

Development Management Sub-Committee Report

Wednesday 7 December 2022

**Application for Planning Permission in Principle
Salamander Street/Bath Road, Edinburgh, EH6 7JZ.**

Proposal: Demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works (as amended scheme 3)

**Item – Committee Decision
Application Number – 21/01163/PPP
Ward – B13 - Leith**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as the application is considered to be of significant public interest.

Recommendation

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

Summary

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan (LDP) identifies the site as being part of EW1b. Within this area residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for future occupiers including noise, air quality and odour. However, the site is in an area where residential development is acceptable in principle, and new residential development is under construction at nearby sites. The proposed mitigation measures for future occupiers would reduce negative impacts, however impacts on amenity of nearby existing property will need to be fully addressed through subsequent applications.

Similarly, the layout, scale, height and density will need to be considered carefully at detailed submission stage, to ensure the character of the area is maintained and enhanced. These detailed design considerations will need to be reserved for full consideration under subsequent applications for matters specified by conditions (AMC). Full details of access arrangements, pedestrian/ cycle connections, the levels of car and cycle parking, landscaping, surface water, sustainability and waste and recycling arrangements will be reserved. In addition, a number of other planning conditions and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

The principle of uses proposed is acceptable, and it is recommended that planning permission in principle can be granted. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site description

The application site comprises a roughly rectangular piece of land bound by Salamander Street to the south, Bath Road to the west, and John G Russell Transport Ltd. to the east. It has an area of approximately 1.4 hectares. The site comprises industrial/commercial buildings and is occupied by a handful of active commercial enterprises including a car hire business, a car sales company, a car wash, and some storage facilities. Just outside of the site to the south-west corner is an existing traditional five storey tenement building with a public house at ground floor.

To the north, part south and east boundaries are industrial premises including a scrapyards opposite the road on Salamander Street. Also opposite the site to the south are relatively new build residential properties which are six stories high. Beyond to the south is an existing/ under construction development for residential purposes at the Ropeworks site. To the west an industrial/ commercial site is also under construction for mainly housing.

Description of proposed development

The proposal is for an application for Planning permission in principle (PPP) for residential development with commercial space and associated works. It comprises the demolition of the existing buildings and the redevelopment of the site for a mixed use development for mainly residential purposes of approximately 247 units and some commercial uses which include classes 2, 3 and 4, with associated car parking and landscaping.

The applicant is applying to have the following matters considered and approved in detail:

- Maximum extent of building lines of the proposed blocks including positioning of blocks and internal spaces between buildings;
- Internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout;
- Surface water and drainage arrangements;

- Landscaping/soft landscaping layout and design;
- Maximum building heights;
- Proposed ground site levels and finished floor levels and
- The proposed uses (including location) to include mainly residential, with some classes 2, 3 (restricted - no cooking of hot food on the premises) and 4.

Detailed drawings have been submitted, some of which are indicative, to demonstrate how the proposals would fit onto the site. These show the development as comprising of eight blocks, separated by landscaped courtyards. The blocks will range from three storeys to six storeys in height. The proposal is shown to be developed over three phases.

The proposed commercial uses of class 2 and 3, and 4, would give a total of 1,828sqm of commercial space.

The proposed vehicular accesses to the site are from Salamander Street to the south and Bath Road to the west. The main vehicular route within the site is along the north and east boundaries which provides access for resident parking, emergency vehicles and waste services.

The proposals have been designed to accommodate a dedicated cycle route along Salamander Street to meet the council's aspirations for a dedicated cycle route connection between Leith and Seafield.

A total of 59 car parking spaces are proposed. This would be provided in underdeck parking with 14 spaces under block A and B, 22 spaces under block E, and 23 under block H. Of these, six would be accessible, and ten would have provision for electric vehicle charging points. A total of six motorcycle parking spaces are proposed. The proposal would make provision for approximately 530 cycle parking spaces throughout the site.

Amenity space is to be provided in the form of decked amenity areas, raised courtyard areas and ground level spaces. These areas comprise three areas of block paving with bioretention/rain garden planting, and two blocks have grassed areas in addition to planting. Private gardens surround the raised landscaped courtyards giving ground floor apartments defensible space with their own gardens. Duplex private gardens face the northern lane.

No detailed elevational design has been submitted at this stage.

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

- Air Quality Assessment and Air Quality Note;
- Affordable Housing Strategy;
- Daylight, sunlighting analysis report;
- Flood risk assessment;
- Landscape strategy;
- Part 1 ecological appraisal;
- Letter of support from Port of Leith;
- Lighting assessment;
- S1 Sustainability form;

- Surface Water Management Plan;
- Transportation Statement;
- Bat survey;
- Tree report;
- Desk top study and ground investigation report;
- Noise Impact assessment;
- Design and Access Statement;
- Drainage/ SUDS/ SWMP report;
- Existing utility report;
- Heritage Statement;
- PAC report;
- Letter of support of Port of Leith Housing Association;
- Preliminary archaeological appraisal; and
- Flood risk certificate and independent flood check certificate.

Scheme 2

The following changes have been made to the initial submission:

- The linear buildings fronting on to Salamander Street have been reduced from four to three storeys;
- The area of the building adjacent to the existing tenement on Salamander Street has been reduced from four to three storeys;
- The seven storey height has been retained at the two courtyard buildings but been set back from the south façade on to Salamander Street;
- The central massing onto Salamander Street has also been reduced to from the three/four storeys to two storeys;
- The courtyard building is connected to the north to resemble a 'U-shape' with a greater opening to the south;
- Removal of the vehicular access in the middle of the site which is now a pedestrian/cycle route with landscaping;
- Removal of some on-street car parking for other pedestrian routes and more landscaping;
- Increase in amenity space;
- The Salamander Street frontage includes landscaping and
- Reduction in car parking from 112 to 91 spaces.

Scheme 3

The scheme has been revised further with the following revisions:

- Seven storey elements removed and overall reduction in unit numbers (from 285 to 247)
- Residential apartments added facing the northern lane giving it more of a domestic street character and an element of security.
- Direct access to these apartments is proposed off the northern lane.
- Increase in private gardens and number of residential entrances along the northern lane.
- The range of residential typologies is increased with the addition of duplex units.
- Increased number of family units.

- Increased number of apartments, and now duplex, with private gardens.
- Levels across the centre of the site lifted to accommodate new residential use results in more shared landscaped amenity space.
- Overall amount of public and private landscaped space across the site increased.
- Extent of active frontages increased.
- All apartments, duplex and shared landscaped amenity spaces are accessible.
- Relationship with the existing tenement improved.
- Parking numbers reduced, and undercroft parking removed and
- Commercial space along the full Salamander Street frontage with returns at Bath Road and the eastern return lane.

The increase in levels across the site is proposed to satisfy the objections from SEPA who require finished floor levels of proposed residential accommodation to be above 5.6m AOD.

Relevant Site History

20/03799/PAN

Salamander Street/Bath Road.

Edinburgh

EH6 7JZ

Demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works.

Pre-application Consultation approved.

23 September 2020

Other Relevant Site History

Related applications

18/08206/FUL

1 Bath Road

Edinburgh

EH6 7BB

Proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure (as amended).

Granted

5 August 2019

19/02156/FUL

2 Bath Road

Edinburgh

EH6 7JT

Reinstatement of tenement to form five flats and extension to public house (as amended).

Granted

18 July 2019

20/00465/FUL

1 - 5 Baltic Street

And 7-27 Constitution Street

Edinburgh

EH6 7BR

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

Granted

6 August 2021

20/01313/FUL

57 Tower Street & 1 Bath Road

Edinburgh

EH6 7BB

Proposed residential development and associated landscaping, drainage, roads and infrastructure.

Granted

22 September 2021

22/02855/PAN Land 240 metres Northwest of 26 Bath Road North Leith Edinburgh

Mixed use development including residential (class 9) and sui generis flats, retail (class 1), financial, professional and other services (class 2). Food and drink (class 3), business (class 4), industrial (class 5), storage and distribution (class 6), hotel (class 7), non-residential institutions (class 10), assembly and leisure (class 11), sui generis car park/ mobility hub, public realm works and associated infrastructure.

Pre application consultation approved.

13 June 2022

22/02725/FUL

2 Bath Road

Edinburgh

EH6 7JT

New build development comprising 3 residential flats and ground floor extension to public house.

Undetermined

22/02663/FUL

50 metres to north of 2 Bath Road

Edinburgh

Proposed development of motor vehicle hire facility (Sui Generis) including erection of office, valet bay, plant room and associated infrastructure, external lighting, boundary treatments, parking, new vehicular access and relocation of existing bollards.

Granted 15 November 2022

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Leith Links Community Council

Police Scotland

Scottish Environmental Protection Agency

CEC City Archaeology

Leith Harbour and Newhaven Community Council

CEC Economic Development

CEC Waste Management

Scottish Water

Environmental Protection

CEC Flood Planning

Transport

Affordable Housing

Children and Families

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

Publicity and Public Engagement

Date of Neighbour Notification: 5 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

Assessment

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

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Delivery policies: Del 1, Del 3;
- LDP Design policies: Des 1 - Des 11;
- LDP Environment policies: Env 8-9, Env 13 - 16, Env 20 - 22;
- LDP Employment policies: Emp 8-9;
- LDP Retail policies: Ret 11;
- LDP Housing policies: Hou 1-4, Hou 6, Hou 10; and
- LDP Transport policies: Tra 1-4, Tra 7-9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the Design, Environment, Housing and Transport policies. The Affordable Housing Guidance is a material consideration that is relevant when considering Hou 6. The Finalised Developer and Infrastructure Delivery Guidance is a material consideration that is relevant when considering policies Del 1, Del 3 and the Transport policies.

Principle of the Development.

The site is within the urban area. LDP Policy Hou 1 (Housing Development) gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan identifies the site as part of EW1b (Central Leith Waterfront). EW1b is identified as a Housing Proposal in Table 3 of the LDP, where housing led development is supported. Table 11 sets out development principles for this area, including the need to:

- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development and to
- review the flood risk assessment for the site.

In relation to this proposal, the provision of housing-led mixed-use development is supported in principle within the context of policies Hou 1 and EW1b.

Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith waterfront. Requirements in principle are for:

- a) comprehensively designed proposals which maximise the development potential of the area
- b) the provision of a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods
- c) proposals for a mix of house types, sizes and affordability
- d) the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

With regards to Del 3, the proposal is compliant as it will contribute towards the emerging residential character of the area. The application provides a range of house types, sizes and affordability and helps create a new residential character and sense of place along this section of Salamander Street.

Similarly, the Leith Docks Development Framework (LDDF), 2005 sets out an overall vision for the wider area to provide an extension of Leith and the city. It anticipated that residential development would be the dominant use throughout the majority of the development parcels. The site is identified as site 1:11 and includes the potential for an alternative location for a shared school.

The proposals are in accordance with the vision of the LDDF. Although a shared school is not part of the current proposals, the education strategy has changed since 2005, and the provision of education infrastructure is being examined on a cumulative basis across the wider area.

The Salamander Place Development Brief 2007 sets out key principles for developing the area which lies directly to the south of the site on the opposite side of Salamander Place. The current proposals complement the Brief and provide co-ordination with the emerging character of the area.

As this site is currently in employment use, its redevelopment must be considered against LDP Policy Emp 9 (Employment Sites and Premises). The policy recognises the potential benefits of redevelopment for other uses but also the importance of meeting the needs of small businesses. Emp 9 requires proposals to redevelop employment sites or premises to ensure that non-employment uses will:

- a) not prejudice or inhibit nearby employment uses;
- b) contribute to the comprehensive regeneration of the area and
- c) if the site is larger than 1 hectare, the proposal includes floorspace designed for a range of business users.

The site has an area of 1.3 hectares and all three of the above criteria apply. The proposal includes an element of class 4 use, and the impact of the proposal on existing uses in the area is discussed in detail below.

The proposal will contribute to the regeneration of the wider area, and within the context of the LDP policies and other documents noted above, the principle of the development is acceptable.

Scale, Design and Materials

The application is for planning permission in principle and the applicant has submitted a number of drawings (including indicative) and full details which they wish to have approved as part of this PPP proposal. The submitted detailed drawings and supporting information have formed the basis of assessing the site's potential to develop in a way that accords with the development plan and other guidance.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) in August 2020. The overall conclusions of the Panel were that the development is on a challenging site and the emerging design addressed the constraints in a very positive way. In taking forward the design, the Panel recommended that the following should be addressed:

- Work collectively with the City to ensure the development integrates and provides connections with the wider area;
- Ensure that improving the environment for Salamander Street is central to the project;
- Use the flat roof areas as opportunities both as local growing space and part of the blue and green strategy for the site;
- Use design to maximise the quality of the residential units particularly those facing Salamander Street;
- Create an active ground floor to improve street quality, security and amenity;
- Maintain commitment to carbon neutral design and
- Consult Police Scotland on carpark security.

A copy of the report can be found in the consultations section in the appendix.

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

LDP Policy Des 1 (Design Quality and Context) states that development proposals will be granted if they create or contribute to a sense of place and that the overall design draws upon the positive characteristics of the surrounding area.

LDP Policy Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land. The LDP allocates land to the north and west of the site as within area Ew1b (Central Leith Waterfront) which is an area of commercial and housing-led mixed use development; land to the east is designated as Ew1d (Seafield) and is an area of general industrial, storage and business development and port-related uses. Land to the south falls within area Ew1c (East of Salamander Place) which is designated for housing-led mixed use development on sites in various ownerships. The proposal should not prejudice the effective development of these adjacent sites.

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

The Leith Docks Development Framework identifies the site as 1.11 Salamander Place for an appropriate mix of uses in accordance with Section 6. Proposed uses will be influenced by any existing noise-generating uses nearby.

The site to the west on the opposite side of Bath Road, is currently under construction for mainly residential use, and comprises flatted units ranging from four to six storey high blocks with some commercial elements fronting Salamander Street. The proposed development reflects the uses approved at this neighbouring site. The proposed roads, footpaths and cycleways link to existing roads, footpaths/cycleways on adjacent sites to the east and west, and would enable future links in a northwards direction for potential future developments and southwards to connect to areas to the south, including access to Leith Links.

The eastern boundary of the site forms an interface with future proposed 'green street' as part of the wider Leith Docks Development. The proposals would not prejudice the effective development of these neighbouring sites.

There is currently an undetermined application to build 5 flats and extend the public house directly on the south west boundary of the site. The proposed development should not result in loss of amenity or prejudice the development of this neighbouring land. This is discussed in more detail below in the amenity section of the assessment, however the proposed development could impinge on the amenity of the existing residents of the corner tenement and future residents of the proposed new tenement block. This effective redevelopment of the adjacent land could be compromised, and it has not been fully demonstrated that the proposal complies with LDP policy Des 2 in this regard.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. The proposed development site would have a density of around 190 units per hectare. Whilst the applicant has reduced the proposed height for some blocks, the positioning of them and relationship to each other is constrained in parts of the site. For example, blocks are approximately 10 metres apart at certain points, which, at the heights proposed could lead to loss of amenity for future occupiers and would give a cramped appearance. Nearby recently approved residential development have densities more akin to approximately 125 dwellings per hectare. The detailed drawings submitted therefore do not demonstrate that the proposal complies with LDP Policy Hou 4.

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

The immediate context of the site in terms of residential development is varied in form, height and materials. A visual assessment of local views has been submitted which demonstrates the proposed development sitting within various visual contexts around the vicinity of the site. The variety of building heights in the locality largely defines the visual character. Generally, in the surrounding area buildings are positioned hard on to the heel of the footpath; the development under construction to the west deviates from this with an open aspect in the centre of blocks facing onto Salamander Street.

Proposed blocks range in height from three to five stories separated from Salamander Street frontage by pavement and an area for landscaping. The proposed development would provide a strong frontage to Salamander Street. It would respond to the heights of existing and consented developments positively; the proposed buildings and their change in height offers interest.

The Leith Docks Development Framework highlights two visual connections between the city and the docks which should be maintained within any development. The proposed development enables these visual connections to be maintained.

Information has been submitted to show potential for scale, height, massing, layout and roofscape to affect distant key views of the city skyline such as views from the Castle ramparts, Arthur's Seat and Calton Hill. The development site falls within a number of protected views. The site is obscured by foreground and topography, Calton Hill and Edinburgh Castle. Information on local views indicate that, in general, that proposed height and massing reflect local context.

The proposed blocks would enclose landscaped courtyards and car parking decks. This approach in general sits appropriately within the context of the surrounding area.

However, in terms of the proposed form, scale and proportions, the quantum of development results in some blocks positioned with little space between them (approximately 10 metres in parts of the site), and their positioning and form do not sit comfortably with each other. The quality of the proposed open space is poor in places and some blocks could impact on the amenity of existing/proposed neighbouring property. In this regard, it has not been demonstrated that the detailed design proposals comply with LDP Policy Des 4.

Policy Des 7 (Layout Design) sets out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces. The applicant has aimed to create a design solution which takes into account the minimum floor levels required by SEPA, and this has resulted in raising the ground levels of the site. Whilst the proposed landscaped pedestrian access routes provide permeability and links to other sites and routes in a north south direction, the publicly accessible landscaped courtyards positioned 1.5m above street level do not enable direct north-south routes at grade for walking, cycling and wheeling. The layout introduces elevated links, with stepped or street-lift access on either side. This compromises permeability and connectivity between the emerging neighbourhoods to the south of Salamander Street and potential future routes to the Forth. It detracts from connectivity and accessibility, and undermines community safety. The Roads Authority state that the proposed external lifts and steps are not considered acceptable within the context of publicly accessible areas. The applicant will be expected to provide suitable ramped access to ensure wheelchair and pushchair access.

The proposed pedestrian/cycling accessibility solution for the proposed development would not be acceptable and would not comply with LDP Policy Des 7 (layout design). It is therefore recommended that pedestrian, cycle and wheeled access within the site are reserved and not approved at this stage.

The proposal makes provision for a pedestrian/cycle route to run along/just outside the southern boundary of the site in an east west direction improving non-vehicle

accessibility in this area and providing an improved environment along this main access road to and from the city. The vehicular access route which runs in an east west direction along the northern part of the site provides potential permeability to neighbouring sites. The provision and enabling of these routes are welcomed.

LDP Policy Des 5 (Development Design-Amenity) requires community security, active frontages and designing for natural surveillance. The revised proposal incorporates some residential uses at ground level to the north of the site; the amount and nature of this is limited given the requirements of SEPA in relation to finished floor levels. These are in the form of duplex units which results in some active frontage and surveillance over the east-west orientated street. Commercial ground floor units along Salamander Street with residential above will add more activity along this main route.

Detailed design or materials are not under consideration as part of this PPP application.

In conclusion, while the principle of the development is supported, it has not been adequately demonstrated that the proposed development is in accordance with the design policies in the LDP. It has not been demonstrated that it will have a positive and appropriate impact on the context by creating a high quality townscape. Whilst the principle of the development is acceptable, these detailed design matters, including numbers/floorspace of commercial units would require further assessment and it is recommended that these are reserved for consideration at the further application submission stage.

Amenity

LDP Policy Des 5 (Development Design - Amenity) sets out the criteria to assess the impact on the amenity of neighbouring developments and for future occupiers relating to air quality, noise, odour, lighting, daylight, sunlight and privacy. Defensible private spaces and clear distinctions between private and public spaces as well as how the proposed design integrates refuse and recycling facilities, cycle storage, low and zero carbon technology and service infrastructure are also assessed under this policy. The impacts on the amenity for neighbouring developments and for future occupiers can be assessed to consider whether an attractive residential environment can be created. This links to policy Hou 4 (Density) which assesses the density of the development in relation to the need to create an attractive residential environment and safeguard living conditions within the development. These are discussed in more detail below.

Amenity of Occupiers

Air Quality

The site is located within the Salamander Street Air Quality Management Area (AQMA) for PM10 levels and is approximately 350m from the Great Junction Street/Bernard Street AQMA for NO2. The Salamander Street AQMA has been declared for exceedance of both the long term (annual mean) and short term (24 hour) air quality objectives. An Air Quality Impact Assessment has been submitted which considers dust and fine particulate matter during the construction phase, and road traffic emissions during the operational phase.

During the construction phase, there is a risk of dust soiling and human health effects to occur. A dust management plan is recommended to limit and control dust emissions during the construction phase.

The applicant was requested to carry out a 3-6 month air quality monitoring study within the site boundaries, due to the exceedances recorded at the nearby Salamander Street automatic monitor for PM10. The applicant has advised that monitoring was not feasible due to the Covid-19 pandemic. They state that the building will have full mechanical ventilation which will draw air from cleaner areas and future sensitive receptors would not be exposed to air quality exceedances.

For the operational phase assessment, annual mean NO₂, PM10 and PM2.5 concentrations have been modelled at 16 existing and eight proposed receptor locations. It concludes that the impact of the development will be negligible for NO₂ at all existing and proposed sensitive receptors. Exceedances of the PM10 and PM2.5 air quality objectives are predicted to occur across the study network at both existing and proposed sensitive receptors. A slight impact for PM10 and moderate impact for PM2.5 is predicted to occur at existing sensitive receptor 4 (bordering the proposed development site). Pollutant concentrations were modelled at eight proposed sensitive receptors for the 2026 opening/future year 'With Development' scenario. The results of the assessment show that there is a risk of particulate matter (both PM10 and PM2.5) exceedances on the ground floor and the first floor of the proposed building.

Mechanical ventilation is proposed for all floors and facades of the development. The applicant advises that all air entering the ventilation system would be drawn from a location in which pollutant concentrations are below the air quality objectives for the pollutants of concern and this will protect future occupants from adverse air quality. The assessment indicates that pollutant concentrations are below the objectives at 6m above ground level and above. There may be other sources besides road traffic that may be contributing fine particulate matter. It is proposed that if the air supplying the ventilation system does not comply with all air quality objectives, appropriate pollution filtration should be installed and maintained.

The air quality effect of the proposed development is considered to be significant, but mitigation has been proposed, with the aim of limiting vehicle trip generation.

A subsequent Air Quality Note was submitted and this considers the potential effect of local air quality on the proposed development to enable appropriate Air Quality mitigation to be incorporated in the scheme. In addition the effects of the scheme on existing levels of pollutants (potential canyon effects) have also been considered. The Note proposes some additional air quality monitoring in the future and discusses proposed mitigation measures to be included within a management plan for the buildings.

Car parking numbers have been reduced, however Environmental Protection consider that the development should be car free. The AQIA advises that filtered air intakes to a MVHR system are likely to be a required measure used to ensure that windows can be kept closed. A maintenance management plan is recommended for PM and NO₂ filters.

SEPA supports CEC Environmental Protection's concern about residential development at the site in terms of air quality and being located within an AQMA, and they also suggest zero car parking. They do not consider the development complies with LDP policy Env 22 (Pollution and Air, Water and Soil Quality).

In making an assessment in relation to this application (and other recent applications in the vicinity of the site), consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL and appeal ref: PPA-230-2201). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy ENV 22.

The application site is identified in the LDP as an area suitable for housing - led mixed use development. Whilst little weight can be attached to Cityplan as a material consideration in the determination of this application, it identifies the site as being carried forward for a mainly residential mixed-use development. It has similar PM10 levels as the previously mentioned appeal site and there have been a number of planning approvals for residential use recently, accepting the use of mechanical heat and ventilation systems within close proximity to the site. The area is undergoing a change in terms of use towards a more residential led area, and this is likely to continue in the future.

On balance, it is accepted that PM10 levels have breached national levels in the past. However, it is acknowledged that with the designation of the Salamander Street AQMA, an Action Plan will be prepared which will have the primary objective of reducing PM10 levels in the area. This, combined with the fact that the applicant has proposed mitigation measures in the form of mechanical ventilation, is helpful. It is concluded that the proposal does not conflict with LDP Policy Env 22 on air quality grounds.

Noise

The applicant has submitted a Noise Impact Assessment (NIA) in support of the application. The NIA considers potential noise sources from Forth Ports dock yard, Daltons scrap yard, commercial premises on Bath Road and within the development proposal itself, and vehicular traffic on Bath Road and Salamander Street. The NIA concludes that noise from a number of industrial/commercial/docks noise sources and road traffic will affect the development on all sides and advises that complaints are likely.

Environmental Protection is of the opinion that the supporting noise information does not provide a complete assessment for this site as it does not provide enough detail to demonstrate the actual internal noise levels likely to affect this development. They have received complaints regarding noise from the scrap metal yard (which is regulated by SEPA) affecting nearby existing residential properties. The noise survey of the docks operations has found that noise is likely to draw complaints from the proposed residential properties. Environmental Protection have raised concerns that heavy industrial operations could take place close to this site both day and night and have investigated complaints due to the movement of scrap metal on the port side in close proximity to this development site and low frequency engine noise from ships in dock.

They also note that there can be significant noise at weekends. Salamander Street bounds the site to the south and will affect the proposed development from its significant road traffic noise levels.

The applicant has recommended a mitigation solution of closed windows (with mechanical ventilation) is installed to protect future occupiers; this mitigation is required for all properties within the development to deal with potential noise. The proposed mechanical ventilation and heat recovery system (MVHR) removes the requirement to use trickle ventilators within all windows. Standard thermal double glazing is recommended to ensure that noise guideline levels are achieved within noise sensitive rooms on the northern and western facades of the development. Environmental Protection are of the view that superior double glazing is required to ensure that noise guideline levels are achieved within noise sensitive rooms on the eastern and southern facades.

Environmental Protection are of the opinion that these mitigation measures are an unacceptable solution to deal with potential noise, and that the ventilation system requires a clean air supply which will be difficult to find in this site. The site is in an area for development of a mainly residential mixed-use within the LDP and there are a number of sites which have been recently approved for residential purposes in close proximity which include the use of mechanical ventilation with a closed window scenario to deal with potential noise. Land directly to the north of the site is allocated within the LDP as Ew1b, the same as the application site. Little weight can be given at this stage to Cityplan, however it will carry forward this LDP designation; in addition, the proposed scrapyards site opposite is allocated as a Housing Proposal site (393, Salamander Place). The Planning Authority considers that suitable acoustic glazing and the mechanical ventilation proposed are the best options to minimise noise impacts on this site. In conclusion, the location of the site is constrained by a number of difficulties in relation to noise and the proposed mitigation put forward by the applicant is appropriate in this instance and would enable this difficult site to be developed, whilst providing an acceptable level of amenity to future occupiers. It is concluded that the proposal does not conflict with LDP Policy Env 22 on noise grounds.

Odour, vibration and lighting

Environmental Protection has raised concerns about odour to occupiers of the development from nearby Seafield Sewage Treatment Works and port/industrial related activities. Odours from the Seafield wastewater treatment works should be assessed; a full olfactometry odour impact assessment is required over a 3 to 6 month period. A survey was not carried out. The applicant states that the air inlet as part of the mechanical ventilation system may intake potential odours from the ambient air; it is therefore proposed that the carbon filtering on the air inlet will reduce the odour risk.

There are a number of residential properties in closer proximity to the treatment works than this application site. It is understood that the treatment works has already undertaken mitigation measures to reduce the odour emitting from the facilities, and further mitigation measures are already proposed. Whilst odour is a concern, it is considered unreasonable to refuse planning permission on this basis and carbon filtering would reduce odour risk.

The applicant proposes commercial units which include use classes on the ground floors of the proposed development. They have confirmed that the use class for these would be 2, 3, and 4. A condition is recommended that the class 3 would be limited to ensure no hot food preparation/ sale takes place to protect the amenity of residents.

An assessment of vibration from scrapyards activities was requested to support the application but has not been provided; this issue remains a concern of Environmental Protection. There are existing residential properties close to the site and the scrapyards; an existing housing block sits directly on the boundary of the scrapyards. Given the above it is not considered that potential vibration from the scrapyards would be sufficient reason to refuse the application.

A Lighting Assessment has been submitted in support of the application. Light spill from the Port industrial area, the car pound on Tower Street, Europcar, Safestore and surrounding commercial and industrial developments and street lighting on Bath Road and Salamander Street has been assessed. The results show that some receptors in the proposed development are predicted to be exceeded; glare will also be an issue across the site. The assessment states that these results are consistent with a location characterised by existing street lighting in close proximity to adjacent land in which residential buildings such as the proposed development are located. The suggested mitigation is the installation of black out blinds. The site is allocated for a residential led mixed use development in the LDP. There are several new housing developments within the immediate vicinity of the site, some of which have received approval recently. Given this context and the shift towards a more residential land use led area, the proposal is considered acceptable in terms of delivering housing, and the impacts of light pollution can be dealt with by the suggested mitigation measures.

It is concluded that the proposal does not conflict with LDP Policy Env 22 on odour, vibration and lighting grounds.

Housing mix, size of units and aspect

The application is not seeking to approve details of housing mix, size of units or aspect; however an indicative capacity and mix is identified. The applicants have submitted information which proposes the following mix of units could be achieved within the development: 21.5% three bed roomed units, 33.5% two bed roomed units, 32% one bed roomed units and 13% studios. This indicates that more than 20% of the units would be for growing families which complies with LDP policy Hou 2 (Housing Mix). These matters would be fully considered at detailed submission stage.

Open space

LDP Policy Hou 3 (Private Green Space in Housing Development) of the LDP sets out the requirement for amenity green space provision within the development. In flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens) and a minimum of 20% of total site area should be useable greenspace.

Based on 10% of the number of residential units a total of 2,820sqm of communal open space would be required. The development proposes three decked areas of communal open space at blocks A and B, block E, and block H, together with two areas of raised courtyards at blocks C and D, and blocks F and G. These provide a total of shared open space provision of 2360sqms. The central courtyard areas are defined as semi-public spaces; they are publicly accessible and the applicant states this is unavoidable unless gates and fences are introduced. There are private gardens proposed around the outside of these areas, however shared/ publicly accessible amenity space for residences would lead to privacy and amenity issues. The provision of private amenity space would need to be fully considered at the detailed design stage and would be a matter reserved for further consideration. The areas of north/ south pedestrian routes provided in four areas of the site between blocks equates to a further 1835sqms of amenity space resulting in a total of useable open space of 4195sqm. This equates to 30% of the site being useable green space which is acceptable.

Whilst the amount of open space proposed is acceptable, its quality needs further consideration. The proposal has not fully demonstrated compliance with LDP policy Hou 3 (Private space in new development).

Privacy

The proposal would result in some blocks having windows approximately ten metres part between facing facades along the proposed north south pedestrian routes. This would lead to potential loss of privacy and amenity for their occupiers. The proposed development would include residential blocks which extend beyond the rear building line of the existing public house and tenement. There is a raised landscaped desk proposed on the boundary with the existing tenement to the south west of the site. These may lead to loss of privacy. Issues of potential loss of privacy within the development site have not been fully resolved.

Daylight and sunlight

Within the development site itself, a no skyline assessment was carried out of the worst case scenario apartment; this met the criterion required. The daylight analysis comprises the assessment of a 'worst case' scenario apartment in this development. The applicant has confirmed that the daylight levels for the proposed development achieves the recommended daylight levels as stated in the Edinburgh Design Guidance. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight.

The applicants supporting information confirms all five amenity spaces/garden areas passed the analysis, receiving 2 hours or more of daylight on the 21st of March on at least half of the amenity space area.

In terms of impact on daylight and sunlight within the development site, the proposal is acceptable.

Amenity to existing homes

The Daylighting and Sunlight analysis considers the effect of the development on nearby residential property; these include the existing residential block on the opposite side of Salamander Street to the site, and the residential units above the existing public house just outwith the site to the south west at the corner of Bath Road. The analysis tests the impact of potential loss of daylight on these two properties. The Edinburgh Design Guidance requires the Vertical Sky Component to be more than 27 % or 0.8 of the former value of daylight. The analysis concludes that 60% of the facades passed the Vertical Sky Component of achieving a VSC of at least 27%. Those that failed were assessed using the Average Daylight Factor, and this concluded that all rooms tested passed the ADF assessment. Upper floor residential units have been assessed for daylighting in the supporting information. There is a ground floor residential unit at the existing corner tenement; any potential daylight loss should be tested on this unit. In addition, impact on daylight on the proposed new tenement (undetermined planning application) to the south west of the site has not been tested.

In terms of overshadowing, the potential impact of the development on the small garden area of the existing public house and tenement to the south west of the site should be tested.

Given the above, the details of the layout, massing and height of blocks A and B cannot be approved at this stage and will be reserved for further consideration.

The site directly to the north is currently in business use and is allocated in the LDP as being within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. It also is within LDP area Ew 1b. Potential development of this neighbouring site should not be prejudiced; this can be fully tested at detailed application stage.

In conclusion, in terms of amenity, it has not been fully demonstrated that the details of the proposals comply with LDP policies and Des 5 (Development design - Amenity) and Hou 3 (Private Green Space in Housing Development).

Road safety;

A Transport Statement has been submitted in support of the application. This states that peak vehicle movements are unlikely to be increased due to a combination of restricted parking, public transport and cycling links and the removal of existing car centric businesses. The nearest proposed tram route to the development would be located to the west along Constitution Street. There are also a number of bus links within close vicinity to the site. The commercial units loading requirements are to be met by connections from the north lane.

LPD Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The application has been assessed under the Council's parking standards (updated January 2020). A total of 59 car parking car spaces are proposed which is well below the maximum parking standards. Approximately 530 cycle parking spaces are proposed which is acceptable. Transport raise no objections to the proposal subject to a number of conditions and informatives.

It is recommended that all car and cycle parking provision including design and layout is a reserved matter. In addition the road layout (including carriageway, footways, cycle tracks and verges) is to be reserved.

It should be noted that this area is within Phase 1 of the extension to the Controlled Parking Zone (Strategic Parking Review) and the site has good accessibility to existing and proposed sustainable transport options.

The LDDF sets out that this site (1:11) should make significant public realm improvements to Salamander Street to reduce traffic flow and speed, providing greater emphasis on pedestrian and cycle routes. The proposal enables sufficient space to enable a suitable route to be provided along Salamander Street and Transport have recommended that the applicant widens the footway along Salamander Street to enable this route to be provided at a future date. Financial contributions will be sought to contribute to the Bernard St/Salamander St Active Travel and Public Realm Project.

Transport route T7 runs along the eastern side of the site in the LDP. This is to be safeguarded and the proposed development allows for this.

The proposal is acceptable on transport grounds; full details are to be reserved to enable full consideration at detailed submission stage.

Archaeology

A Heritage Statement has been submitted in support of the application. The Statement identifies 20 heritage assets within a radius of 200m of the proposed development site; five of these are situated within the site, which comprise the location of the southern section of the Edinburgh and Leith Glass Works, the site of a glass furnace, the Bone Mill and Chemical Works, the Crystal Glass Works at the southern end of the site and the remnants of the building wall with the initials J&J C.

CEC Archaeology states that the site is of industrial significance dating back to the construction of cones 5 & 6 in c.1795 of the Leith Glass Work Co., the later 19th century James and James Cunningham Chemical Works and latter 20th century fertiliser works. Historically the site occurred on the medieval beach and foreshore to the east of the medieval port and harbour of Leith. Salamander Street is known from 18th century plans running along the beach line (although it may be earlier in date representing one of the shore roads linking Leith with Musselburgh and the east.)

The site has been identified as within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. CEC Archaeology has confirmed the proposals will require significant ground-breaking works and these will have significant impacts upon any surviving archaeological remains.

It is recommended that a condition is attached to further address archaeology.

Waste Management

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that refuse and recycling facilities have been sensitively integrated into the design. There has been ongoing discussions between Waste Services and the applicant. A Waste Management Strategy has not been agreed for the site. This will be reserved matter and will be assessed and fully addressed at detailed submission stage.

Flooding and drainage

The site is located within an area of high risk surface water flooding. SEPA state that as the finished floor levels of the revised proposed development will be set at a minimum of 5.6m AOD and they would not object to the proposed development on flood risk grounds. SEPA recommend flood resistant and resilient measures are included in the design and construction on the site to mitigate residual flood risk. CEC Flood Prevention recommend implementing flood resilient materials and measures to mitigate the flood risk to the commercial properties proposed at the existing ground level, below the 5.6mAOD finished floor level in the Flood Risk Assessment. Details of these flood resilient measures can be considered at detailed application stage. The application includes indicative use layout plans. A condition is recommended that ensures that habitable residential rooms are not permitted below the minimum floor level of 5.6m AOD.

The applicant confirms that the surface water network for the development is proposed to discharge to the combined sewer system on Bath Road. It is proposed to maximise water usage on site through the construction of bio retention areas or raingardens with the landscape proposals for the development. These areas are to be designed to maximise water retention and attenuation and incorporate infiltration to ground where possible to minimize the discharge flow rate and volume to the combined sewer system.

Scottish Water will not accept any surface water connections into their combined sewer system. The sites water management strategy requires raingarden and bioretention features through the landscape which enhance the visual amenity and biodiversity whilst also helping with drainage. The proposed raised courtyards have SUDS integrated within the spaces and permeable block paving is proposed in parking areas.

Full details of drainage, flood risk and water management are reserved for future consideration at AMC application submission stage.

Sustainability

LDP Policy Des 6 (Sustainable buildings) states that permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use.

The applicant has submitted a sustainability form and statement in support of the application. A range of passive measures are proposed to reduce the demand for energy including Heat Recovery Technology in line with net zero carbon standards. This will improve air quality for occupants whilst recovering heat from the extract ventilation system. Energy consumption is proposed to be reduced including an electric air source heat pump system to provide an efficient and low carbon method of supplying heating and hot water, the use of energy efficient LED lighting, controls for external lighting linked to daylight sensor, provision of energy meters, use of waste-water heat recovery units on showers or baths, and the possibility of incorporating a community heating scheme for these buildings. Photovoltaics (PV) are proposed to be included on the roof of the proposed buildings to offset grid electricity consumption. Flexibility to allow for future changes in technology would enable the development to accommodate a district heating scheme, or connection to a larger city wide scheme etc.

Full details of sustainability measures can be reserved for future consideration in accordance with Edinburgh Standards for Sustainable Building.

Ecology and trees

A Preliminary Ecological Appraisal was submitted with the application and a bat survey (carried out this season) has been submitted in support of the application.

One habitat of introduced shrub was the only habitat feature found within the study area and was considered to have low ecological value. Four structures were identified as having low potential to support individual roosting bats during the summer. The Bat Survey identifies that roosting bats are considered likely absent from the site at this time, and so no mitigation measures in regard to roosting bats are necessary. As bats have been recorded as using the site for foraging and commuting, should a period of one year lapse between the completion of the 2022 surveys and commencement of development /demolition works, then the surveys should be repeated to ensure the status of bats on site is unchanged. It also advises that as artificial lighting can impact on the behaviour bats and any lighting should be directed to only where it is needed particularly close to the vicinity of the northern site boundary. It should be noted that lighting from outwith the site cannot be controlled as part of this planning application.

The proposal complies with LDP policy Env16 (Species protection).

A Tree Survey has been submitted with the application. No trees of value were identified within and close to the site.

Infrastructure

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires proposals to contribute to infrastructure provision where relevant to mitigate any negative additional impact and where commensurate to the scale of the proposed development. The Supplementary Guidance on Developer Contributions and Infrastructure (2018) provides further detail on the approach to the implementation of this policy and developer contributions required for this application have been identified within this context.

Education

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance with the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment.

The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections. The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

The Education Appraisal (2021) assessed the cumulative impact of all new development, including constrained sites, and found that a new primary school in Leith Waterfront would be required, along with a new primary school in the Bonnington area, to mitigate the cumulative impact of all new development on Leith Primary School, this includes an assumption about potential developments in its catchment area. Community and Families state that the current requirements are not sufficient to accommodate the cumulative number of pupils that would be expected from the proposed development and other potential developments in Leith Primary School catchment area. The latest Housing Land Audit identifies the site, as part of LDP EW 1B: Central Leith Waterfront, along with LDP EW 1C: Leith Waterfront - Salamander Place, as constrained sites unlikely to be completed within the next five years. The proposed development forms part of a site identified as suitable for mixed use development for a significant number of new homes in the 2016 LDP (2,720 homes) and in the proposed LDP (City Plan 2030).

The Appraisal identifies a requirement for a new 12 Class Primary School in the Leith Waterfront Area. In addition provision should be made for additional capacity at Leith Academy and Holy Rood RC High School.

Children and Families have set out that the following per unit infrastructure contribution is required: Primary Infrastructure: New 12 Class Primary School £7420 per flat and Secondary Infrastructure: Additional SS places (Leith Academy, Holy Rood RC High School) £3,262 per flat. This, based on an estimated 165 flats with more than one bedroom, and would result in the requirement of £1,224,300 for primary school infrastructure and £538,230 for secondary school infrastructure, resulting in an estimated total requirement of £1,762,530. The Council requires this level of contribution in order to deliver the education infrastructure across the wider area, and to address the capacity issues arising from the cumulative impact of all developments coming forward within the area.

The Council has a duty to provide for the pupils resulting from new development, both planned and windfall. The City Plan sites in this area are all brownfield sites. They are allocated to reflect development trends and pressures in the area. They could come forward for housing development under the policies of the existing LDP 2016 and it is therefore appropriate for the Council to plan to accommodate such development in this way.

The levels of contribution for this contribution zone as outlined in the finalised Supplementary Guidance was £980 per flat, based on an estimated number of 165 flats with more than one bedroom, and this would result in a total financial contribution of £161,700. While it has been practice to exclude studios and one bedroom flats, this was not done in preparing the per unit rates, so it is arguable that even if using the Supplementary Guidance figure, the sum should be higher than the £161,700 figure. However, the cumulative impact of this development has not been previously assessed and the finalised Supplementary Guidance states a cumulative assessment will be carried out having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment and if appropriate revised actions will be applied. Should development arise as anticipated then any shortfall in providing for pupils would have to be addressed by the Council as contributions cannot be sought from development that has already occurred. If development does not arise in the way anticipated, Section 75 agreements make provision for this and in any case the developer can apply to have the planning obligation modified if a case arises.

It is recommended that developer contributions for educational infrastructure should be sought on the basis of the consultation response from Communities and Families and that financial contributions will be sought for Primary School Infrastructure: New 12 Class Primary School of £7420 per flat and Secondary School Infrastructure: Additional places (Leith Academy, Holy Rood RC High School) of £3,262 per flat.

Transport

The application site lies within zone 2 of the tram contribution zone (395m from Constitution Street) Tram Contribution Zone. In terms of transport infrastructure, the applicant will be required to make a financial contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses towards tram infrastructure.

Transport actions have been identified from the LDP Action Programme. The estimated housing capacities of the surrounding areas as outlined in the LDP has been used to calculate a cost per unit rate to apply for each action.

In terms of financial contributions towards LDP transport actions the following would be required:

- £848 per residential unit towards the Bernard St/Salamander St Active Travel and Public Realm Project;
- £245 per residential unit towards the Leith Links to Bath Road link; and
- £105 per residential unit towards the Salamander Street to Foot of the Walk Action.

In addition a contribution of £5,500 per car towards the provision of car club vehicles in the area.

Health

The current proposal lies within the Leith Links Healthcare contribution zone. The development would require a financial contribution of £945 per residential unit.

Affordable housing

LDP policy Hou 6 (Affordable Housing) requires residential development consisting of 12 or more units to include provision for affordable housing of 25% of the total number of units proposed.

The applicants confirm that they have engaged with Port of Leith Housing Association (PoLHA). PoLHA have confirmed in principle, their support for the development with regard to being the provider of the affordable housing element if the scheme is delivered for private sale.

The above financial requirements would be secured by s75 legal agreement. The proposal complies with LDP policy Del 1.

Conclusion in relation to the Development Plan

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan identifies the site as part of Ew1b. Residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for occupiers including noise, air quality, odour, and lighting. The site is in an area where residential development is acceptable in principle, recent planning approvals have been granted for residential development at nearby sites, and the proposed mitigation measures would reduce the impact of amenity issues of future occupiers. Impacts on amenity of nearby existing property will need to be fully addressed at detailed application submission stage. Improvements have been made to the proposed overall design, however it has not been demonstrated fully that the proposals are an acceptable design solution for this difficult site. The proposal will not comply fully with LDP design and housing policies. A number of planning conditions, including matters reserved for detailed consideration, and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development. The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

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

Public representations

Objections have been received from Living Streets Edinburgh Group and one neighbour.

A summary of the representations is provided below:

material comments

These issues have been addressed above.

Objections are raised on the grounds of:

- development should be car free with good access to public transport;
- car parking space numbers are significant;
- the width of the footway on Salamander Street should be increased for safety;
- public transport provision eg bus stops should be enhanced;
- pedestrians must take priority and
- infrastructure in the area is already poor, the development will worsen this.

Conclusion in relation to identified material considerations

The material considerations do not raise any matters which would result in recommending the application for refusal. There are no equalities or human rights issues, detailed matters relating to accessibility can be fully considered at detailed planning application submission stage. The proposal complies with the SPP Sustainability Principles. Therefore, the application should be granted.

Overall conclusion

The principle of the development is acceptable and is in accordance with Local Development Plan policy. The site is within the urban area where LDP policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The Edinburgh Local Development Plan (LDP) identifies the site as being part of EW1b. Within this area residential and commercial uses (classes 2, 3 and 4) are acceptable in principle so long as they comply with the other local plan policies.

The application raises issues of amenity for future occupiers including noise, air quality and odour. However, the site is in an area where residential development is acceptable in principle, and new residential development is under construction at nearby sites. The proposed mitigation measures for future occupiers would reduce negative impacts, however, impacts on amenity of nearby existing property will need to be fully addressed through subsequent applications.

Similarly, the layout, scale, height and density will need to be considered carefully at detailed submission stage, to ensure the character of the area is maintained and enhanced. These detailed design considerations will need to be reserved for full consideration under subsequent applications for matters specified by conditions (AMC). Full details of access arrangements, pedestrian/ cycle connections, the levels of car and cycle parking, landscaping, surface water, sustainability and waste and recycling arrangements will be reserved. In addition, a number of other planning conditions and a legal agreement would be required to ensure compliance with the local plan policies at the detailed application submission stage.

The principle of uses proposed is acceptable, and it is recommended that planning permission in principle can be granted. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following:-

Conditions :-

1. The development to which this planning permission in principle relates must be begun not later than the expiration of five years beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in paragraph, the planning permission in principle lapses.
2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused and

(iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for

- (a) different matters and
- (b) different parts of the development, at different times.

3. Details of all matters listed below shall be submitted for consideration by the Planning Authority in a single package of information, for each phase or phases and the development in question will not begin until the following matters have been approved by the Council as planning authority. The submission shall be in the form of a detailed layout covering points (a) - (n) below.

(a) a site development layout showing built development, footpath, cycle, and road access and connections, including open space provision, SUDS drainage and landscaping;

(b) details of the layout, siting, design, form, density, height, tenure, and the number and mix of units, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum;

(c) the precise location and extent of individual uses to be developed including the number of residential units and any class 2, 3 and 4 uses;

(d) design and configuration of public realm and open spaces, all external materials and finishes;

(e) cycle parking in secure undercover locations, motorcycle parking, car parking including city car club parking spaces, disabled spaces and electric charging points and spaces;

(f) access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas;

(g) footpaths, cycle routes and verges;

(h) waste management and recycling facilities;

(i) Site investigation/decontamination arrangements;

(j) surface water and drainage arrangements including management, maintenance, ownership and adoption;

(k) existing and finished site and ground levels in relation to Ordnance Datum;

(l) any further noise, fume, odour, dust or light mitigation measures arising from the updated studies, including details, materials and finishes;

(m) full details of sustainability measures;

(n) full details of proposed mechanical ventilation system. Mechanical ventilation with ISO coarse glass G3 filters shall serve all required properties and where necessary be served by roof top filtered air;

(o) details of any cooking ventilation systems for Class 2, 3 and 4 uses and

(p) full details of the landscape proposals including fully detailed plans of the design and configuration all external materials and hard and soft landscaping details.

This shall include:

- (i) walls, fences, gates and any other boundary treatments;
- (ii) the location of new trees, shrubs and hedges.
- (iii) a schedule of plants to comprise species, plant size and proposed number/density;
- (iv) programme of completion and subsequent maintenance and management of any flooding mitigation measures, SUDS drainage, and open space areas;
- (v) existing and proposed services such as cables, pipelines, substations and
- (vi) other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment.

The following supporting information shall also form part of any submission:

1. an updated Air Quality Impact Assessment including mitigation measures;
 2. an updated Ecology Assessment and Bat survey including mitigation measures during construction and operation;
 3. an updated Odour and Fume Assessment including mitigation measures;
 4. an updated Light Pollution Assessment including mitigation measures;
 5. an updated Noise Assessment including mitigation measures;
 6. an updated Transport Statement;
 7. an updated Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
 8. an Affordable Housing Statement setting out how 25% affordable housing will be provided on site including delivery, tenure and location;
 9. an updated Landscape and Visual Impact statement detailing the impact on both City and Local views;
 10. an updated Flood Risk Assessment of the detailed design including a study of highlighting how the layout, finished floor levels, landscaping and SUDS have been designed in relation to the Flood Risk;
 11. an updated drainage and surface water management strategy including site levels and landscaping to ensure it safely managed exceedance surface water flow;
 12. details of adoption, management and maintenance of the landscaping, SUDS, open space; and any other flood prevention or drainage measures and
 13. an updated waste management strategy.
4. The ground floor commercial premises shall be restricted to (Class 2 (Financial, Professional and other services), Class 3 (Food and drink) (and Class 4 (Business)). For the Class 3 use hereby approved the cooking, heating and reheating operations on the premises shall be restricted to the use of microwaves only unless otherwise agreed by the Planning Authority.
5. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
6. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from the Planning Authority a public archaeological and historic interpretation scheme for the site. In addition, the armorial plaque of the J & J Cunningham Chemical & Manure Factory identified as Site 19 and depicted on plates 6 & 8 in Wardell Armstrong's Heritage Statement, is considered to be of local archaeological importance and must be salvaged and retained.
 7. No demolition, or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
 8. Prior to the occupation of the development, the air quality mitigation measures either as set out below or as set out in an updated Air Quality Assessment as part of the AMC application should be implemented.
The air quality measures include:
 - zero or reduced car parking;
 - funding for city car club spaces;
 - disabled car parking spaces in line with Council standards;
 - a residential travel plan;
 - cycle parking would also be provided secure, under cover and in line with the Council standards.
 - electric vehicle charging provision spaces (1 EV space per 6 spaces provided will be `actively' powered) and
 - ducting the remainder of any spaces provided (i.e. `passive' provision) such that future EV charging can be retrofitted as demand dictates.
 9. Areas of living accommodation must be above 5.6m AOD unless otherwise agreed in writing by the Planning Authority. Any area below this level within residential units is to be used for access/egress & storage purposes only.
 10. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals and sections submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.

Reasons:-

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.

3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to protect the amenity of the occupiers of the development.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to safeguard the interests of archaeological heritage.
7. In order to safeguard the interests of archaeological heritage.
8. In the interest of air quality management and residential amenity.
9. To reduce risk of residential habitable buildings being flooded at the site.
10. To define the terms of this consent

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals and sections submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.
4. Consent shall not be issued until a suitable legal agreement relating to affordable housing, transport, education and health has been concluded and signed. The legal agreement shall include the following:
 - i. Affordable housing - 25% of the total number of residential units shall be developed for affordable housing provision.
 - ii. Transport - the following transport contributions are required:

The application site lies within zone 2 of the Tram Contribution Zone. The applicant will be required to:

 - Make financial contribution in line with the approved Tram Line Developer Contributions report. This would require a contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- In support of the Council's LTS Cars1 policy, the applicant should contribute £1,500 per order plus £5,500 per car towards the provision of car club vehicles in the area;
- In line with the LDP Action Program and the Supplementary Guidance for Developer Contributions and Infrastructure make a financial contribution towards Bernard St/Salamander St Active Travel and Public Realm Project of £848 per residential unit;
- In line with the LDP Action Program and the Supplementary Guidance on Developer Contributions and Infrastructure make a financial contribution towards the Leith Links to Bath Road link of £245 per residential unit;
- In line with the LDP Action Program and the Supplementary Guidance for Developer Contributions and Infrastructure make a financial contribution towards Salamander St to Foot of the Walk Action of £105 per residential unit.

iii. Education - Additional Primary School Capacity associated with primary school places at equating to a contribution of £7,420 per flat (with more than one bedroom) for primary school infrastructure and £3,262 per flat (with more than one bedroom) for secondary school infrastructure.

iv. Health - £945 per residential unit for Leith Links Healthcare provision.

5. The applicant should note that the following orders are likely to be required:
- a. A suitable order to redetermine sections of footway and carriageway as necessary for the development;
 - b. A suitable order to introduce waiting and loading restrictions as necessary;
 - c. A suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings. The successful progression of Orders is subject to statutory consultation and advertisement and cannot be guaranteed;
- All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. This will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
 - The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
 - A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
 - The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
 - The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity and

- Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. Any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
- 6. The applicant is encouraged to interpret the site's archaeological heritage and include this within a detailed design.
- 7. Prior to construction the applicant should confirm that Scottish Water accept the surface water connection to the combined network.
- 8. Roosting bats are considered likely absent from the Site at this time, and so no mitigation measures in regard to roosting bats are considered necessary. However, as bats have been recorded as using the Site for foraging and commuting, should a period of one year lapse between the completion of the 2022 surveys and commencement of development /demolition works, then the surveys should be repeated to ensure the status of bats on Site is unchanged. Artificial lighting can often impact the foraging and commuting behaviour of nocturnal mammals such as bats. As a consequence, it is advised that any lighting should be directed to where it is needed and light spillage (whether direct and/or in-direct) should be avoided, particularly within the vicinity of the northern Site boundary and introduced shrub habitat which lies to the north of the Site. The times during which the lighting is on should be limited to provide some dark periods.
- 9. Flood resistant and resilient measures are recommended to be included in the design and construction on the site to mitigate residual flood risk.
- 10. A dust management plan is recommended to limit and control dust emissions during the construction phase.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 8 March 2021

Drawing Numbers/Scheme

1, 2a

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Leith Links Community Council

COMMENT: How effective was neighbour notification?

Massing and density; design, scale and layout. The buildings will dominate Salamander Street oppressively, blocking out light, and creating a canyon effect. There is not enough green space. An updated place brief is needed for whole area.

Intensification of air pollution. Traffic impact on the local road system.

Impact on local infrastructure.

DATE: 9 November 2021

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 12 October 2021

NAME: Scottish Environmental Protection Agency

COMMENT: We remove our objection provided that planning condition(s) be attached to the consent to ensure that no living accommodation is to be made of any area below 5.6mAOD and any area below this level within residential units is to be used for access/egress & storage only.

We have no objection on flood risk grounds.

DATE: 6 September 2022

NAME: CEC City Archaeology

COMMENT: It is recommended that an archaeological condition be applied to any granted permission.

DATE: 15 July 2022

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Lack of innovative ideas for proposed 20 minute neighbourhoods for and intergenerational facilities.

Lacking in character as result of block arrangement. Tunnel effect.

Poor air quality. Affordable Housing provision should be 35%.

Car parking still high and accessing a busy road.

Integrated communities that include disabled and elderly needed.

DATE: 4 August 2022

NAME: CEC Economic Development

COMMENT: LDP policy Emp 9 (LDP) requires the development to deliver an element of class 4 space in order to comply with the policy. The provision of class 4 space

aimed at small businesses in this area is desirable given the undersupply of space for small businesses in Edinburgh.

DATE: 6 July 2022

NAME: CEC Waste Management

COMMENT: A Waste Strategy has not been agreed for this site. We would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance to ensure waste and recycling requirements have been fully considered.

DATE: 6 September 2022

NAME: Scottish Water

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

Scottish Water has carried out a Capacity review and we can confirm the following:
There is currently sufficient capacity in the GLENCORSE Water Treatment Works to service your development.

There is currently sufficient capacity for a foul only connection in the EDINBURGH Waste Water Treatment works to service your development.

Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only.

DATE:

NAME: Environmental Protection

COMMENT: Environmental Protection recommend the application should be refused. Concerns are in relation to air quality levels, nuisance dust, avoiding producing street canyons on Salamander Street, noise, odours, flood lighting, fumes and contaminated land. The development should be car free to reduce the impact upon the local air quality from road traffic based pollution.

DATE: 12 July 2022

NAME: CEC Flood Planning

COMMENT: Prior to construction (as part of the building warrant process), the applicant should confirm that Scottish Water accept the surface water connection to the combined network.

The applicant must ensure that there is no detriment during the temporary phased condition from the existing or proposed final condition with respect to flooding throughout the construction of the full site.

DATE: 29 September 2022

NAME: Transport

COMMENT: No objections subject to conditions relating to reserved matters including car, cycle, disabled, car club, electric vehicle charging and motorcycle spaces. Parking provision to be to Council standards, including design and layout; the road layout (including carriageways, footways, cycle tracks and verges).

Informatives relating to contributions to the tram, LDP actions and city car club.

Access via steps and external lifts to public spaces is not acceptable.

DATE: 11 November 2022

NAME: Affordable Housing

COMMENT: The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community.

DATE: 13 July 2021

NAME: Children and Families

COMMENT: The proposed development is required to make a contribution towards the delivery of a new 12 Class Primary School and providing additional capacity at Leith Academy and Holy Rood RC High School.

New 'per flat' rates set out below will be required to ensure the proposed development makes a proportionate contribution to cover the revised action.

Per unit infrastructure contribution requirement:

Primary Infrastructure: Additional Primary School Capacity- New 12 Class Primary School £7,420 per flat

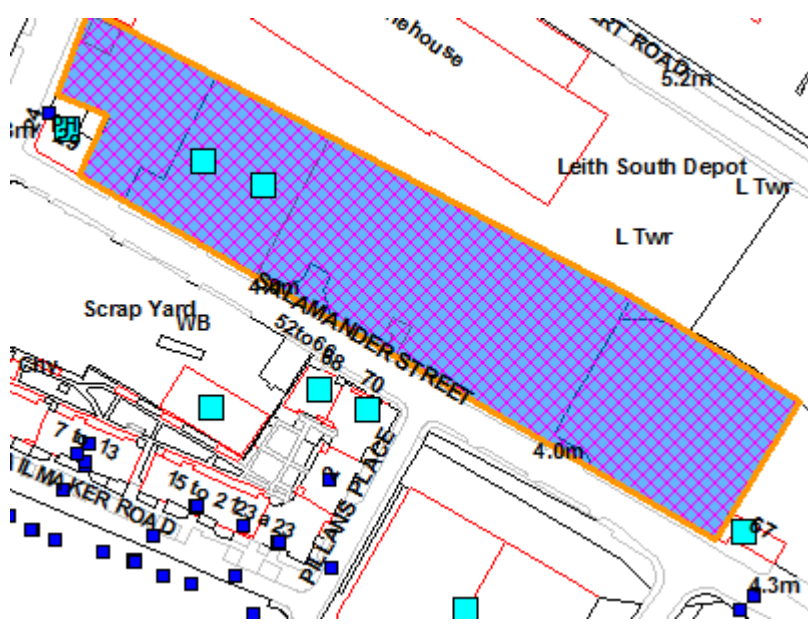
Secondary Infrastructure: Additional Secondary School Capacity - Additional SS places (Leith Academy, Holy Rood RC High School) £3,262 per flat

If the appropriate infrastructure contribution is provided by the developer Communities and Families do not object to the application.

DATE: 9 October 2022

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

Location Plan



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