRET11, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSLBCA, NSHAFF, NSBUS, HES, HESEXF, HESEXT, HESINT, HESUSE, HESWIN,

# Report

## **Application for Approval of Matters Specified in Conds 21/01334/AMC at Unit 1 146 Duddingston Road West, Edinburgh, EH16 4AP. Application to approve matters (a-e) (h-m) (o-r) specified in condition 2 of planning permission in principle 18/07736/PPP as amended by 20/01340/FUL.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is the former Dryburgh Brewery. It sits to the west side of Duddingston Road West and to the south side of the South Suburban Railway Line. The area is of mixed use character. Across the railway to the north is a business park. To the west, south and east it is predominantly residential. The site is within walking distance of the Innocent Cycle Path, Duddingston Loch and Holyrood Park. Cairntows Park lies to the south. Further to the south is the Craigmillar/Niddrie local commercial centre.

The wider former brewery complex is now in business, industry and storage use but is largely used for small start-up businesses. The overall brewery site extends to around 0.8 hectares. The Dryburgh Brewery, which was founded in 1892, is now the only brewery building complex left in an area that once contained seven different breweries. Since the closure of the brewery in 1987, the buildings have remained predominantly vacant with limited commercial occupancy. Currently the buildings contain classes 1, 4, 5, 6, and 11 uses.

The former brewery buildings were B listed on 29 November 1988 (ref. 28699). They date from the latter part of the 19th century and include several ranges.

The existing buildings in the brewery complex are as follows:

- The Main Office Building and Tun Rooms are located on a north-south axis and bordering Duddingston Road West. These buildings are listed and are three storey stone built with a pitched slate roof. These buildings are currently in use as offices and retail;
- In the north east corner of the site is the Paddock Block which is a listed building. It is connected to the non listed Stable Block. These are single storey buildings with an attic currently in use as an office. There is currently a gap between the Tun Rooms and the Paddock Block.

- The Blue Bridge is a listed timber structure connected to the Main Office Building and Tun Rooms at upper levels to the Brewhouse. The Blue Bridge was used as a boxing club.
- The Brewhouse is a listed four storey stone structure with pitched slate roof with a high brick chimney. To the east of the Brewhouse is the Wellhouse, part of the original brewery and the Boiler House which is a modern building. These buildings are vacant.
- Parallel with the Brewhouse and the Wellhouse is a range containing the modern, metal clad Fermentation Block and the listed Maltings and the Kiln buildings which are four storey stone buildings with attic and pitched slate roof. These buildings are vacant. The yeast rooms are low, brick built, modern structures on the south elevation of the Fermentation Block. One of them is in use by Scottish Power;
- The Chimney within the site is also listed. It shall be retained.

To the north of the application site is a joiner's yard that is part of the original brewery site but that is outwith the red line that defines the application site.

## **2.2 Site History**

16 November 2018 - listed building consent granted for internal and external alterations to create 47 flatted dwellings within the building (Application number 18/00391/LBC). This related to the Maltings and Kiln Building.

19 February 2019 - Listed building consent granted for conversion of vacant Brewhouse building into mixed residential and commercial use (Application number 18/09672/LBC)

3 April 2019 - Listed building consent granted for conversion of listed buildings into residential use and external alterations (Application number 19/00643/LBC). This related to the main office building on Duddingston Road West, the Blue Bridge, the Tun Rooms and the Stable and Paddock Blocks.

21 February 2020- Planning permission in principle granted for the redevelopment of site, retaining existing listed buildings, and converting to residential use whilst retaining current employment uses (classes 1, 4, and 11) but not necessarily in the same location as existing, and introducing a cafe/restaurant, (class 3) and new build residential (as amended) (Application number 18/07736/PPP).

2 October 2020- Planning permission granted for a S42 application to amend conditions 1 and 7 of the planning permission in principle to allow greater flexibility with regards to the extent of the residential uses (Application number 20/01340/FUL).

## Main report

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### 3.1 Description of the Proposal

This is an application to approve matters (a-e) (h-m) (o-r) (specified in condition 2 of planning permission in principle 18/07736/PPP as amended by 20/01340/FUL.

The matters specified under (a-e) (h-m) (o-r) are as follows:

- a) Existing and proposed finished site and floor levels in relation to Ordnance Datum;
- b) Siting, massing, and height of development;
- c) Design and external appearance of all existing and new buildings, including materials, fenestration and roof form;
- d) Floor plans detailing the number of units, and their size and layout for both residential and commercial units;
- e) Daylighting, sunlight and privacy assessments;
- f) Design, allocation and configuration of public and private open space;
- g) A breakdown of proposed residential and non-residential uses that details their quantum and locations;
- h) Car, bicycle and motorcycle parking arrangements including access road ; layout, footpaths, servicing of commercial units and electric charging points;
- i) Details, allocation and specification of vehicular electrical charging points.
- j) Waste management and recycling facilities;
- k) Surface water and drainage arrangements and a SUDS proposal and SUDS maintenance plan;
- l) Any noise attenuation measures as a result of detailed noise impact assessments for all buildings;
- m) Details of mechanical plant and ventilation. Details relating to the proposed class 3 use should demonstrate that effluent is ducted to the eaves height as a minimum, and capable of achieving 30 air changes per hour;
- n) Operating times for commercial and leisure uses including hours of deliveries and waste collection. Restrictions to these hours may be necessary;
- o) Hard and soft landscaping including:-
  - a) All details of paving including material and finishes;
  - b) All details of all external street furniture, lighting columns and other fittings including their materials and finishes;
  - c) Walls, fences, gates and other boundary treatments;
  - d) The location of new trees, shrubs and hedges;
  - e) A schedule of plans to comprise species, plant size and proposed number and density;
  - f) A programme of completion and subsequent maintenance;

### 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.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the proposal accords with Planning Permission in Principle 18/07736//PPP as amended by 20/01340/FUL;
- b) the development impacts on the character and setting of listed buildings;
- c) the matters under consideration can be approved;
- d) there are any other material planning considerations;
- e) the development will have any impact upon equalities and human rights and
- f) the report has addressed all material considerations raised by Community Councils and letters of representation.

#### **a) Compliance with the Planning Permission in Principle**

Planning Permission in Principle (application reference: 18/07736/PPP as amended by 20/01340/FUL) was granted for the redevelopment of site, retaining existing listed buildings, and converting to residential use whilst retaining current employment uses (classes 1, 4, and 11) but not necessarily in the same location as existing, and introducing a cafe/restaurant, (class 3) and new build residential. (As amended)

Application 20/01340/FUL was a S42 application to amend conditions 1 and 7 of the planning permission in principle to allow greater flexibility with regards to the extent of the residential uses. The principle of the development has therefore been established and the matters being considered all form part of those permissions.

#### **b) Impact on 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."*

The majority of buildings within the site are to be retained. The alterations proposed to the existing listed buildings have already been approved as part of applications for listed building consent (19/00643/LBC, 18/09672/LBC and 18/00391/LBC). The external alterations to the listed buildings are relatively minor whilst there were little features of interest internally within these buildings, with the exception of some rooms within the main office building. These proposed alterations are therefore acceptable.

Applications for listed building consent for the proposed new buildings that shall be attached to the listed structures have also been approved.

The development will not be detrimental to the architectural character, appearance or historic interest of the listed buildings or to their setting.

### c) Approval of matters specified in condition 2

*Matters, a, b & c: Appearance, scale, form, height and massing, materials, floor levels, fenestration, roof form.*

The proposed Fermentation Room building will be a new four and half storey block which will have a pitched slate clad roof and external walls which shall be finished in a mixture of sandstone and timber cladding with a large frameless glazed element to one elevation with large steps leading up. It will have a mixture of timber windows to the upper levels and aluminium grey windows and doors at ground floor level. The Fermentation Room will respect the scale and dimensions of the Kiln building to which it will attach. To the rear, south of this building there will be a raised garden area. This area shall be constructed from bricks.

The Rail Siding Building shall be a 3-4 storey building which shall be constructed to the north of the site, located near to the railway line. Given the scale of the existing nearby building the height of this proposed structure is acceptable. Again it will be traditionally designed with a pitched slate clad roof, and walls which shall be finished in sandstone cladding and timber to the tower element of the building. It will have timber windows and doors and conservation style rooflights.

The proposed Tun Room building is a 3 and a half storey structure. It will connect to the existing Tun Rooms building which is of slightly greater height than that proposed. It will have a pitched slate clad roof with small dormers. Externally it will be finished in a mixture of original stone, sandstone cladding and timber cladding.

Condition 3 of 18/07736/PPP states that a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required. This is yet to be discharged.

*Matters d and i: Number of units, floorplans and layout of residential and commercial including quantum and location.*

The plans submitted show that there will 128 residential units proposed overall. There will be thirteen studios, sixty-five, one bedroom flats, thirty-five, two bedroom flats and fifteen, three bedroom flats.

The Edinburgh Design Guidance states that in order to ensure satisfactory amenity, dwellings should not fall below the following minimum internal floor areas:

- 36m<sup>2</sup> Studio dwelling;
- 52m<sup>2</sup> One bedroom dwelling;
- 66m<sup>2</sup> Two bedroom dwelling;
- 81m<sup>2</sup> Three bedroom dwelling and
- 91m<sup>2</sup> Three bedrooms or more with enhanced storage designed for growing families.

Of the 128 units proposed only 2 units will fall below the minimum floor space standards (one 2-bedroom apartment with a floor space of 59sqm another with 62sqm). This is due to the constraints of the existing listed building. The minor breach in the guidance is acceptable in this instance.

The Edinburgh Design Guidance also states in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, have good levels of storage, have direct access to private gardens (for example via patio doors or private external stairs) or safe play areas for children, and have a minimum internal floor area of 91m<sup>2</sup>.

The applicant has stated that they are very confined with the existing layout and structure of the listed buildings in which they are attempting to adapt. The original scheme was revised in order to try and increase the number of suitable 3 bedroom properties.

Overall, the development will provide 15 three bedroom properties which works out at around 11.7% of the total build. Whilst it is acknowledged that three of these proposed three bedroom properties will not have over 91 sqm of internal floor space, it is noted that there are also seven proposed two bedroom flats that will have over 91sqm floor space internally and five one bedroom flats that will have over 91sqm floor space.

The applicant also notes that 23% of the apartments within the proposed new builds will have three bedrooms.

Whilst the non-statutory guidance has not been fully complied with in this instance, the constraints of the site including the conversion of several listed buildings, justify an infringement of the guidance.

Details highlighting the positioning and layout of the 15 proposed commercial units has also been provided.

These are as follows:

- 9 units within the proposed brewhouse. Five class 4 units, one class 1 unit, one class 3 unit (No cooking) and 1 utilised as a bike store.
- One class 3 (No cooking) unit within the proposed Wellhouse.



- Four units within the proposed fermentation block. Three class 4 units and one utilised as a bike store.
- One class 4 unit within the Yeast Room.
- Three units within the proposed Kiln building. Two class 4 units and 1 bike store.

*Matter e: Daylight, sunlight, privacy*

The applicant has provided information that shows that the windows in the proposed buildings will either be a minimum of 18 metres from the windows in the existing buildings or that they have been designed to be suitably off set in order to not materially impact upon the privacy of any future residents. It is also be noted that the proposed buildings are largely being located in broadly the same position as existing structures and in a quite densely packed historical development site like this, privacy levels must be expected to be less than in those of new build greenfield sites. Privacy levels between the proposed flats within the site shall be satisfactory.

It is noted that the raised garden area to the rear of the Fermentation House will be constructed quite close to the rear gardens belonging to the flats directly to the south of the site. A privacy screen has therefore been proposed. It is recommended that the consent be conditioned for further details of this screening. The proposed raised garden will be over 9 metres away from the gardens of the residential property which lies roughly to the east/south east of the site. A protective barrier will be erected around the garden to ensure compliance with building standards. The consent should be conditioned for further details of this barrier which should be opaque. This combined with the distance from this garden will ensure that no material loss of privacy occurs. The windows to the rear of the proposed Fermentation House will look directly over its rear garden grounds which have a depth of approximately 10-12 metres. Spread views from these windows are not considered and therefore there will be no material overlooking from these windows to the garden grounds of the property to the south east of the Fermentation House.

It is noted that the existing listed Maltings building is positioned quite close to a modern block of flats to the south (approximately 11 metres) which is accessed off Peffer Bank. However, the windows to the rear of the Maltings building are already in existence, if in some cases currently boarded up and these windows shall look directly into the car parking area of the flats. The windows in the rear of the Maltings building and those to the rear of the flats to the south are also at quite an acute angle. Given that these windows are already existing, the distance and angle involved, it will cause no material loss of privacy to the existing flatted block.

The applicant has submitted an Internal Daylight Assessment (IDA) that was also submitted as part of the assessment of 18/07736/PPP. The floor plans and elevation drawings of the existing and proposed buildings within the site were also submitted as part of 18/07736/PPP. The agent has confirmed that the relatively minor internal layout alterations proposed under this application will not impact upon the findings of the IDA.

The IDA indicates that the flats within the existing buildings will not achieve a high level of daylight. However, due to the existing layout of the buildings, and the constraints imposed in terms of window openings because the buildings are listed, the committee report for 18/07736/PPP accepted that the level of daylight achieved in the existing listed buildings would, overall, be satisfactory and that the new build properties will achieve a higher level of daylighting. Overall, the planning permission in principle application concluded, based on the same plans to those submitted as part of this application, that the proposed development would provide a satisfactory living environment in terms of daylight.

The new fermentation block will be constructed to the north of existing flats on Pepper Bank. It will be located on the site of an existing large metal building which shall be demolished. The proposed fermentation block will have an eaves height which shall be slightly less than the existing building and it will have a pitched roof which will have a ridge height approximately 3 metres taller than the existing structures roof. The rear elevation of the new building will be approximately 21 metres from the rear elevation of the existing flats. The fermentation block will not have a material impact on the flatted properties existing levels of sunlight or daylight.

An updated noise impact assessment has been submitted that states that through the use of closed windows and mechanical ventilation, the proposed residential properties which shall face the existing joinery business will not be materially impacted by noise and disruption. It is noted that Environmental Protection do not fully support this. However, the use of closed windows and mechanical ventilation has been approved for use in several other developments within Edinburgh. Noise attenuation measures proposed as a result of the NIA assessment is discussed below under matter o, p and q.

*Matters h and r: Design, allocation and configuration of public and private open space, hard and soft landscaping*

This information has been provided. As some detailed information relating to the hard and soft landscaping proposed still has to be approved by Flood Planning a condition requiring the approval of the hard and soft landscaping, has been applied.

*Matters j, k : Car, bicycle and motorcycle parking, including access road layout, footpaths, servicing of commercial units and electric charging points*

This information has been provided. It shows that there will be limited car parking spaces within the site. The site will, however, have a range of internal bike stores and external cycle racks that meet the cycle parking standards as set out in the Edinburgh Design Guidance. The long and short stay cycle stores and racks will be sited in accessible locations and the site will also have cycle spaces for visitors. A condition has been applied to the consent that further details of the design of the proposed cycle racks will be provided for the written approval of the Planning Service prior to works commencing on site.

The Roads Authority were consulted as part of the assessment of the application. It raised no objections.

*Matter l: Waste management and recycling*

A waste strategy was submitted as part of the assessment of the application. Waste Services were consulted and confirmed that they had no objections.

*Matter m: Surface Water Management Plan and SUDS*

Information has been submitted and assessed by Flood Planning. Some information is still outstanding. Flood Planning have stated that this information can be conditioned. The condition requested by Flood Planning has been applied.

*Matters o, p & q : Noise attenuation measures as a result of NIA assessments for all buildings. Details of mechanical plant and ventilation and ducting for class 3 uses. Operating times for commercial and leisure uses including times for deliveries and waste collection.*

An updated NIA has been submitted that states that through the use of closed windows and mechanical ventilation the proposed residential properties which shall face the existing joinery business will not be materially impacted by noise and disruption. It is noted that Environmental Protection do not fully support this. However, the use of closed windows and mechanical ventilation has been approved for use in several other developments within Edinburgh.

The applicant has confirmed that it has been decided Class 3 uses are to be coffee shops with no cooking, therefore high-level ducted ventilation will not be required. Environmental Protection have confirmed that this is acceptable. However, an alternative condition will be required to restrict cooking in class 3 uses. This has been applied.

The applicant has advised that it does not want to control opening hours of offices/class 4 units, and it is anticipated that these will adhere to a standard working week pattern. With regards to the class 1 and 3 use, it is proposed that this be allowed to operate from 0800 to 2200 daily, 7 days per week. These will be restricted class 3 uses and will not contain cooking facilities. Environmental Protection have stated that therefore noise should be minimal.

Environmental Protection has also stated that *The hours of operation are excessive, and we can get noise complaints from cafes operating this late. It is often problems with the making of coffee, use of dishwashers and deliveries and collections of waste. We would like the applicant to reconsider the 22:00 finish and look to further reduce operational hours on the Sunday.*

However, it is acknowledged that it is not unusual for class 1 or class 3 uses to be operational between these hours. A condition restricting the opening hours between the hours of 0800-2200 has been applied. However, delivery times are not controlled as this can lead to delivery vehicles waiting in the street and it would be unreasonable for a cafe to be open and operational whilst it is still receiving deliveries.

Environmental Protection state that *As the applicant does not want the class 4 use restricted by hours then we could support a condition that restricts the use within the class use. Normal operations associated with Use Class 4 premises would normally be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m<sup>2</sup>) are permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Protection will recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration.* This condition has been applied.

In conclusion, subject to additional conditions, the above matters can be approved.

d) Other material considerations

*Scottish Planning Policy (SPP)*

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The proposed development is reuse of a brownfield site in a highly sustainable location. It will also protect and enhance the listed building present within the site. The development therefore complies with the 13 SPP principles and represents sustainable development.

e) Equalities and human rights

The application has been considered with reference to equalities and human rights and no impacts have been identified.

f) Public Comments

**Material objections**

- Impact of traffic and congestion- This is addressed in section 3.3 a.

**Non Material Objections**

- Loss of business, cultural, community and arts spaces- The principle of the development has been granted and this was not a matter for further approval..
- No need for further housing and student accommodation. As above
- Businesses are not empty and units not derelict. As above.
- Lack of consultation with owners- There is no statutory requirement for this to be carried out.
- Not a sustainable site - The principle of the development has already been established under the approved applications.

**Material Support**

- Good use of a brownfield site
- Site is sustainable
- Design and layout will secure the future of the listed buildings and preserve architectural heritage
- Will provide an element of affordable housing-
- Will improve the visual amenity of the surrounding area

**Non Material Support**

- Will still provide business units, retain places of employment

**Material Neutral Comment**

- Swift bricks should be included

Conclusion

The principle of the development was established through planning permission in principle (PPP) 18/07736/PPP as amended by 20/01340/FUL.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as the proposal's design will preserve and enhance the listed buildings within the site. It will deliver a good quality residential environment in a sustainable brownfield location. It will have no material impact upon existing residential properties or businesses.

The proposal accords with the Edinburgh Local Development Plan and the Edinburgh Design Guidance. The proposal complies with the 13 policy principles of sustainable development set out in Scottish Planning Policy (SPP) and there are no other material considerations which outweigh this conclusion.

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

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

#### **Conditions :-**

1. Notwithstanding the provisions of the Town and Country Planning Use Classes (Scotland) Order 1997, the approved class 4 units shall remain within class 4 use and shall not be permitted to change to class 6 use without further planning permission.
2. Prior to development commencing on site further details of the proposed screening fence to be erected around the rear elevation of the raised garden area above the Yeast Rooms and details of the proposed opaque security barrier shall be submitted for the written approval of the Council as Planning Authority.
3. Prior to work beginning on site, the applicant must submit a revised Surface Water Management Plan (SWMP) for review and written approval by the CEC Flood Prevention team. This must be prepared by a member of the ICE or CIWEM and must be supported by a signed self-certification declaration (Certificate A1). The SWMP must demonstrate that surface water runoff from the proposed three new buildings is being attenuated to 1:2-year greenfield runoff rates up to the 1:200-year return period storm event (including a 40% uplift to account for climate change). The applicant must also confirm that Scottish Water accept the proposed surface water discharge rate to the combined system.
4. Cooking, heating and reheating operations on the approved class 3 premises shall be restricted to the use of Panini machines, toastie machines, a baked potato oven, soup urns and microwaves only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority and no odours shall be exhausted into any neighbouring premises.
5. The class 1 and class 3 uses hereby approved within the site shall only be operational between the hours of 0800-2200.

6. All acoustic mitigation measures as recommended in appendix D of RMP Noise Impact Assessment Technical Report No. R-8083B-ST2RGM dated 28 October 2021 and highlighted in the approved plans shall be implemented in full prior to the occupation of the residential units.
7. Further details of the proposed soft and hard landscaping within the site shall be submitted for the written approval of the Planning Authority prior to work commencing on site.
8. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
9. Prior to work commencing on site further details of the proposed cycle storage racks shall be submitted for the written approval of the Planning Service.

**Reasons:-**

1. In the interests of residential amenity.
2. In the interests of residential amenity.
3. In the interests of surface water management.
4. In the interests of amenity.
5. In the interests of amenity.
6. In the interests of amenity.
7. In the interests of amenity and surface water management.
8. In the interests of amenity.
9. In the interests of sustainable travel.

**Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. (a) Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The refurbishment of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before the development can commence.

(b) Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that no pole(s):

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval.

(c) All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

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



## **Financial impact**

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

A legal agreement has been concluded under the PPP application.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

There is no pre-application process history.

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

There have been 60 objection comments received, 22 support comments and 1 neutral comment in relation to the application.

A full assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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

## **Statutory Development Plan Provision**

<b>Date registered</b>	29 March 2021
<b>Drawing numbers/Scheme</b>	01-11, 12a, 13a, 14b, 15b, 16b, 17-25, 26a, 27-29,  Scheme 1

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

Contact: Robert McIntosh, Planning Officer  
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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

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

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

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

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

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

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

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

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

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

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

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

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

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

**Non-statutory guidelines** - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

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

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

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures of listed buildings.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

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

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

# Appendix 1

## **Application for Approval of Matters Specified in Conds 21/01334/AMC at Unit 1 146 Duddingston Road West, Edinburgh, EH16 4AP Application to approve matters (a-e) (h-m) (o-r) specified in condition 2 of planning permission in principle 18/07736/PPP as amended by 20/01340/FUL.**

### **Consultations**

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#### **Archaeology**

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for matters specified in conditions of planning permission 18/07736/PPP as amended by 20/01340/FUL.

As stated in my earlier responses to Planning, the application concerns the former Craigmillar Brewery constructed on this site in 1892 following the move of the Dryburgh Brewery move from Calton Road where it was established c.1750. The brewery was designed and built by R Paterson & Co and along with its neighbours formed around 1900 one of Scotland's largest brewery's. The national significance of the site has been recognised by the listing (B) of the main surviving historic buildings, the two exceptions being the former termination block and boiler-house.

Accordingly, this former brewery is regarded as being of regional archaeological and historic significance. This application must therefore be considered therefore under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) policies DES3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Accordingly, the following condition was recommended and attached as condition 4 to the earlier permissions to secure a programme of archaeological work;

'No alterations, demolition nor 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 and reporting, interpretation, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

To date this work has not been undertaken and as such as stated in the accompanying Planning Supporting Statement by Format Design this condition still remains 'live' and should not be discharged at this juncture.

## **Roads Authority**

No objections.

## **Network Rail**

Thank you for consulting Network Rail regarding the above development.

Network Rail has no objections in relation to the current application.

Please note that Network Rail have not previously been consulted regarding either of the previous applications. Network Rail is a statutory consultee for any planning applications where 'some part of the development is to be situated within 10 metres of a railway line forming part of the national railway network.'

We request that the following matters are taken into account and that the applicant contacts our Asset Protection Engineers on the details provided overleaf:

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The refurbishment of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before the development can commence.

Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that no pole(s):

- o Fall into the path of on-coming trains
- o Fall onto and damage critical and safety related lineside equipment
- o Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval.

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- o Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be

carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

## **Environmental Protection**

Following on from our previous consultation we have had an onsite meeting with the applicant to discuss noise issues in more detailed. The applicant has now submitted an updated supporting noise impact assessment. This has investigated the noise sources in more detail and suggested forms of noise mitigation mainly in the form of acoustic glazing being closed with supporting mechanical ventilation. The noise impact assessment has identified where and what specification of glazing is required. One of the main changes from the consented PPP was that multiple buildings within Holyrood Business Park were to be redeveloped into commercial use and now they are proposing them to be residential. The applicants previously assessed noise impact of surrounding industrial and rail sources in the RMP report R-8083A-ST2-RGM had identified these proposed commercial units being exposed to high levels of noise from JMAX (joiners). As these are now being proposed to be residential the applicant has needed to assess the potential noise impacts thoroughly and suggest suitable noise mitigation measures. This additional information will assist in progressing the potential discharging of conditions 6, 7 and all concerning noise.

As mentioned above the 'Brewhouse' and rail siding building have now been proposed to be 'rezoned' from commercial office space to residential.

The Brewhouse currently is proposed to have both commercial and residential use. Commercial units are proposed at the ground floor with the above floors being residential. The entirety of the rail siding building is proposed to be residential flats. All these units will be exposed to high levels due to them being located close to noise sources. Transport noise sources can be mitigated with a closed window standard, however commercial and industrial noise should be mitigated allowing for any residential windows to be open. It should be noted that through planning we are aiming to protect future residential amenity. Amenity is a higher standard of living when compared to nuisance levels that are enforced by Environmental Health under the Environmental Protection Act. When investigating a noise nuisance complaint, we would assess any commercial/industrial noise allowing for the resident to have windows open. It should be noted that if a nuisance is determined then enforcement action would need to be taken against the industrial/commercial business making the noise.

The trainline is a considerable noise source affecting the site from the adjacent railway line immediately north of the site.

The 1st floor of the proposed residential façade of the Brewhouse is exposed to elevated levels of rail noise. The applicants noise impact assessment highlights that the indoor noise level criterion for night time can be achieved with double glazing consisting of 10/12/17mm laminate double glazing with an  $R_w+C_{tr}$  of at least 39dB and through wall ventilation with a minimum acoustic rating  $D_{n,e,w}+C_{tr}$  45 dB with mechanical ventilation. This only applies to bedrooms with line of sight to the rail line as the glazing specification is dictated by the maximum noise levels at night. Living rooms can be fitted a

10/12/17mm double glazing or equivalent glazing system with an Rw+Ctr of at least 33dB and trickle/through wall ventilation with a minimum acoustic rating Dn,e,w+Ctr 39 dB and mechanical ventilation.

Windows to the north façade overlooking the railway line are proposed to be fixed windows not providing ventilation. The applicants noise impact assessment indicates that the indoor noise level criterion for night-time can be achieved with double glazing consisting of sealed 10/12/4/200/6mm glazing system with an Rw+Ctr of at least 45dB. This only applies to bedrooms with line of sight to the rail line as the glazing specification is dictated by the maximum noise levels at night. Living rooms with a façade with line of sight to the rail line can be fitted with double glazing consisting of 4/12/6mm glazing a minimum sound reduction level Rw+Ctr of at least 29dB. All ventilation shall be provided via the southern façade and through standard trickle ventilation units.

The proposed conversion is also in close proximity to multiple potential industrial noise sources that are to remain post development; Jaymax Joinery to the north boundary of Holyrood Business Park, the industrial estate to the north beyond the rail line which includes a multiple of building suppliers, a removal company to the north west and a coffee roastery (Currently all zoned as Class 4) to the west.

The sawdust extractor unit located at Jaymax joinery to the north of the development site is typically in operation throughout the day from 08:00-16:30. It is the dominant source present in the noise environment of the development area excluding rail noise.

The applicants noise impact assessment has highlighted that the noise rating level associated with the extract system located at Jaymax Joinery is +13 dB above the measured day time background noise level at the most exposed proposed residential façade of the 'Brewhouse'. In accordance relevant noise guidance, this would have a 'significant adverse impact' on the future residents.

The normal operating hours of the extract unit are during working hours of JMAX Joinery. The applicant has highlighted that this will lower any impact on residential amenity as it does not operate during the night-time period. It's noted that the hours are no restricted through planning so they could operate the equipment beyond these hours.

Plant noise is assessed against a frequency analysis (NR25 criteria). Again this noise is assessed with a open window standard and future residents should be expected to achieve a good internal noise environment with their windows open. The applicant has advised that the only way to achieve the NR25 criterion would be with a closed window approach with mechanical ventilation. The glazing would need to an attenuation of at least Rw+Ctr of at least 33dB and through wall ventilation with a minimum acoustic rating Dn,e,w+Ctr 39 dB and mechanical ventilation. This would be met through laminated 4/6/8.4mm Rw + CTR 33dB Paired with through wall ventilator of 39dB Dn,e,w + Ctr. The wndows would need to remain closed to achieve the required standards.

Another issue is delivery noise, materials are delivered to Jamax approximately 3 times a week. This involves a large van, normally being manually unloaded. Deliveries can take place during operational hours between 08:00 and 16:00. It is noted that there are no planning controls restricting the hours of these operations. The level of operations and when it normally occurs means that it is unlikely to adversely impact residential amenity.



Delivery of material to the yard businesses happens approximately 6 times a week. This involves HGV's loaded/unloaded using diesel forklifts. Deliveries can take place during operational hours between 07:30 and 17:00 however the busiest time is between 10:00 and 12:00. Furthermore, every weekday morning HGV's are prepared in the yard. This involves sources such as HGV movement as well as electric forklift loading/unloading. Preparation of the HGVs generally takes place during operational hours between 07:30 and 08:30 and the yard remains relatively quiet for the rest of the day.

Across the railway there is a removal company. HGV activity generally take place between 07:30 and 08:30 5 times a week for around an hour. Any HGV activities taking place during operational hours (between 07:30 and 17:00). Again these are not restricted through planning. The supporting noise impact assessment indicates that the noise rating level associated with the HGV activity at the removal company yard is +5 dB above the measured day time background noise level at the most exposed residential façade of the 'Brewhouse'. At this level the sound source would likely have an adverse impact on residential amenity if unmitigated. A closed window approach has been selected by the applicant with supporting mechanical ventilation the glazing specification would need to be as a minimum, laminated glass 4/6/8.4mm Rw + CTR 33dB Paired with through wall ventilator of 39dB Dn,e,w + Ctr and mechanical ventilation.

There is also a builders yard located across the railway the applicants noise impact assessment indicates that the noise rating level associated with the builders yard activity is +7 dB above the measured day time background noise level at the 'Brewhouse'. With regards the likely level of impact it is deemed to likely be an adverse impact on future residents. Deliveries take place approximately 6 times a week for a maximum of an hour. Deliveries only take place during operational hours (between 07:30 and 17:00). Delivery times also vary and can be at any time during the operational period. The applicant has advised that the proposed closed window standards with ventilation referenced above will be adequate to mitigate the noise.

There is a further extract flue located at the coffee roastery to the west of the development which can be in operation intermittently throughout the day mainly from 09:00-13:00. The extractor unit will run for approximately 10-20 minute periods once activated. The level of noise this creates at the 'Brewhouse' is +1 dB above the measured day time background noise level, which is deemed a marginal exceedance. The applicant proposes to mitigate this noise via the closed windows and glazing specification with supporting mechanical ventilation as detailed above

In summary one of our main concerns is the change from the PPP application to this AMC proposal with the 'Brewhouse' and rail siding building now changed to be 'rezoned' from commercial office space to residential. This would introduce residential units closer and overlooking several significant noise sources. The applicant has proposed to deliver this use with closed windows and mechanical ventilation. Environmental Protection do not support a closed window standard for mitigating industrial or commercial noise. The site is exposed to several noise sources as detailed above. The applicants latest supporting noise impact assessment has provided more specific details on the impacts of the noise and how they propose to mitigate the noise. Unfortunately, the proposed methods of mitigation are not something we can fully support. We have included our previous response below as some of the points are still outstanding and as it stands we cannot fully support the discharging of the noise conditions.

## Previous response

Environmental Protection had raised concerns with the proposed residential units being located near to the industrial noise sources. The applicant submitted a detailed noise impact assessment with the PPP application. Environmental Protection still had concerns with the introduction of residential uses at this location near to various noise sources. On balance Environmental Protection recommend a number of conditions that were to be discharged at a later date. This is what the applicant is not wanting to do via this AMC application. Environmental Protection highlighted at the PPP stage that on balance the offer of no objection was subject to further detailed noise impact assessments being submitted. This AMC application refers to the previous NIA being satisfactory to discharge all of the noise conditions. This is not the case, that NIA will need to be updated and submitted as a formal referenced document as part of this AMC application before we can fully consider that NIA.

The NIA will need to take into consideration any changes that may have occurred since the PPP application was consented. Furthermore, supporting drawings will be required that show where any acoustic mitigation measures will be required. More specific detailed points are made below;

The applicant has confirmed where 4 Electric Vehicle charging points will located. The chargers will need to be as a minimum 7KW (32AMP) type two sockets. Condition 2K [Details, allocation and specification of vehicular electrical charging points - Drawing Number 10156 19 Landscaping and cycle parking dated 9/03/2021. Environmental protection can support the discharging of this condition.

### Condition 2N [Site investigation and decontamination arrangements]

The applicant has commissioned a desk top study from Wardell Armstrong. This had been submitted previously, and it is understood that this has dealt with this issue, subject to fulfilling the recommendations/mitigation. This condition will need to remain. There are further comments below with regards the contaminated land condition.

### Condition 2O [Any noise attenuation measures as a result of detailed noise impact assessments for all buildings]

The applicant advises that the recommendations/mitigation are to be implemented as advised in the RMP noise impact assessment in the approved PPP application. We will need this noise impact assessment updated as detailed in the introduction. We need confirmation that the consented PPP scheme is identical to that referenced in the original noise impact assessment. We also require the detail mitigation measures to be shown on individually referenced drawings. For example, plans showing where acoustic glazing/barriers are needed to be located and specific details on the actual mitigation such as height, density and thickness. It is noted that some of this information is provided in the PPP noise impact assessment, but we need confirmation that it is all still appropriate for these final more detailed plans. Along with this we also need the additional supporting materials.

Condition 2P [Details of mechanical plant and ventilation. Details relating to the proposed class 3 use should demonstrate that effluent is ducted to the eave's height as a minimum, and capable of achieving 30 air changes per hour]

The applicant has confirmed that it has been decided Class 3 uses are to be coffee shops with no cooking, therefore high-level ducted ventilation will not be required. A condition restricting the use will be anticipated. - This is acceptable however; an alternative condition will be required to restrict cooking in class 3 uses. The following condition will need to be applied;

Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Head of Planning and no odours shall be exhausted into any neighbouring premises.

Condition 2Q [Operating times for commercial and leisure uses including hours of deliveries and waste collection. Restrictions to these hours may be necessary]

The applicant has advised that it is not wanting to control opening hours of offices/class 4 units, and it is anticipated that these will adhere to a standard working week pattern. With regards to the class 1 & 3 use, it is proposed that this be allowed to operate from 0800 to 2200 daily, 7 days per week. These will be restricted class 3 uses and will not contain cooking facilities so noise should be minimal. The hours of operation are excessive, and we can get noise complaints from cafes operating this late. It is often problems with the making of coffee, use of dishwashers and deliveries and collections of waste. We would like the applicant to reconsider the 22:00 finish and look to further reduce operational hours on the Sunday.

As the applicant does not want the class 4 use restricted by hours then we could support a condition that restricts the use within the class use. Normal operations associated with Use Class 4 premises would normally be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m<sup>2</sup>) are permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Protection will recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration.

Condition 5 [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]

The applicant must engage with our contaminated land officer to discuss the requirements of this condition. It is advised that this is done as soon as possible to ensure that the condition can be discharged in the future. The applicant has advised - other than this, this is a control condition and requires no input from the applicant at this stage other than ongoing compliance, the applicant should follow this up with our contaminated land office

Condition 6 [For the Class 1, 3, 4, 5, 6, and 11 uses: Updated noise impact assessments and mitigation measures shall be submitted and Development shall not commence until a scheme for protecting the occupiers of the proposed and existing residential units hereby consented from operational noise has been submitted to and approved in writing by the Council as the Planning Authority; all works which form part of the approved scheme shall be completed, before any part of the development is occupied]

The applicant has advised that any noise attenuation measures as a result of detailed noise impact assessments for all buildings. Recommendations/mitigation to be implemented as advised in the RMP noise impact assessment in the approved PPP application. The noise impact assessment has been concluded and submitted with approved PPP application. It is considered that this condition should now exclude Classes 5, 6 and 11. Within the class 3 units acoustic ceiling will be introduced and residential flats will have sound test carried out prior occupation. Other than this, this is a control condition and requires no input from the applicant other than ongoing compliance at this stage.

As stated above the noise impact assessment will need to be updated to take into consideration any changes. It should also be noted that the noise impact assessment submitted with the PPP application did not assess the impacts that these Class uses may have on existing and or proposed residential units. Class 5,6 & 11 can have significant impacts on residential properties so it is very important that we know exactly where these uses are being proposed and then the noise impact assessment must then fully consider their potential impacts and advise what level of mitigation is required. Environmental Protection cannot support the discharging of this condition.

Condition 7 [For the Residential uses: No development shall take place until a scheme for protecting the proposed residential development hereby approved from noise from the transport, industrial and commercial noise (proposed and existing) has been submitted to and approved in writing by the Council as Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied]

The applicant believes that - Partly repeats the second half of condition 6. The applicant's acoustic report was accepted at the PPP application stage. All recommended works that are stated in the report will be implemented prior development taking place and completed prior the development being occupied. Acoustic glazing details have now

been agreed. The applicants noise impact assessment will need to be updated as highlight in the comments for condition 6 and also the points made in the introduction. We will require a noise impact assessment submitted with this AMC and along with supporting drawings and other details of any noise mitigation measures.

Condition 8 [Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Council as Planning Authority]

The applicant believes this is a control condition and requires no input from the applicant at this stage other than ongoing compliance. Any plants to be specified in the future (if required) will comply NR25. Environmental Protection will not be able to support the discharging of this condition until a noise impact assessment is submitted showing that this noise criterion can be met. The PPP NIA did not cover this specific noise measurement. The noise impact assessment will need to be updated to ensure that this condition can be discharged. Environmental Protection cannot support the discharging of this condition.

In conclusion we cannot consider the discharging of any of the noise conditions as there is insufficient information available. We have included our original comments we made regarding noise for the 18/07736/PPP planning application below;

## Noise

The applicant has identified the noise sources which may be the main causes of concern. The applicant has carried out background noise measurements before the final layouts have been agreed it is noted that parts of the site are exposed to high background noise levels. There are parts of the development site that may not appropriate for sensitive receptors.

Outdoor amenity area will need to meet the noise criteria's set in the World Health Organisations Community Guidance for noise. Indoor areas will need to be capable of meeting the noise criteria's set in the BS8233, windows openable for all noise sources other than transport sources. When detailed plans are available we will require specific details on the required noise mitigation measures. Layout and design will be important as you propose introducing sensitive receptors and several noises generating uses, such as plant, restaurant, storage and distribution, discotheque, deliveries to commercial units and all the 'leisure uses'. These will all need to be carefully designed.

There are a number of industrial and commercial noise sources located near to the proposed residential units and there is also the noise concerns regarding the potential noise from the proposed commercial uses affected existing and proposed residential uses.

In terms of transport noise, it is expected to be affected by road and rail traffic noise. Some consideration of the facade design of the proposed dwellings would be required in order to ensure that the residential elements would attain acceptable internal noise levels which will adequately protect the residential amenity of the properties. Environmental Protection will accept a closed window standard for transport noise source.

The layout of proposed commercial aspects of the development within the indicative PPP plan takes cognisance of acoustic mitigation at a strategic level and is designed to be sufficiently flexible to allow for acoustic considerations to be incorporated in to the layout design during the detailed design stages. The final plan configuration must allow for separation distances between commercial and residential uses (existing and proposed). The detailed layout of commercial uses should be designed such that any service areas are not directly facing existing and proposed residential areas. Where considered appropriate / necessary, local screening can also be incorporated to provide acoustic attenuation.

Once the final detailed nature of future uses is confirmed, if considered necessary, noise from any related operations can be reconsidered and an appropriate noise mitigation scheme devised and incorporated into the Proposed Development design to ensure that the above limits can be complied with.

It is assumed that the specification and location of any plant is sufficiently flexible to ensure suitably quiet plant can be procured, and/or mitigation options can be investigated, to ensure compliance with the adopted limits. Environmental Protection shall recommend an informative is attached to ensure the applicant is aware of the acoustic requirements for any proposed plant.

Due to the long construction phase it is important that noise mitigation measures are adequately control through planning condition. All contractors will be required to implement all committed mitigation measures set out in the applicants Environmental Statement into their construction method statements and practices during the construction of the proposed development. These measures would include the preparation of a Construction Environmental Plan (CEMP). The CEMP will be prepared to incorporate the proposed construction working hours detailed and the construction noise level to be achieved on the construction site. The CEMP shall also provide specific details on phasing to ensure sensitive receptors are duly exposed to excessive noise and air pollution from construction. Environmental Protection shall recommend a condition to ensure construction noise and pollution is mitigated and monitored throughout and during the entire development.

The applicant has submitted two supporting noise impact assessments and they have highlighted all the noise sources. The noise impact assessments have also highlighted a level of noise mitigation mainly in the form of secondary acoustic glazing that would protect residential amenity of future occupiers. This will need to be further assessed when the detailed plans are submitted in the form of a noise impact assessment.

## Location Plan

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