

Development Management Sub Committee

Wednesday 11 September 2019

Application for Planning Permission in Principle 18/07736/PPP

**At Unit 1, 146 Duddingston Road West, Edinburgh
Redevelopment of site, retaining existing listed buildings,
and converting to residential use whilst retaining current
employment uses (classes 1, 4, and 11) but not necessarily
in the same location as existing, and introducing a
cafe/restaurant, (class 3) and new build residential. (as
amended)**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The proposed reuse of the listed buildings on this site in a manner that would ensure their continued use and that would safeguard the buildings for future generations, is of considerable benefit. The addition of approximately 120 additional units to the housing supply is also desirable. However the benefits accrued from this proposal have to be weighed against the level of residential amenity that can be provided. The submission of future detailed applications would provide more detail with respect to mitigation of noise and odour. The quality of accommodation provided is appropriate given the constraints imposed by the listed building. On balance however, it is considered that the benefits that would be gained from having residential uses on this site in terms of the positive outcomes for the listed building, outweigh any disbenefits in terms of residential amenity. The principle of the commercial units on the site is acceptable subject to design and positioning that would need to be the subject of further applications.

The proposed uses on this land as a combination of residential and classes 1, 3, 4, and 11 are therefore acceptable in principle at this stage. This is subject to the submission of further applications that will set out the exact location, layout and design of the residential and commercial units on the site. It is also subject to the submission of further information as stipulated in Condition 2. Future applications should be cognisant of LDP policies and the Edinburgh Design Guidance.

Subject to appropriate contributions being made, there are no issues with education infrastructure and the provision of affordable housing, car club provision and other roads requirements which will be secured by legal agreement.

Links

[Policies and guidance for this application](#)

NSGCDF, LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN04, LEN05, LEN09, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LRET11, LTRA02, LTRA03, LTRA04, NSG, NSGD02, NSLBCA, NSHAFF,

Report

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amended)**

Recommendations

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

Background

2.1 Site description

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

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

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

The existing buildings in the brewery complex are as follows:

- Main Office Building and Tun Rooms located on a north-south axis and bordering Duddingston Road West. These buildings are three storey stone built buildings with a pitched slate roof. These buildings are currently in use as offices and retail;

- These are attached at upper levels by a timber structure (known as the Blue Bridge) to the Brewhouse, a four storey stone structure with pitched slate roof with a high brick chimney. Attached to the Brewhouse is a low modern concrete building. The Blue Bridge is used as a boxing club and the other buildings are vacant;
- To the east of the Brewhouse is the Wellhouse, part of the original brewery and the Boiler House which is a modern building. These buildings are vacant;
- Parallel with the Brewhouse and the Wellhouse is a range containing the modern, metal clad Fermentation Block and the Maltings and the Kiln which are four storey stone buildings with attic and pitched slate roof. These buildings are vacant. The yeast rooms are low, brick built, modern structures on the south elevation of the Fermentation Block. One of them is in use by Scottish Power;
- In the north east corner of the site are the Paddock Block and Stable Block, single storey buildings with an attic currently in use as an office; and
- There is a gap site between the Tun Rooms and the Paddock Block.

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

The area of the site is 0.76 hectares.

2.2 Site History

16 November 2018 - listed building consent granted for internal and external alterations to create 47 flatted dwellings within the building. (Application reference no. 18/00391/LBC) This related to the Maltings and Kiln Building.

19 February 2019 - Listed building consent granted for conversion of vacant Brewhouse building into mixed residential and commercial use. (Application reference no. 18/09672/LBC).

03 April 2019 - Listed building consent granted for conversion of listed buildings into residential use and external alterations (Application reference no. 19/00643/LBC) This related to the main office building on Duddingston Road West, the Blue Bridge, the Tun Rooms and the Stable and Paddock Blocks.

Main report

3.1 Description Of The Proposal

This application is for planning permission in principle for the conversion of these former brewery buildings to a mixed use development that includes approximately 120 flats and 31 commercial units to include use classes 1 (retail), 3 (food and drink) , 4 (business) and 11 (assembly and leisure). It is proposed that the breakdown of areas for each use be approximately as follows:

- Class 1: 40 sqm
- Class 3: 130 sqm
- Class 4: 1,610 sqm
- Class 11: 50.2 sqm
- Residential: 8,030 sqm

The majority of the flats will be provided in the listed former brewery buildings. However some of the modern buildings and accretions will be demolished and there will be areas of new build that will:

- a) Replace the Fermentation Block;
- b) Fill the gap site between the Tun Rooms and the Paddock Block; and
- c) Build on the land to the west of the site adjacent to the Railway Line. This building is to be known as the Rail Siding Building.

The application indicates that there will be 24 vehicular parking spaces, four of which have electrical charging points and two of which are for disabled spaces. Included in the overall number of parking spaces are two car club spaces. It is indicated that there will be 217 residents' cycle spaces, and 60 visitor cycle spaces. No motorcycle spaces are indicated.

Storage for waste and recycling is shown in two areas in the northern part of the site.

Open space provision is shown in an open area within the courtyard, on a rooftop garden that is part of the Fermentation Block and against the railway siding and Duddingston Road West.

Further applications will be required to determine the exact number of units (both commercial and residential), the breakdown and location of use classes within the commercial units, internal layouts, external design and finishes, parking arrangements, the provision of facilities for waste and recycling and the location and quantity of private open space provided.

Supporting Documents

As part of this application the following documents have been submitted which are available to view on Planning and Building Standard's Online Services:

- Supporting Planning Statement;
- Schedule of Accommodation;
- Flood Risk Assessment and Surface Water Management Plan;
- Transport Assessment and Report;
- Internal Daylight Assessment;
- Stage 1 Bat Survey and Report;
- Updated Bat Survey;
- Parking Review;
- Noise Impact Assessment;
- Revised Noise Impact Assessment; and
- Phase 1 Geo-environmental Report.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of the development is acceptable in this location;
- b) the proposals will impact on the character and setting of listed buildings;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in an unreasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- f) the proposals will have any traffic or road safety issues;
- g) there will be any infrastructure constraints;
- h) the proposal will make an appropriate contribution towards the provision of affordable housing;
- i) the proposals will have detrimental impact on wildlife and biodiversity;
- j) the proposals will raise any archaeological, drainage, flooding or ground contamination issues; and
- k) any comments raised have been addressed.

a) Principle of the Development

The application is for a mixed use development in a series of derelict and underused listed buildings. Although not on the Buildings at Risk register, the buildings will face further dereliction if a suitable use is not found for them. A new use that provides a beneficial use that will ensure their future survival is a significant material consideration in the assessment of this planning application. Historic Environment Scotland's Guidance on Managing Change in the Historic Environment Use and Adaption of Listed Buildings states that *a listed building can't be replaced once its gone. Proposals that keep buildings in use, or bring them back in to use, should be supported as long as they do the least possible harm.* Proposals for a change of use that will ensure the continued use of these buildings also need to be in accordance with the development plan.

The site is within the area covered by the Craigmillar Urban Design Framework (CUDF). The CUDF seeks to bring enough people into the area so as to re-establish Craigmillar as a viable sustainable community. It also seeks to enhance and make the best of the potential in Craigmillar's existing historic assets. The proposals, therefore accord with the aspirations of the CUDF. The redevelopment of these buildings will improve the general area and help contribute to the overall regeneration of the area.

Policy Emp 9 of the Local Development Plan (LDP) relates to the redevelopment of employment sites or premises in the urban area for uses other than business, industry or storage. Policy Hou 5 relates to conversion to housing.

Principle of the Proposed Residential Use

The application proposes a mixed-use development with the majority of the development in residential use. Four times as much of the area of the development will be residential as compared to other uses.

Policy Hou 1 presumes that priority will be given to the delivery of housing provided that the proposals are compatible with other policies in the LDP. Policy Hou 5 relates to conversion to housing stating that its acceptability is dependent whether it is possible to provide a satisfactory residential environment as well as compliance with other policies in the plan.

The application proposes the provision of approximately 120 units that will make a material contribution to the housing land supply. The site is located within the urban area and in an area that is dominated by residential uses to the east, west and south. However, to the south of the site is a glazier's workshop and joiner's yard is retained within the former brewery site on its northern edge, although it is excluded from the application site. The north boundary of the site is adjacent to a railway line and to the north of this is an area designated as a Business and Industry Area which contains multiple businesses, including a coffee roastery and a removal company. Furthermore, there will be existing and proposed uses within the site (classes 1, 3, 4, and 11). Noise and smells generated from any of these businesses, now or in the future, could affect the amenity of the proposed residential use.

The assessment of the acceptability of the principle of residential uses on this site must determine whether it is appropriate in this location given the proximity of other uses. It must also take into account the potential impact of new development on existing nearby uses should amenity issues become reasons for complaints on the part of future residential occupiers. Policy Emp 9 presumes against the redevelopment of employment sites or premises for non-employment uses if this would prejudice or inhibit the activity of any nearby employment use.

The Scottish Government's Planning Advice Note (PAN) 1/2011 Planning and Noise stresses that site selection, design of development and conditions which may be attached can all play a part in preventing, controlling and mitigating the effects of noise. The same principles can be applied to the effects of odour. The design of the development and the use of conditions could substantially mitigate the effects of noise and odour that may be generated by the nearby uses.

Policy Hou 2 seeks a range of housing types and sizes for a range of housing needs. Indicative plans as evidenced in the LBC applications show that this is the intention. However the exact layout and provision of units will be the subject of further applications.

In light of the considerable positive benefits of ensuring a beneficial use for these listed buildings that would see them repaired, occupied and preserved for the future, the principle of the proposed residential use is considered acceptable in this instance, and at this stage, subject to compliance with other points assessed below and with the further submission of applications with detailed designs.

Principle of the Proposed Class 3 Use

Policy Ret 11 relates to food and drink establishments and seeks to mitigate against any adverse impacts on neighbouring residential properties. Policy Hou 7 relates to any changes of use that would detrimentally affect any neighbouring residents. The positioning and design of any class 3 use would be established with the submission of further applications. Details of opening hours, deliveries, flues and any other associated mechanical equipment would need to be part of those further applications. Subject to the submission of further applications detailing the above, and compliance with conditions added to this application, the principle of a class 3 use on this site is acceptable at this stage.

Principle of the Proposed Class 1, 4, and 11 Uses

These uses already exist on the site and the principle of these uses in this location has been established. As discussed above, it is the principle of the accompanying residential use in conjunction with these existing uses that needs to be established in this application.

Conclusion

There are considerable benefits in procuring a new use for these derelict listed buildings that will ensure that they are preserved and maintained for future generations. The principle of the mixed-use development of residential and various commercial uses is acceptable at this stage, subject to compliance with other points assessed below, and compliance with attached conditions and with the further submission of applications with detailed designs.

b) The Impact on the Character and Setting of the Listed Buildings

Policy Env 3 relates to development that impacts the setting of listed buildings and Policy Env 4 relates to alterations and extensions of the listed buildings themselves.

The physical alterations to the listed buildings required to deliver the proposals applied for in this Planning Permission in Principle application have already received listed building consent (application reference nos. 18/00391/LBC, 18/09672/LBC and 19/00643/LBC). The interior of the buildings are of little architectural interest and the internal changes to accommodate the layout of flats will not compromise the special interest of the buildings.

The final treatment of the exterior of the listed building will need to be the subject of further planning applications and listed building consent applications.

With respect to the new build developments, further applications will need to be submitted to assess their impact on the setting of the listed buildings.

The proposals bring these largely derelict listed buildings back into use, ensuring that they are appropriately repaired, occupied and preserved for the future. This is of considerable benefit. The special interest of the buildings will be preserved in doing so.

c) Scale, Form and Design

Indicative plans show that the new build elements will be of approximately the same height as the existing listed buildings. However the design, scale, and massing of the proposed new build elements is to be the subject of future applications as will the materials and finishes. These designs will need to take cognisance of the relevant design policies: Des 1, Des 3 and Des 4 as well as relevant non-statutory guidance.

d) Neighbouring Amenity

Policy Des 5 relates to in part to the impact of developments on neighbouring amenity.

There are residential properties to the south of the site. Indicative drawings do not suggest that there will be development on the south of the site that will be of any greater mass than the existing structures. However the application does propose that there will be garden space on the roof of the wing to the south of the Fermentation Block. This may cause issues of overlooking to the gardens for the flats to the south. The full details of the provision of private garden space and the impact of the proposals on the neighbouring residential would be assessed in future detailed applications.

e) Amenity of Future Occupiers

Policy Des 5 also relates in part to the potential amenity of the future occupiers of a development. Policy Hou 3 relates to the provision of open space within a development to ensure that this provides adequate amenity space for future residents. The Edinburgh Design Guidance advises on space standards for new flats and issues around daylight, sunlight, privacy and outlook.

Daylight to Flats

The applicant has submitted an Internal Daylight Assessment that indicates that flats within the existing buildings will not achieve a high level of daylight. However, due to the existing layout of the buildings, and the constraints imposed in terms of window openings because the buildings are listed, the level of daylight achieved in the existing listed buildings is satisfactory. The new build properties will achieve a higher level of daylighting and will provide a satisfactory living environment.

Noise

The presence of the railway line to the north of the site, the industrial estate to the north of that and the joiners yard that is on the original brewery site create, or have the potential to create, noise that would impact the amenity of any residential uses within the application site. A noise impact assessment has been submitted. Environmental Protection has not objected to the proposals but stress that parts of the site are exposed to high background noise levels. They also have concerns that proposed commercial uses on the site could impact proposed residential uses. Upon the submission of further applications, further information will be required with respect to noise mitigation measures. The layout and design of the proposed residential and commercial uses will need to be carefully considered. The design of the wall envelope of the Rail Siding Building which is to be immediately adjacent to the railway tracks, will also need to be designed to mitigate the impact of noise.

The submission of further applications therefore would be required to fully assess the impacts of noise on the residential amenity. Careful design could mitigate against the worst effects of noise.

On balance, the benefits of obtaining a new use in these derelict listed buildings must be weighed against any possible disbenefits to residential amenity due to noise caused by commercial neighbours. In principle, the proposed use would be beneficial to the listed building and the impacts of noise can be designed out to mitigate detrimental impacts on residential amenity.

Odours

Any class 3 uses on the site would need to demonstrate in further applications that ventilation would be designed to minimise impacts on residential amenity.

Space Standards

Early indicative drawings and the layouts consented to in the LBC applications show that the minimum space standards can easily be achieved, as the planning of the interiors is flexible.

Private Green Space

Policy Hou 3 relates to the provision of private green space in housing developments. In flatted developments where there's communal provision of green space this will be based on 10 sqm per flat (excluding any units with gardens private to them and a minimum of 20% of the total site area. The Design Guidance has specific advice on open space.

The overall site area is 0.76 hectares. This would suggest that the open space provision be 1,520 sqm. Excluding six flats that may have private space, the 10 sqm for each flat would require an overall provision of approximately 1140sqm subject to the final numbers of flats provided.

The applicant has submitted a drawing which indicates that the provision would be distributed in pockets around the site. This would include parts of what is currently the paved courtyard but that will not be used for parking. It also includes the sloped bank between Duddingston Road West and a strip of land between the railway line and the Rail Siding Building. The Design Guidance states that *private communal grounds should be well proportioned, well orientated and secluded from vehicles. Narrow peripheral spaces, subject to overshadowing will not be acceptable.* The steeply sloping area immediately adjacent to Duddingston Road West would have low amenity value as would the ground adjacent to the tracks. An area of proposed roof terrace above an extension to the Fermentation Block could present issues of overlooking into gardens of tenements to the south. However the two principle areas of suggested open space within the courtyard would combine to be 1575 sqm which meets the minimum requirement.

It is also noted that the site is within close proximity (approximately 50 m) of Cairntows Park to the south and is also within walking distance of Holyrood Park.

The proposals can provide adequate private open space in compliance with Policy Hou 3 and the site also offers high quality parks within the area. The exact quantity, location and design of the private open space would need to be established in further applications.

Conclusion

Subject to the submission of further applications that will detail the design of both residential and commercial units and details of appropriate mitigation measures to protect residential amenity, there will be no detrimental impact on residential amenity.

f) Traffic and Road Safety Issues

Policies Tra 2, Tra 3 and Tra 4 relate to the provision and design of vehicular and cycle parking.

The application proposes 24 car parking spaces, two of which would be car club spaces. This is considered acceptable due to the availability of parking on the street in the immediate area. Cycle parking and motorcycle parking should be provided for and designed as per advice in the Edinburgh Design Guidance. The exact design and layout of the arrangement would be required as part of the submission of further applications.

A legal agreement will be required to secure the following:

- £12,000 towards the provision of car club vehicles;
- £2,000 for an order to re-determine the footway and carriageway as necessary;
- £2,000 for an order to introduce waiting and loading restrictions as necessary; and
- £2,000 for an order to introduce a 20 mph speed limit within the development and to install necessary signs and road markings.

The successful progression of the above orders is subject to statutory consultation and advertisement and cannot be guaranteed.

Subject to the conclusion of a legal agreement with respect to the above items, there will be no detrimental impact on traffic and road safety.

g) Infrastructure

Policy Del 1 expects that applicants will contribute towards infrastructure provision to mitigate any additional impact that may arise as a result of the development.

Residential development is required to contribute to the cost of additional educational infrastructure to ensure that the cumulative impact of developments can be mitigated. This is an application for Planning Permission in Principle and the exact final number of dwellings to be created has not been determined. The site falls within the Castlebrae Education Contribution Zone and the additional number of families in this area will impact on the provision of schools in the area.

Given the expected number of children to be generated by this development, Children and Families has indicated that it is only appropriate in this case to seek contributions for secondary schools. The contribution sought would be £980.00 per flat and £6,539.00 per house. These contributions should be secured through a legal agreement.

Subject to the conclusion of a legal agreement for infrastructure provision, the proposals will comply with Policy Del 1.

h) Affordable Housing

Policy Hou 6 expects that any development of 12 or more residential units shall include provision for 25% of those units to be 'affordable'. For proposals of 20 or more dwellings, provision should normally be on site. The Guidance on Developer Contributions and Affordable Housing expands on this policy with additional guidance.

The applicant has been in discussions with both the Affordable Housing function of the Council and various Registered Social Landlords (RSLs). The site presents significant difficulties for RSLs to take on as listed buildings present them with particular problems in terms of flexibility and maintenance costs. Some affordable housing may be provided in the new build elements. However, the exact location and tenure type of the affordable housing would need to be confirmed prior to the submission of further applications. A section 75 legal agreement would need to be signed as part of this Planning Permission in Principle application to ensure the provision of 25% on site affordable housing. An informative is added to ensure that the affordable housing will present a representative mix of unit sizes, be 'tenure blind', and will be able to access a fair share of onsite parking.

Subject to the conclusion of a legal agreement and the compliance with relevant conditions, the proposals will comply with Policy Hou 6 and the appropriate level of affordable housing will be provided.

i) Impact on Wildlife and Biodiversity

A Stage 2 bat survey has been submitted with this application. This has confirmed the presence of a single bat roost.

This development will have an effect on a European protected species, in this case bats, which in accordance with the Habitats Regulations 1994, will require the applicant to obtain a derogation licence from Scottish Natural Heritage (SNH). Prior to issuing this licence it is necessary for the applicant to be in receipt of planning permission. Therefore the planning authority must be satisfied that the three tests necessary for a licence to be issued, will be met. With information supplied by the applicant, the three test have been applied to this application and it is considered likely that SNH will issue a licence.

Conditions are added to this consent to ensure no demolition is commenced prior to receipt of a licence from SNH.

j) Other material considerations including Archaeological, Drainage, Flooding and Ground Contamination Issues

Archaeology

Policy Env 9 relates to development of sites of archaeological significance.

As the former brewery buildings are considered to be of regional archaeological importance, a detailed programme of historic building surveys is recommended prior to and during the redevelopment of these buildings. A condition is therefore added to ensure that a programme of archaeological work will be secured including public engagement and interpretation.

Flooding

Policy Env 21 relates to development that may be at risk of flooding or increase the risk of flooding.

The applicant has submitted a Flood Risk Assessment (FRA) and Surface Water Management Plan (SWMP). The Flooding Section of the Council are content for the application to be determined subject to further information about final finished floor levels. This will need to be part of details submitted in further applications. Further information is also requested as to the proposed SWMP that shall be part of further applications.

Contaminated Land

Policy Env 22 relates to development that may impact or be impacted by air, water and soil quality.

Due to the previous uses on this site, a standard condition is added to ensure that appropriate investigations are made and, where necessary, mitigation measures are taken, relating to any issues with contaminated land.

k) Public Comments

Material letters of support

Comments relate to:

- Provision of more housing (assessed in section 3.3a);
- Positive impact on the area (assessed in section 3.3.a); and
- Retention of historic buildings (assessed in section 3.3.b).

Conclusion

In conclusion, the proposed reuse of the listed buildings on this site in a manner that would ensure their continued use and that would safeguard the buildings for future generations, is of considerable benefit. The addition of approximately 120 additional units to the housing supply is also desirable. However the benefits accrued from this proposal have to be weighed against the level of residential amenity that can be provided. The submission of future detailed applications would be able to provide more detail with respect to mitigation of noise and odour. The quality of accommodation provided is appropriate given the constraints imposed by the listed building. On balance however, it is considered that the benefits that would be gained from having residential uses on this site in terms of the positive outcomes for the listed building, outweigh any disbenefits in terms of residential amenity. The principle of the commercial units on the site is acceptable subject to design and positioning that would need to be the subject of further applications.

The proposed uses on this land as a combination of residential and classes 1, 3, 4, and 11 are therefore acceptable in principle and at this stage. This is subject to the submission of further applications that will set out the exact location, layout and design of the residential and commercial units on the site. It is also subject to further submission of further information as stipulated in Condition 2. Future applications should be cognisant of LDP policies and the Edinburgh Design Guidance.

Subject to appropriate contributions being made, there are no issues with education infrastructure and the provision of affordable housing, car club provision and other roads requirements which will be secured by legal agreement.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. This planning permission in principle relates to the principle of a mixed-use development of the following uses of approximately the following areas:

Class 1: 40 sqm

Class 3: 130 sqm

Class 4: 1610 sqm

Class 11: 50.2 sqm

Residential: 8030 sqm

2. Notwithstanding the plans approved in this planning permission in principle application, prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the planning authority, in the form of one detailed application for the site and include detailed plans, sections and elevations of the buildings, landscaping and all other structures.

- Existing and proposed finished site and floor levels in relation to Ordnance Datum;
- Siting, massing, and height of development;
- Design and external appearance of all existing and new buildings, including materials, fenestration and roof form
- Floor plans detailing the number of units, and their size and layout for both residential and commercial units;
- Daylighting, sunlight and privacy assessments;
- The location and tenure type of the affordable housing;
- Delivery and phasing of occupation for affordable housing;
- Design, allocation and configuration of public and private open space;
- A breakdown of proposed residential and non-residential uses that details their quantum and locations;
- Car, bicycle and motorcycle parking arrangements including access road layout, footpaths, servicing of commercial units and electric charging points;
- Details, allocation and specification of vehicular electrical charging points.
- Waste management and recycling facilities;
- Surface water and drainage arrangements and a SUDS proposal and SUDS maintenance plan;
- Site investigation and decontamination arrangements;
- Any noise attenuation measures as a result of detailed noise impact assessments for all buildings;

- Details of mechanical plant and ventilation. Details relating to the proposed class 3 use should demonstrate that effluent is ducted to the eaves height as a minimum, and capable of achieving 30 air changes per hour;
 - Operating times for commercial and leisure uses including hours of deliveries and waste collection. Restrictions to these hours may be necessary;
 - Hard and soft landscaping including:
 - a) All details of paving including material and finishes;
 - b) All details of all external street furniture, lighting columns and other fittings including their materials and finishes;
 - c) Walls, fences, gates and other boundary treatments;
 - d) The location of new trees, shrubs and hedges;
 - e) A schedule of plans to comprise species, plant size and proposed number and density;
 - f) A programme of completion and subsequent maintenance;
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
 4. No alterations, demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis and reporting, interpretation, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
 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. For the Class1, 3, 4, 5, 6, and 11 uses:

Updated noise impact assessments and mitigation measures shall be submitted and Development shall not commence until a scheme for protecting the occupiers of the proposed and existing residential units hereby consented from operational noise has been submitted to and approved in writing by the Council as the Planning Authority; all works which form part of the approved scheme shall be completed, before any part of the development is occupied.

7. For the Residential uses:

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

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

9. No works connected with the demolition of the property or other development works, as identified in the application, which may have an impact on a European protected species shall take place until a licence has been issued by SNH and copy provided to the Planning Authority.

Reasons:-

1. To ensure the appropriate mix of uses.
2. In order to secure a satisfactory design.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard protected species.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a legal agreement has been concluded with respect to

Education Infrastructure

Castlebrae Education Contribution Zone

Per unit infrastructure contribution requirement:

Per Flat - £980

Per House - £6,536

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Transport

The applicant will be required to contribute:

- the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area in support of the Council's LTS Cars1 policy and to support the low provision of parking within the development;
- the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development;
- the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council.

Affordable Housing

At least 25% of the total number of residential units on site shall be affordable.

2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. 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.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),
6. The final layout and design will need to ensure sensitive receptors are not located in areas effected by high background levels of noise (50dB Laeq 16>). This includes outdoor amenity space. Reference contour map provided by applicant - WSP noise contours 'Title 700008635 - International Business Gateway Supplementary Information Fig - No 3.2 & 3.3 Day/Night-time noise contours' dated 21 May 2018.
7. All proposed energy plant must comply with the Clean Air Act 1993, details of required chimneys shall be submitted at the detailed planning stage. Plant above 1Mw will require secondary abatement technology. Biomass is not appropriate for this site.
8. The applicant should consider producing a Green Travel Plan to incorporate the following measures to help mitigate traffic related air quality impacts:
 - Keep Car Parking levels to minimum.
 - Car Club facilities (electric and/or low emission vehicles).
 - Provision of electric vehicle charging facilities.
 - Public transport incentives for residents.
 - Improved cycle/pedestrian facilities and links.
 - Taxi specific rapid electric vehicle charging points.
9. With respect to the provision of affordable housing:
 - The affordable housing is to include a variety of house types and sizes to reflect the provision of homes across the wider site.
 - In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind".
 - The affordable homes should be designed and built to the RSL design standards and requirements.
 - An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is to be provided.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of this application on 28 September 2018. There have been seven letters of support from surrounding residents.

The Community Council have not commented.

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

Background reading/external references

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

Statutory Development

Plan Provision

The application site is located within the Urban Area as defined by the Local Development Plan.

Date registered

19 September 2018

Drawing numbers/Scheme

1-3, 4a, 5, 6a,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:

Non-statutory guidelines 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

Relevant policies of the Local Development Plan.

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

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

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

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

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

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

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

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

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

Appendix 1

Application for Planning Permission in Principle 18/07736/PPP

**At Unit 1, 146 Duddingston Road West, Edinburgh
Redevelopment of site, retaining existing listed buildings,
and converting to residential use whilst retaining current
employment uses (classes 1, 4, and 11) but not necessarily
in the same location as existing, and introducing a
cafe/restaurant, (class 3) and new build residential. (as
amended)**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for the redevelopment of site, retaining existing listed buildings, and converting to residential use whilst retaining current employment uses (classes 1, 4, 5, 6 and 11) but not necessarily in the same location as existing, and introducing a cafe/restaurant, and new build residential.

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

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

It is welcomed that the proposals seek to retain the surviving listed buildings. However, redevelopment and conversion of these buildings plus the unlisted buildings proposed for demolition will have significant impacts upon the fabric and internal character of these former industrial buildings. However, it is considered that such impacts in this instance will have an acceptable overall moderate impact, in terms of archaeology. However, it is essential that a detailed programme of historic building surveys are undertaken of all surviving (listed and unlisted) buildings on this site both prior to and during any redevelopment. This will require detailed phased and annotated floor plans, internal and external elevations plus photographic and written surveys to be undertaken to provide accurate permanent records of these former brewery buildings before they are significantly altered.

This work will be combined with the results of a programme of archaeological work undertaken prior to/during associated ground-breaking works (both internal and external) in order to record, excavate and analyse any significant remains affected.

Public engagement/interpretation

As stated this former brewery is considered to of archaeological and historic significance. It is therefore considered essential therefore that this rich heritage is interpreted with the final development. The full the scope of which will be agreed with CECAS but could include public art and interpretation boards and retaining historic names of the buildings.

It is recommended that that the following condition be applied to any permissions /consent granted to secure this programme of archaeological work;

'No alterations, demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis and reporting, interpretation, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Roads Authority

Response dated 5 November 2018

Whilst there are no objections in principle to development on this site, a number of issues have not been sufficiently well addressed in order for a full response to be made at this stage. The development involves inter alia 140 residential units and therefore a full transport assessment would normally be expected, as set out in Transport Scotland's Transport Assessment Guidance. The submitted Transport Statement does not adequately address the impact of the development.

The application should be continued for the following reasons:

The proposed 24 parking spaces (with 2 car club spaces) for the 140 units provides approximately 1 space per 6 units. However, no reasoned justification has been provided for this level of parking, as required in the Council's Parking Standards;

No assessment of the potential for overspill parking has been made as required in the Parking Standards. There is, therefore, no basis for assessing the level of development traffic as being "minimal" due to the "limited parking provision within the site";

No assessment of the impact on roads and junctions has been made, on the same basis as 2. above;

It is unclear how making all residents and tenants "aware of the parking philosophy within the site prior to purchasing a property" will address the potential transport impacts of the proposed development.

Response dated 16 January 2019

Further to the memorandum of 5 November 2018, there are no objections to the proposed application subject to the following being included as conditions or informatives as appropriate:

The applicant will be required to contribute:

- the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area in support of the Council's LTS Cars 1 policy and to support the low provision of parking within the development;*
- the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary for the development;*
- the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council;*

The applicant should be advised that the successful progression of the above orders is subject to statutory consultation and advertisement and cannot be guaranteed;

Cycle parking to be provided in line with the Council's parking standards in a secure and undercover location;

Disabled parking to be provided at 8% of total spaces, i.e. 2 spaces. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

*Electric vehicle charging spaces to be provided at 1 in 6 spaces, i.e. spaces;
Motorcycle parking to be provided at 1 space per 25 units, i.e. 5 spaces;*

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, 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;

Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Given the nature of the development, it is not considered necessary for the access to and within the development to be subject to Road Construction Consent. As such, the access and routes within the development will be private and will not be able to be put forward for adoption by the Council as 'public roads'. The applicant should note, however, that gated developments are not supported (see page 142 of the Council's Edinburgh Street Design Guide). 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.

Note:

The proposed development is in an area of low car ownership, approximately 60 cars are expected within the residential development. Given the availability of parking in the surrounding streets and the provision of car club spaces, the proposed 24 parking spaces for the 140 units is considered acceptable;

Any future development, for example the expected 1,060m² GFA commercial use, would require further justification and provision of parking etc. and may attract further contributions for traffic orders.

Flooding

We are happy for this application to be determined.

We would request that conditions are added to any permission that the planning authority is minded to grant. These conditions should be along the lines of:

Details of the proposed surface water management and drainage measures in line with CEC requirements shall be provided for acceptance by the Head of Planning.

Finished floor levels of new build developments should take account of the findings of the flood risk assessment with details provided for acceptance by the Head of Planning.

Environmental Protection

Response dated 10 October 2018

REGARDING - 18/07736/PPP | Redevelopment of site, retaining existing listed buildings, and converting to residential use whilst retaining current employment uses (classes 1, 4, 5, 6 and 11) but not necessarily in the same location as existing, and introducing a cafe/restaurant, and new build residential. | Unit 1 146 Duddingston Road West

It is recognised that this is a PPP application however Environmental Protection have serious concerns with this proposal. We have been involved with pre-planning discussions and the applicant had produced a noise impact assessment to support the pre-planning proposal. The statement provided by the applicant does quote from a noise impact assessment but it's not on the planning portal.

Even with a supporting noise impact assessment Environmental Protection will struggle to support the introduction of residential use next to a joiner yard. The applicant also proposes including class 6 and class 11 uses which is also a cause of concern regarding noise and possibly odours for existing and proposed residential uses. Environmental Protection would not be able to support this mix of use with further information and confirmation that conditions could be used to protect amenity. The applicant would also need to provide details on the background noise levels across the site providing confirmation that outdoor amenity noise levels are within the require noise criteria as defined in the WHO's Community Guidelines for Noise. This would need to consider transport noise, including rail and road. Vibration is also an issue that will need to be addressed.

Relationship with EBS Windows unit with the proposed development and the small lean-to buildings will need to be assessed to see if its suitable to have residential uses in this area. The industrial units may also be a source of fumes and odours.

The planning statement from the applicant states "It is further intended to introduce class 3 facilities as a meeting place for residents and visitors in the form of a café/coffee shop and perhaps as a restaurant. The original Well House would make an excellent café/bistro." However, the application does not include any mention of class 3 use this is possibly something that could be conditioned but it's unclear if its included in the proposal. If it's intended to locate the class 3 use in the well-house it would be worthwhile considering the possible location of a commercial flue due to the historic nature of the building and provide comfort that a flue could practically terminate above surrounding properties.

In its current form Environmental Protection recommend the application is refused.

Response dated 6 May 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

18/07736/PPP | Redevelopment of site, retaining existing listed buildings, and converting to residential use whilst retaining current employment uses (classes 1, 4, 5, 6 and 11) but not necessarily in the same location as existing, and introducing a cafe/restaurant, and new build residential. | Unit 1 146 Duddingston Road West

Environmental Protection had concerns with the proposed residential units being located near to the industrial noise sources. Although it was recognised that this was a PPP application Environmental Protection still had concerns with the introduction of residential uses at this location near to various noise sources. On balance Environmental Protection would recommend the following the draft of conditions to subject to transport planning comments being fully reviewed. Based on the current submissions Environmental Protection would on balance offer no objections subject to further detailed noise impact assessments being submitted. If consent is granted Environmental Protection would suggest the following conditions being attached;

Conditions

Class 1,4,5,6, and 11 uses proposed as per PPP application

Development shall not commence until a scheme for protecting the occupiers of the proposed and existing residential units hereby consented from operational noise has been submitted to and approved in writing by Planning; all works which form part of the approved scheme shall be completed, before any part of the development is occupied.

All kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point (roof level above any others uses within 30m) as agreed with the Planning Authority to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

Deliveries and collections, including waste collections, will require to be agreed at the Approval of Matters in Conditions (AMC) stage.

When the full application and a detailed plan is available, it may be necessary to restrict the operating times of commercial and leisure uses such as restaurants and cafes, and restrict times for deliveries and commercial waste collections to protect the amenity of residential accommodation.

Residential uses

No development shall take place until a scheme for protecting the proposed residential development hereby approved from noise from the transport noise and commercial noise (proposed and existing) has been submitted to and approved in writing by Planning; all works which form part of the approved scheme shall be completed before any part of the development is occupied.

No development shall take place until a scheme for protecting the proposed residential development hereby approved from noise from the industrial and commercial noise (proposed and existing) has been submitted to and approved in writing by Planning; all works which form part of the approved scheme shall be completed before any part of the development is occupied.

Details of the required acoustic glazing and barrier shall be submitted in the form of an updated noise impact assessment and agreed at the Approval of Matters in Conditions (AMC) stage.

General

All parking spaces shall be served by 7Kw electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. Detailed drawing highlighted the infrastructure will be required when detailed plans are submitted.

All retail, leisure, business, and commercial parking shall be served by at least 1 of its own individual rapid electric vehicle charging space and shown in detailed drawings: they shall be served with rapid charging points that are a minimum standard of:

70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 connectors, the AC supply by a 62196-2 connector. Must have the ability to be de-rated to supply 25kW to the AC and either of the DC outlets simultaneously.

During construction, it will be necessary to apply a package of mitigation measures to minimise dust emissions these details shall be submitted at the detailed stage. A scheme for protecting the proposed and existing neighbouring uses from construction noise and dust shall be submitted in the form of a Construction Environmental Management Plan (CEMP) and approved in writing by the City of Edinburgh Council's Planning Authority. The scheme shall show that the phasing shall be such minimise impacts.

i) Prior to the commencement of construction works on site:

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

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.

All proposed energy plant must comply with the Clean Air Act 1993, details of required chimneys shall be submitted at the detailed planning stage. Plant above 1Mw will require secondary abatement technology. Biomass is not appropriate for this site.

Informative

All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),

The final layout and design will need to ensure sensitive receptors are not located in areas effected by high background levels of noise (50dB Laeq 16>). This includes outdoor amenity space. Reference contour map provided by applicant - WSP noise contours 'Title 700008635 - International Business Gateway Supplementary Information Fig - No 3.2 & 3.3 Day/Night-time noise contours' dated 21 May 2018.

Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Head of planning and Building Standards.

Informative

Construction Mitigation

All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

No bonfires shall be permitted.

Main Report

The site is also near multiple potential industrial noise sources that are to remain post development; Jaymax Joinery to the north boundary of Holyrood Business Park, the industrial estate to the north beyond the rail line which includes a multiple building supply outlet, a removal company to the north west, a coffee roastery (Class 4 use) to the west and EBS Glass directly adjacent to the south.

The application has been submitted with noise and contaminated land supporting documents for the Planning Permission in Principle application. Planning permission for detailed matters, including layout and design, will be required later.

A previous noise impact assessment was by the applicant in 2018, however this impact assessment related to only the Maltings building. This impact assessment covers the noise impact from industrial and rail sources on all of the proposed residential buildings.

Any future applicant should be made aware that there are now requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

Environmental Protection recommend that 7Kw (type 2 sockets) charging provision will be required for all spaces with a number rapid 50Kw electric vehicle charging points installed to charge taxis and service vehicles. Information on chargers is detailed in the Edinburgh Design Standards -Technical Information Design Standards.

The applicant must fully have considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

Keep Car Parking levels to minimum.

Car Club facilities (electric and/or low emission vehicles).

Provision of electric vehicle charging facilities.

Public transport incentives for residents.

Improved cycle/pedestrian facilities and links.

Taxi specific rapid electric vehicle charging points

Environmental Protection also advised the any applicants are made aware that any energy centres must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. Environmental Protection would support the introduction of other renewable energy systems especially intelligent power systems that would work along with the electric vehicle infrastructure. A development of this size and scale would be able to produce renewable energy and store it in the electric vehicles.

We will need details on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), again Environmental Protection will not support biomass and if a large gas-powered energy centre is required then secondary abatement technology will need to be incorporated to ensure NOx emissions are minimised. It is recommended that the applicant submits a chimney height calculation at the earliest possible stage to ensure planning are satisfied with any proposed chimney which may need to be sizable.

Noise

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

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

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

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

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

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

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

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

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

Odours

The proposal may require commercial ventilation to support any proposed restaurant use or other class 3 proposals. Environmental Protection recommends that a condition is attached to any consent to ensure that amenity is protected. Again, there may be parts of the development site that may not be suitable for residential use due to the impacts the floodlights may have on amenity.

Contaminated Land

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Children and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

134 Flats.

This site falls within Sub-Area C-2 of the 'Castlebrae Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The application is for planning permission in principle. The established 'per house' and 'per flat' contribution figures for this area within the finalised supplementary guidance are set out below.

Per unit infrastructure contribution requirement:

Per Flat - £2,280

Per House - £12,107

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

These figures include a contribution towards the delivery of additional primary school capacity as well as additional secondary school capacity. The site was not accounted for in the Council's Education Appraisal. The primary school actions associated with Sub-Area C-2 relate to Castleview Primary School. The site is within the catchment area of Niddrie Mill Primary School and is a considerable distance from the catchment area changes proposed between Castleview PS and Niddrie Mill Primary School. Given the limited number of additional pupils expected to be generated as a result of this proposal, the Council would not propose to add an additional action to expand Niddrie Mill Primary School as a result of this development.

Therefore the Planning service may decide that in these circumstances it is more appropriate to only seek to take contributions towards the secondary school action within the area - Additional secondary school capacity. The contribution should then be based on the 'per house' and 'per flat' secondary school contribution figures set out below and secured through a legal agreement.

Per unit infrastructure contribution requirement:

Per Flat - £980

Per House - £6,536

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is 25% (of total units) for all proposals of 12 units or more.

This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

2. Affordable Housing Provision

This application is for a development consisting of up to 140 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (35) homes of approved affordable tenures. The developer has entered an early dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The affordable housing should be a representative mix of the market housing being provided across the site. The Council aims to secure 70% of new onsite housing for social rent and the applicant has entered into early dialogue with us and our RSL partner organisations to ensure that this is delivered.

3. Summary

There is a requirement to provide 25% on site affordable housing, secured by a Section 75 Legal Agreement to assist in the delivery of a mixed sustainable community.

The applicant has entered into an early dialogue with the Council to identify the Registered Social Landlord(s) (RSLs) to deliver the affordable housing on site in the first instance.

The applicant is requested to confirm the tenure type and location of the affordable homes prior to the submission of any future applications.

The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site.

In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind".

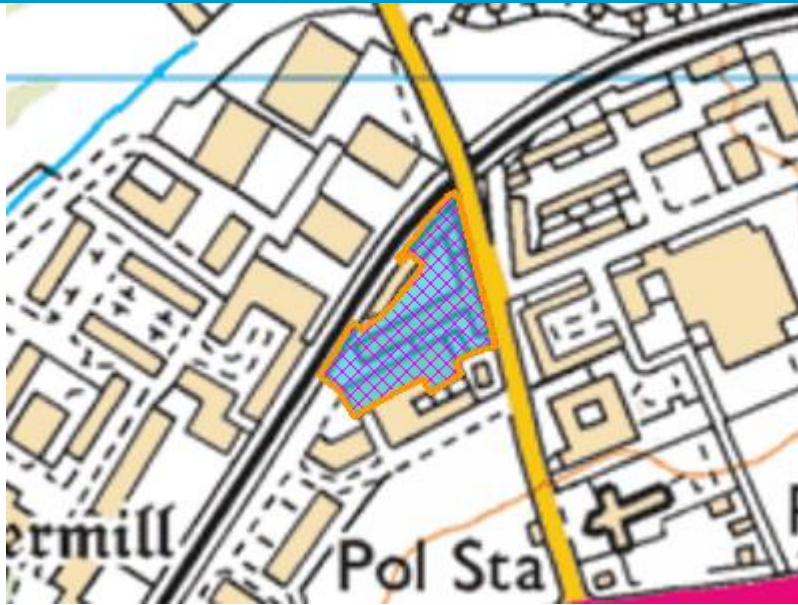
The affordable homes should be designed and built to the RSL design standards and requirements.

The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

We would be happy to assist with any queries on the affordable housing requirement for this application.

Location Plan



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