

Development Management Sub Committee

Wednesday 23 October 2024

Report for forthcoming application by

Forth Ports Limited. for Proposal of Application Notice

24/02987/PAN

At Land 170 Metres West Of 31, Bath Road, South Leith business, general industrial, storage and distribution, training/education facility, with ancillary retail, food & drink including bar & associated development including parking (Use Classes 1A, 3, 4, 5, 6, 10 and sui generis public house).

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming detailed application for Business, general industrial, storage and distribution, training/education facility with ancillary retail, food & drink including bar & associated development including parking (Use Classes 1A, 3, 4, 5, 6, 10 and sui generis public house).

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 24 June 2024 (24/02987/PAN).

Links

Coalition pledges
Council outcomes

Single Outcome
Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The site is land to the south east of Edinburgh Dock, Port of Leith, Leith, Edinburgh. It is existing operational dockyard comprising of flat hardstanding and gravel with remnants of former port-related development. The site is bounded to the north, and partially to the west, by the waters and dockyards of Edinburgh Dock, and by commercial and industrial properties, typically comprising large warehouse buildings, to the south and east. It is located to the west of Bath Road, between Bath Road and Constitution Street.

The site contains the following listed buildings:

- Leith Docks, Edinburgh Dock, and Swing Bridge (Category B) - Reference: LB 27606.
- Leith Docks, Edinburgh Dry Dock (Category B) - Reference LB 27611.
- Leith Docks, Edinburgh Dry Dock Pumping House (Category B) - Reference: LB 27615.

The site is located nearby to the east of the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for business, general industrial, storage and distribution, training/education facility with ancillary retail, food & drink and associated development including parking (Use Classes 1A, 3, 4, 5, 6,10 and sui generis public house).

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The proposal will preserve or enhance the character, appearance and setting of listed buildings;

The impact of the development on the special architectural or historic character, integrity and appearance of the listed buildings within the site and on the setting of the neighbouring listed buildings (as noted in the site description section of this report), will be considered in a future planning application in relation to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

National Planning Framework 4 (NPF4) Policy 7 (Historic assets and places) is also a material consideration in respect of impact on the character, appearance and setting of listed buildings.

Historic Environment Scotland's guidance on managing change in the historic environment will also be material to the assessment of a future application for planning permission.

b) The proposal will preserve or enhance the setting of Leith Conservation Area;

This key consideration in the determination of a future application for planning permission includes the impact on the setting of Leith Conservation Area. This will be assessed in relation to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

NPF4 Policy 7 (Historic assets and places) and Leith Conservation Area character appraisal are material considerations when assessing the impact of the proposed development on the setting of the conservation area.

c) The principle of development is acceptable in this location

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 (CP2030) and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. On 27 June 2024, the Council accepted the recommendations and modifications required to the Proposed City Plan 2030.

On 10 September 2024 Scottish Ministers issued a Direction under section 20(5) of the Town and Country Planning Scotland Act 1997 that City of Edinburgh Council consider modifying the proposed City of Edinburgh Local Development Plan 2, City Plan 2030 as detailed within the annex to the direction. The required modifications are being reviewed and will be considered at a further meeting of the Planning Committee and then further Full Council.

It is anticipated that the future application will be assessed against the development plan consisting of NPF4 and City Plan 2030 (CP2030).

City Plan 2030 identifies the site, which lies within the northern and eastern docks, for general industrial, storage and business development and port-related uses. It is identified as Proposal EW 1e in City Plan, which sets out a number of development principles including, but not limited to ensuring no adverse impacts on the nature conservation interests of the Forth of Forth Special Protection Area or other European sites; City Plan policy Env 21 (Protection of Biodiversity) applies.

d) Climate and nature crises policies

Relevant to the determination of a future application is the sustainability requirements of NPF4 Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation) and 9 (Brownfield, vacant and derelict land, and empty buildings) in terms of location on a brownfield site, energy efficiency and surface water management.

b) The design, scale and layout are acceptable with the character of the area;

The proposals will be assessed against the relevant design policies in City Plan 2030, NPF4 and the non-statutory Edinburgh Planning Guidance (where applicable). The applicant should clearly demonstrate how the proposed design will consider the relevant development plan policies and guidance.

A Design and Access Statement will be required to accompany the application.

e) Access, parking, and servicing arrangements are acceptable in terms of road safety and public transport accessibility;

Transport information regarding general access arrangements, sustainable travel facilities including cycle parking, and how the proposal can integrate with the surrounding transport network will be required to support this submission. A clear strategy in relation to sustainable travel should be provided.

f) The proposal is detrimental to the amenity of neighbours;

The proposal will be assessed against NPF4 policy 14 (Design, quality, and place) and also the relevant design policies in City Plan 2030 and non-statutory guidance.

g) There are any other environmental factors that require consideration;

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents are likely to be required:

- Pre-application Consultation Report.
- Planning Statement.
- Design and Access Statement.
- Heritage impact assessment and historic building analysis.

- Archaeological assessment.
- Visualisations, including key views and local views.
- Micro climate study.
- Retail impact study.
- Noise Impact Assessment.
- Air Quality Impact Assessment.
- Odour Impact Assessment.
- Transport Information.
- Flood Risk Assessment and Surface Water Management Plan.
- Ecology report.
- Sustainability Statement.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

The proposed development has been screened for an Environmental Impact Assessment (EIA) - ref.22/03340/SCR. On the basis of the assessment carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017) and Circular 1/2017 it has been concluded that an EIA will not be required for this proposal.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place in respect of the proposed development.

8.2 Publicity summary of representations and Community Council comments.

Public engagement was undertaken via an exhibition held at Ocean Terminal on 30 July 2024. A second exhibition is to be held, the date of which is to be confirmed.

Publicity - An advertisement of the events was published in Edinburgh Evening News.

The applicant has also notified the local community council, Ward members, MSPs and the MP for the area.

Posters advertising the events were circulated to local public facilities and schools. Leaflets advertising the events were distributed to neighbouring properties.

The results of community consultation will be submitted with the future application as part of the Pre-application Consultation Report.

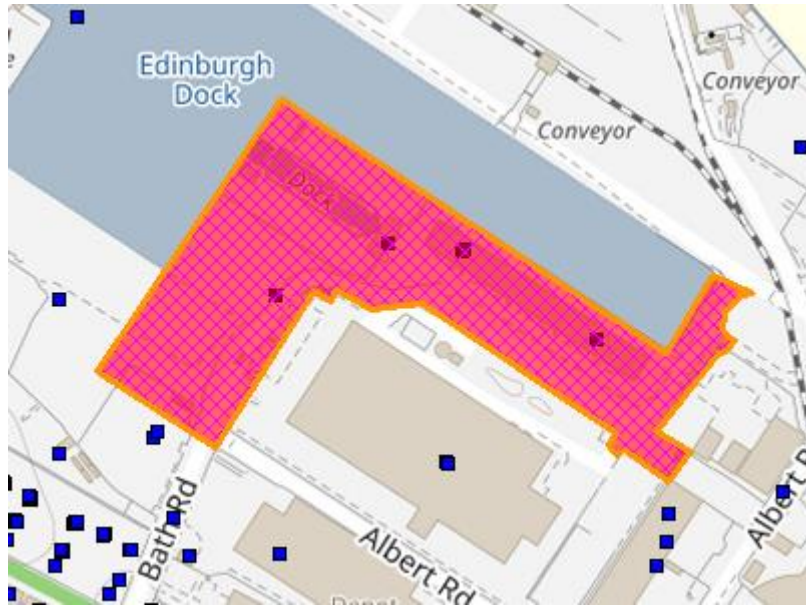
Background reading / external references

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

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Location Plan



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