

Development Management Sub-Committee Report

Wednesday 24 May 2023

**Application for Planning Permission
23 Water Street, Edinburgh, EH6 6SU.**

Proposal: Change of use from warehouse to aparthotel including alteration and extension, landscaping and associated works.

**Item – Committee Decision
Application Number – 22/06426/FUL
Ward – B13 - Leith**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 34 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is a four storey, red brick, industrial building located on the west side of Water Street at its junction with Broad Wynd. An adjoining car park/courtyard area also forms part of the proposed redevelopment site. The site is currently occupied by a sound engineering use which is a mix of Class 4 and Class 6 uses.

There are a range of building styles and heights in the immediate locale with a range of uses including commercial and residential. Adjoining the courtyard to the south is the Category A listed 'Lambs House' and to the north, over Broad Wynd, the Category A listed 'Flour Mill/Carpet Wynd'.

The site is within Leith Conservation Area.

Description of the Proposals

The application proposes the change of use from an existing warehouse to a 45 bedroom apart hotel (Class 7) with ancillary uses including guest amenity space, laundry room and reception area. Various alterations to the existing building associated with the change of use are proposed.

A new single storey rooftop extension will be added to the existing building, raising the height from 4 to 5 storey. This upward extension is proposed to be finished in metal cladding with a solar PV array to the roof.

A single storey side extension is also proposed within the existing car park of the building. This will be finished in brick to match the existing building with a predominantly glazed east elevation. These extensions combined will create 418sqm of gross additional floorspace to the existing building.

The remainder of the existing car park courtyard is to be converted into a landscaped area which will provide amenity for guests along with covered cycle parking and bin stores. There will be a mix of hard and soft landscaping with plants chosen to encourage biodiversity.

No car parking is proposed. Within the landscaped courtyard, 8 cycle parking spaces will be provided in a secure, covered store for guests and visitors. Two of these spaces are for non-standard cycles.

Supporting documents

The following documents have been provided to support the application:

- Design & Access statement;
- Planning statement;
- NPF4 statement;
- Heritage statement;
- Surface Water Management Plan;
- Desktop site investigation;
- Noise Impact Assessment;

- Archaeological Research Design;
- Travel Plan and
- Sustainability statement form.

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

Relevant Site History

No relevant site history.

Other Relevant Site History

No additional history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Archaeology

Environmental Protection

Historic Environment Scotland

Flooding

Scottish Water

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

Publicity and Public Engagement

Date of Neighbour Notification: 27 January 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 3 February 2023

Site Notices Date(s): 31 January 2023

Number of Contributors: 41

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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a) The proposals harm the listed building and its setting?

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

- Managing change in the Historic Environment - Setting'

There are several listed buildings in close proximity to the proposed development. The applicant has submitted a Heritage Statement to assess the impact of the proposals on the setting of these buildings.

Lambs House, which adjoins the application site to the south is Category A listed and is of architectural interest as one of the largest and most architecturally important early 17th century merchant's houses in Scotland.

The proposed design has considered the view north along Water Street towards Lamb's House to ensure that it would sit in the main below the ridge line of this view. This means that the distinctive roofline of the listed building seen against the skyline would remain relatively unaffected by the proposed rooftop extension when moving north along Water Street. For the single storey side extension, the height of this element, set back within the street block means it would not affect longer distance views towards Lamb's House from the adjacent streets which formed part of the historic street pattern.

The Category A listed building of 3 Carpet Lane and 42 The Shore (Donaldson's Warehouse) is located to the north of the site, separated from it by the road of Broad Wynd and an area of car parking. The scale of this building and the separation between this listed building and the proposal is such that it is considered unlikely that its setting and special interest would be affected. This is also the case for other listed buildings in the vicinity,

Conclusion in relation to the listed building

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act.

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

The Leith Conservation Area Character Appraisal notes that "the character derives from Leith's history both as a port and an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use. A rich mixture of civic buildings and mercantile architecture survives particularly at Bernard Street and The Shore. Significant earlier buildings include Lamb's House and St Ninian's Manse (both early 17th Century). The present street pattern of The Shore area closely follows that of the historic town.

The proposals would introduce a new single storey rooftop extension to the existing 1950's warehouse building, increasing the building from 4 to 5 storey height. The use of folded metal cladding for this extension means it would be readily distinguishable as a later addition to the building, but would also have an appropriately industrial appearance, fitting with the wider character of the area. The new five storey height of the building would fit with the prevailing character of the area where buildings are generally of 4 or 5 storey height.

The single storey addition within the courtyard of the warehouse would also be legible as a later addition, with a glazed eastern elevation distinguishing it from the rest of the warehouse building. Single storey buildings within the interior of blocks (set back from the street), are found on other buildings in this part of the conservation area and are part of the established character. In this respect the proposals will have a neutral impact and preserve the character of the Leith conservation area.

Conclusion in relation to the conservation area

The proposal preserves the character and appearance of the conservation area in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) Compliance with the Development Plan

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 sustainable places policies 1, 2, 3, 7, 8, 9, 12, 13
- NPF4 liveable places policies 14, 15, 18, 19, 20, 22, 23
- NPF4 productive places policies 25, 26, 30, 31
- LDP environment policies Env 16, Env 21 and Env 22
- LDP design principles for new development policies Des 1, Des 3, Des 4, Des 5, Des 8 and Des 12
- LDP transport policies Tra 3 and Tra 4
- LDP delivery policy Del 1
- LDP housing policy Hou 7
- LDP employment policy Emp 9 and Emp 10.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 Policy 7.

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

Principle

LDP policy Emp 9 (Employment Sites and Premises) states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided: (i) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use; (ii) the proposal will contribute to the comprehensive regeneration and improvement of the wider area.

Policy Emp 10 (Hotel Development) supports hotel uses in locations within the urban area with good public transport access to the city centre.

NPF4 policy 30 (Tourism) states that proposals for tourism related development will take into account:

- i) The contribution made to the local economy;
- ii) Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

- iii) Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv) Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v) Accessibility for disabled people;
- vi) Measures taken to minimise carbon emissions;
- vii) Opportunities to provide access to the natural environment.

The application site is located on an existing developed site within Edinburgh's urban area. The existing warehouse building on the site is proposed to be retained with alterations and extensions to facilitate the change of use. The proposed hotel use will retain an employment use element based on tourism and will contribute to the wider area.

The site is within a highly accessible location with good public transport links to the city and beyond on several bus routes accessed at the Shore or Bernard Street. The site is approximately 200 metres from a future tram stop on Constitution Street.

The development will contribute to the local economy through jobs supported during the construction phase and those created through the operational phase. The development will not hinder the provision of homes and services for local people as it does not propose the conversion of existing residential accommodation.

The impact on sustainable travel, carbon footprint, access for disabled and natural environment are assessed later in this report.

Policy Hou 7 aims to preclude the introduction or intensification of non-residential uses in predominantly residential areas and to prevent further deterioration in living conditions in more mixed use area which nevertheless have important residential functions.

Water Street and Broad Wynd are quiet streets in comparison to busier streets close by such as The Shore. Although much of the surrounding buildings are residential in nature, there is a mix of uses found in streets bounding the site including offices and creative industries. There are no restaurants or public bars proposed with this hotel use and nighttime noise is likely to be from guests entering and leaving the premises. The existing commercial use of the warehouse means that there will be existing traffic movements and deliveries with bulky goods loading/unloading. The proposal includes single/double rooms only and are unlikely to be suitable for large groups seeking communal accommodation.

The proposal will not result in an unreasonable loss to neighbouring residential amenity.

Climate mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

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

NPF4 Policy 8 encourages the use of previously developed land over greenfield development. In particular, criterion 'd' supports development proposals for the reuse of existing buildings where they are suitable for conversion to other uses. Demolition is regarded as the least preferred option given the need to conserve embodied energy.

The repurposing and alteration of the existing building would have both the least environmental impact during construction and provide an efficient building going forward, thus minimising the carbon impact of the proposed development.

Measures are proposed to improve the building fabric performance and ensure that the overall energy consumption and associated carbon emissions are as low and as efficient as possible. The energy strategy removes all requirements for fossil fuels and is dependent on an electrical heating system which will help to decarbonise with the grid. Twenty-six solar PV panels are proposed on the roof to provide renewable energy for use by the development.

The applicant has stated that they will attempt to reuse bricks from the new window openings for the side extension and the contractor during construction would aim to have 85%+ material waste being diverted from landfill for recycling.

Sustainable transport is prioritised by the lack of car parking proposed in the new development and provision of secure cycle parking.

Historic Environment

NPF4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

Setting of Listed Buildings

NPF4 Policy 7 supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposal complies with NPF4 Policy 7-part b).

Character and Appearance of Conservation Area

NPF4 Policy 7 only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF4 Policy 7 parts d)- g).

Archaeological Remains

NPF4 Policy 7 seeks to ensure that development does not have an adverse impact on archaeological features. The site occurs with the historic core of the medieval port of Leith where well-stratified archaeological deposits can survive in situ, of potentially national significance in terms of preservation. The foundations for the single storey side extension have been re-designed to minimise both the depth and area of dig required. The design makes use of a lightweight steel structure with a series of reinforced concrete pads.

Given that there remains a chance of archaeological disturbance, albeit on a reduced scale, a condition is applied regarding a programme of archaeological work.

Design and Materials

NPF4 Policy 14 (Design, quality and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The purpose of Policy Des 1 is to encourage innovation in the design and layout of new buildings, streets and spaces, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated. LDP Policy Des 4 states planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

The footprint and height of the currently proposed building would see a modest increase as well as some minor amendments to the fenestration. The new roof form will have a contemporary appearance which will not detract from the character of the existing warehouse by retaining an industrial appearance. The existing building is being retained and refurbished with bricks from the new window openings used for the side extension. Various steel and fire doors are intended to be retained from the existing building and reused in the final design of the courtyard or entrance areas.

The existing building is located in an area which is historically characterised by dense development with narrow streets and tall buildings. The design and materials of the proposed alterations will not detract from this established character.

Amenity

LDP Policy Des 5 (Development Design - Amenity) and Des 12 (Alterations and Extensions) state that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residential properties is not adversely affected in terms of loss of privacy or natural light.

A Noise Impact Assessment (NIA) has been submitted and advises that the hotel will focus on providing sleeping accommodation with limited additional facilities. A supporting statement states that it is the intention of the proposed operator to have this manned 24 hours, although this cannot be controlled by condition.

The NIA also advises that plant noise from the hotel premises will be within acceptable noise levels within all nearby residential properties. However, due to the mixed nature of the surrounding premises and the existing background traffic noise travelling over cobbles, the proposed use is unlikely to impact upon residential amenity any more than the existing and surrounding premises do at present.

NPF4 Policy 31(d) requires proposals within the vicinity of existing arts venues to fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

There are several businesses operating in close proximity to the development site which are occupied by creative industries. However, the proposed use of the building as a Class 7 hotel, without bar or kitchen facilities, is not considered to be a noise generating use. As a result, it is considered that the change of use will have a neutral impact on the vitality of neighbouring businesses. The impact during the construction period is not a material consideration in the assessment of this application and would be controlled using Environmental Protection measures.

In terms of privacy, there will be over 20 metres to the flats on the other side of Broad Wynd. There will be 9.7 metres to the east over Water Street, but only the corner of the building directly faces existing residential windows and there are no new windows proposed which would directly face. To the south facing Lambs House is a distance of 12.6 metres to the nearest facing window. This building has relatively small and irregular window openings. An analysis has been submitted to show where there is potential direct window to window overlooking between the new openings formed and the existing windows of Lambs House. This has shown that 4 of the proposed openings would benefit from the use of opaque glazing to reduce the loss of privacy to this property. Overall, the application is acceptable in terms of privacy and overlooking.

Both the roof extension and the side extension to the building will not significantly impact on the levels of daylight to existing residential properties.

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

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

An outline landscaping plan has been provided. It contains areas of permeable paving and planters. A condition has been added requiring specification details and that the landscaping is carried out within a specified timescale.

Flooding and Drainage

A Flood Risk Assessment and Surface Water Management Plan (SWMP) has been submitted which includes a drainage strategy. The proposed SUDS includes a combination of blue roof system attenuation and retention/raingarden areas. The proposed SUDS measures are acceptable for a high-density urban development on a constrained site.

The proposal causes no flood risk to the surrounding area, and Scottish Water comments offer no objection to the proposal. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

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

The new roof is a flat roof laid to 1:40 fall which accommodates plant and will require regular access for plant, PVs, and general maintenance. This will discourage roosting and nesting in accordance with the Edinburgh Design Guidance.

Transport

NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

LDP policy Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance with appropriate design and layout.

The application is for a parking free development with the conversion of 7 existing spaces to a new extension and landscaped area. The site is located close to a range of sustainable transport options. Walking and cycling connections are provided adjacent to the site with multiple bus stops, and future tram connections, within a short walking distance of the site.

The cycle parking provision proposed consist of 8 covered spaces which exceeds the 5 spaces required in guidance using Sheffield style racks. A Travel Plan has been submitted with the application which supports sustainable travel.

The Transport Statement submitted with the planning application demonstrates the sustainable travel characteristics of the proposed development given its highly accessible urban location.

NPF4 Policy 18 (Infrastructure First) states that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires contributions to the provision of infrastructure to mitigate the impact of development.

The sum of £113,065 to the Edinburgh Tram is required in line with the approved Tram Line Developer Contributions report. The sum is to be secured by legal agreement and is to be indexed as appropriate.

Health and Safety

Policy 23 (Health and safety) seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

A condition is added in respect of a site survey for contamination given the previous use of the site.

The proposed development is in accordance with NPF4 Policy 23 in terms of protecting people and places from environmental harm.

Conclusion in relation to the Development Plan

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

Other matters to consider

The following matters have been identified for consideration:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The development will be accessible for disabled people with step free access to the building and lift to upper floors. Three of the proposed rooms have been designed as accessible, two of which are located on the ground floor, and another on level 04. A range of parking and drop off options are available in close proximity to the development for use by blue badge holders.

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

Public representations

A summary of the representations is provided below. Responses to these representations have been addressed in Section A and B above.

Material comments - objection:

- Loss of privacy
- Noise disturbance from guests
- Noise from plant/operations
- Increased traffic
- Insufficient parking provision
- Pedestrian safety due to inadequate pavement width
- Loss of daylight to neighbours
- Increased energy consumption to neighbours from blocked sunlight
- Adverse impact on setting of listed buildings
- Design not in character with surrounding area
- Heritage statement fails to recognise other neighbouring listed buildings
- Overdevelopment of the site
- No bay for servicing on street
- Landscaping proposals do not provide optimum conditions for trees
- Insufficient refuse collection provision
- Loss of existing business premises
- Proposals make no reference to Leiths history
- Adverse impact on air quality
- Inappropriate use in a residential area
- Use of metal not appropriate and out of keeping with the character of the CA
- Inappropriate materials to roof
- Failure to comply with HESP - HEP 4
- Failure to comply with Des 1 - Des 7 and ENV 6, Env 3, Emp 9 of the LDP
- Overdevelopment of the site
- Adverse impact on health of neighbours
- Adverse impact on neighbouring business premises
- No analysis of the impact of the proposed Low Traffic Neighbourhood
- Fails to comply with NPF4 Policy 26, 30 & 31
- No assessment on agent of change
- Noise and vibration during the construction period

Material comments - support

- use of all electric heating system, including solar panels, provides a net zero response to tackling climate change;
- car-free and development would have disabled access;
- inclusion of a landscaped courtyard;
- environmental benefits to the reuse of the building;
- supports the development of tourism beyond the city centre;
- boosting the local economy;

Non-material comments

- Impact on property values;
- An alternative scheme of residential units should be proposed;
- Failure to apply for conservation area consent;
- Failure to apply for listed building consent;
- Failure to consult neighbours;
- Noise impact during the construction period;
- Failure to submit CEMP;
- Failure to advertise as bad neighbour development;
- Access from neighbours during construction.

Community Council comments

The Leith Harbour and Newhaven Community Council provided a comment of support for the application for material reasons as detailed above.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication & public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. 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.
4. Prior to the commencement of development, specification details of the proposed permeable roof finish shall be submitted to and approved by the planning authority.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Prior to the commencement of development, a detailed drawing showing the areas of obscured glazing proposed shall be submitted to and approved by the Planning Authority. Thereafter the obscured glazing shall be retained in perpetuity.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. To ensure appropriate provision of blue/green infrastructure is provided.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that the approved landscaping works are properly established on site.
7. In order to protect the privacy of adjoining neighbours.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to the tram for the sum of £113,065 has been concluded and signed.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 January 2023

Drawing Numbers/Scheme

01-31

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objections subject to appropriate conditions or informatives.

DATE: 1 February 2023

NAME: Archaeology

COMMENT: No objections subject to condition.

DATE: 20 April 2023

NAME: Environmental Protection

COMMENT: No objection subject to site contamination condition.

DATE: 1 March 2023

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 21 February 2023

NAME: Flooding

COMMENT: No objection - Comments relating to surface water discharge rate to the combined network.

DATE: 7 March 2023

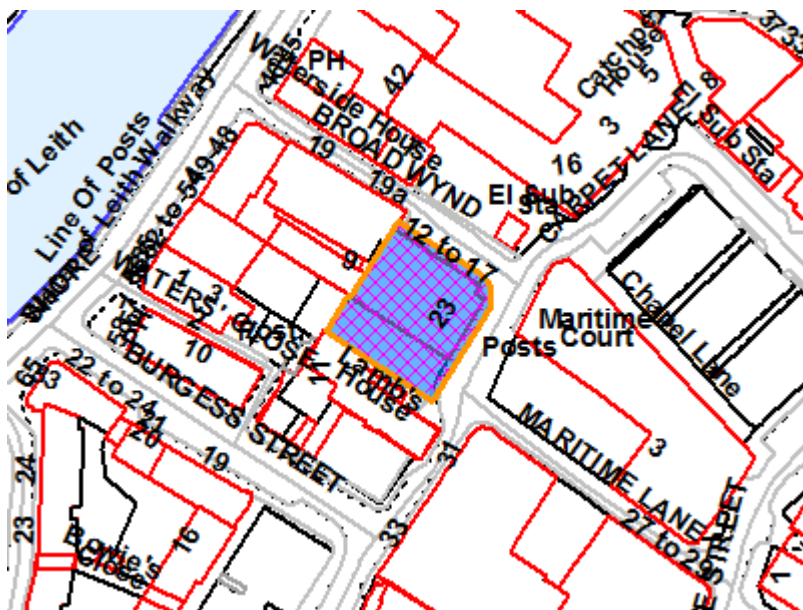
NAME: Scottish Water

COMMENT: No objections.

DATE: 24 February 2023

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

Location Plan



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