

# Development Management Sub Committee

Wednesday 22 January 2020

**Application for Planning Permission 19/04746/FUL  
at Land 120 Metres South East Of 98, Ocean Drive,  
Edinburgh.  
Creation of 3 additional units to form 15 townhouses.**

Item number

Report number

Wards

B13 - Leith

## Summary

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The site is located within the Leith strategic business centre and was intended to form part of Edinburgh's strategic office land supply. Housing-led development is contrary to the Local Development Plan, though the principle of housing has already been established on the site. The design, scale and layout of the proposals are acceptable and match with the development in the wider area. There will be no transport implications or unacceptable impact on residential amenity. The proposal is acceptable, subject to conditions and a legal agreement. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEMP01, LEN08, LEN09, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LRS06, SUPP, SGDC, NSGD02, NSHAFF,

# Report

## **Application for Planning Permission 19/04746/FUL at Land 120 Metres South East Of 98, Ocean Drive, Edinburgh. Creation of 3 additional units to form 15 townhouses.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is approximately 0.3 hectares in size and forms part of a wider site that is currently being redeveloped for residential and commercial use.

The site is bounded to the south by the Scottish Government office grounds, which contains a car park and multi-use games area (MUGA) and car parking area. Further east of the site is Victoria Dock and further north and west is Ocean Drive.

The site will be accessed from the west by a proposed road that already has planning permission.

#### **2.2 Site History**

10 February 2005 - The site is covered by the Leith Docks Development Framework (LDDF). This non-statutory planning guidance was approved on 10 February 2005.

14 August 2018 - planning permission granted for residential development (388 units) including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (application number 16/03684/FUL). Under construction.

### **Main report**

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#### **3.1 Description of the Proposal**

The proposal is for a total of fifteen town houses. These are set out in three terraces running north / south. Each terrace contains five houses, all containing four bedrooms. The existing permission contains twelve houses set out in a similar manner within this part of the site; this application seeks an additional three units.

The houses are three storeys in height with a traditional pitched roof. The main material is a buff coloured brick, with grey brick infill panels and grey windows. Each house incorporates a first floor deck area. The two eastern terraces all have rear gardens, while the western terrace has a smaller front garden. One car parking space per house is proposed.

No additional supporting documents have been submitted, aside from the required section of the sustainability form.

### **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.

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;
- b) the design, scale and layout is appropriate to the site;
- c) there is an acceptable level of amenity;
- d) there are any transport and parking issues;
- e) any other material considerations and
- f) comments raised have been addressed.

#### **a) Principle**

The site is located within the Edinburgh Waterfront. Local Development Plan (LDP) Policy Del 3 (Edinburgh Waterfront) sets out criteria for assessing development in this area. This includes that it should comply with the development principles for the Central Leith Waterfront (Proposal EW 1b).

The development principles for Proposal EW1b identify the site for commercial-led mixed use. This is expected to include major office development, consistent with its location within a strategic business centre and to help meet the LDP aim of supporting the growth of the city economy.

The LDP also identifies the site as part of Leith strategic business centre. As one of four such centres, it forms part of Edinburgh's strategic office land supply. LDP Policy Emp 1 (Office Development) supports high quality office developments, including major development on this site. This policy identifies suitable locations for office development, in recognition of the important role of the financial sector and other office-based business in providing jobs and contributing to economic growth.

Consequently, housing-led development is contrary to the LDP. However, notwithstanding the LDP designations and development principles, planning permission has previously been granted for housing on this site and the principle of residential use has already been established.

#### b) Design, Scale and Layout

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

The layout of the terraced housing remains generally as previously granted by forming three rows of housing. As such, it continues to link with the wider development and meets the requirements of LDP Policy Des 2 (Co-ordinated Development).

The built form consists of simple three storey terraces with pitched roofs. The height of the proposed houses has already been established on this part of the site and the proposal will correspond with the adjacent proposed buildings.

Similar town houses have been delivered by the same applicant at the nearby Albert Dock with some of them incorporating a distinctive first floor terrace. They are also proposed within the wider site. The fenestration and use of the brick panelling element provides an ordered uniform approach.

The use of brick as the primary material ties the building styles throughout the development together. Brick is reflective of a number of buildings within the dock area and echoes the historical uses. The grey windows and grey panels continue the contemporary feel of the buildings and keep the materials palette to a minimum. The materials are appropriate for the location and a contemporary development.

The design, scale and layout is appropriate for the site and responds to the context of the wider development.

#### c) Amenity

LDP Policy Des 5 (Development Design - Amenity) supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed.

Privacy distances of approximately 16 - 18 metres are provided between the terraces and the adjacent granted terrace. This will provide a good level of amenity within an urban area.

The spacing, height and orientation of the buildings is similar to that of the previous permission, which had been developed in line the requirements of the Edinburgh Design Guidance. There are no additional daylighting impacts arising on the proposed development.

Environmental Protection has recommended that the application should be refused. This is in relation to air quality and noise issues (from both Port Activities and the nearby Scottish Government small multi-use games area (MUGA) - including floodlights). However, given that residential development has already been granted at this location in a similar layout and proximity to adjacent uses, refusal on such grounds would not be merited.

The original application contained a condition requiring noise mitigation measures for all windows facing Ocean Drive. As these units do not face Ocean Drive there is no requirement for a similar condition on this application.

The Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms. All the units contain more than three bedrooms. When considering the original wider application for 388 units, the additional three units will mean a total of 109 (28%) out of the 391 units will be three bedrooms or more.

The internal floor areas comply with the recommended minimum sizes in the design guidance and all the houses are also dual aspect. The proposal is acceptable in the context of LDP Policy Hou 2 (Housing Mix).

LDP Policy Hou 3 (Private Green Space) and the supporting text sets out that all mainstream housing should be provided with either individual private gardens or communal areas of greenspace, or a combination of both. All of the units contain a first floor terrace area covering 15 sqm. Ten of the units also each have a seven metre long rear garden that are approximately 44 sqm in size. The remaining five units have smaller front gardens.

In summary, the proposal does not raise any overriding concerns in relation to amenity and open space.

#### d) Transport

Access will be from a road that already benefits from planning permission. An additional three units will not lead to any substantial traffic issues.

The Roads Authority do not object to the application and note that the parking spaces proposed are acceptable. It has recommended that three of the driveways should be equipped for electric vehicle charging. As the parking is in private driveways there is no requirement for designated accessible parking.

There is no requirement for cycle parking as all the properties have accessible private garden spaces.

Contributions towards transport measures have been identified and these are considered in section 3.3e) below.

There are no overriding transport implications arising from the proposal.

#### e) Other Material Considerations

##### **Archaeology**

The site overlies the remains of the Georgian Old West (Queen's) Dock constructed at the start of the 19th century. These included defensive bastions that incorporated two dry docks. The remains were excavated in 2019 as part of the works associated with planning permission 16/03684/FUL for the larger site.

The Archaeology Officer has advised that it is essential that these remains are preserved in situ in accordance with Local Development Plan Policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) with foundation and services designed to avoid and where not possible minimise disturbance. Accordingly, a condition is required to ensure the protection or preservation of the remains.

##### **Ground Conditions**

Environmental Protection has recommended a condition in relation to site investigation and remediation.

##### **Flooding and Drainage:**

Flooding and drainage information was provided for the previous wider permission. The applicant has confirmed that the proposed finished floor levels take cognisance of the previous flood risk assessment. Consequently, the proposal is acceptable in relation to this matter.

##### **Contributions**

The application has been assessed against the finalised Supplementary Guidance on Developer Contributions and Infrastructure Delivery (August 2018) and the LDP Action Programme. Based on the proposed 15 units the below contributions are required.

Health Care - a healthcare contribution of £945 per residential unit (£14,175 - subject to indexation) is required for a new practice to help mitigate the impact of new residential development in the Leith Waterfront contribution zone as set out in the supplementary planning guidance.

Education - this site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the zone. The total infrastructure contribution required is £275,865 (subject to indexation) and the total land contribution required is £14,205 (no indexation).

Transport - based on the proposed 15 units, the following contributions towards transport infrastructure are required:

- Water of Leith Cycle Route - £1,320 (subject to indexation).
- West end of Victoria Quay building to Water of Leith Cycle Route via Citadel - £630 (subject to indexation).
- Ocean Drive Eastwards Extension - £26,340 (subject to indexation).
- Edinburgh Tram - £37,000 (subject to indexation).

Affordable Housing - the planning permission for the 388 units under application 16/03684/FUL required 94 units to be affordable. Adding an additional three units to the 388 total would provide 391 and the 25% affordable requirement would still remain at 94 units. The Affordable Housing (February 2019) guidance does indicate that wider sites and phasing can be looked at as a whole and therefore in this instance no additional affordable housing should be sought.

Subject to a legal agreement covering the above contribution then the proposal is acceptable. There is a legal agreement in place for the existing 388 units. It would not be expected that the developer pays twice for this part of the site. However, for the fifteen units applied for in this application the most up-to-date developer contributions are required.

#### f) Public Comments

##### **Material Representations - Objection**

- Area must be prioritised for green space / play park - housing development already established on the site.
- Additional housing will add to the density in an area which already has traffic problems - considered in section 3.3d).

The community council did not comment on the application.

## Conclusion

The site is located within the Leith strategic business centre and was intended to form part of Edinburgh's strategic office land supply. Housing-led development is contrary to the Local Development Plan, though the principle of housing has already been established on the site. The design, scale and layout of the proposals are acceptable and match with the development in the wider area. There will be no transport implications or unacceptable impact on residential amenity. The proposal is acceptable, subject to conditions and a legal agreement. There are no material considerations that outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions

1. 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.
2. 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.
- I i) 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.
3. No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation and conservation of the Victoria Dock Entrance walls have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.

#### Reasons

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.

## **Informatives**

It should be noted that:

1. Permission shall not be issued until a suitable legal agreement relating to healthcare, education and transport has been concluded and signed. The legal agreement shall include the following:

Health Care: A financial contribution of £945 per residential unit (index linked) is required towards the actions in the Leith Waterfront Contribution Zone.

Education: A financial contribution is required to Communities and Families to ensure that the cumulative impact of the development can be mitigated. The total infrastructure contribution required is £275,865 (subject to indexation) and the total land contribution required is £14,205 (no indexation) towards Leith Trinity Education Contribution Zone (Sub-Area LT-2).

## **Transport:**

Contribute the sum of £1,320 to the Water of Leith Cycle Route in line with the LDP Action Programme (subject to indexation).

Contribute the sum of £630 to the West end of Victoria Quay building to Water of Leith Cycle Route via Citadel in line with the LDP Action Programme (subject to indexation).

Contribute the sum of £26,340 to the Ocean Drive Eastwards Extension in line with the LDP Action Programme (subject to indexation).

Contribute the sum of £37,000 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report (subject to indexation).

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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 private driveways shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
6. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
8. A Quality Audit, as set out in Designing Streets, has been submitted prior to the grant of Road Construction Consent.
9. 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.
10. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
11. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 1 November 2019 and two letters of representation have been received.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is part of the urban area and within the Leith Waterfront area as identified in the Local Development Plan. It is part of the area referred to as Central Leith Waterfront (Proposal EW1b) and designated as a Strategic Business Centre.

The site is next to the Tram Route Safeguard that runs along Ocean Drive.

Ocean Terminal adjacent to the site is designated as a Commercial Centre.

**Date registered**

22 October 2019

**Drawing numbers/Scheme**

01, 02, 03, 04, 05, 06A, 07, 08,

Scheme 1

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**Links - Policies**

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**Relevant Policies:**

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

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

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

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 RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

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

# Appendix 1

## **Application for Planning Permission 19/04746/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh Creation of 3 additional units to form 15 townhouses.**

### **Consultations**

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#### **Archaeology Officer response - dated 29 October 2019**

*Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for the creation of 3 additional units to form 15 Townhouses.*

*The site occurs at the heart of the historic docks at Leith, overlying the remains of the Georgian Old West (Queen's) Dock constructed at the start of the 19th century. Construction started in 1809 with the design incorporating defensive bastions in part due to the ongoing Napoleonic Wars. This site overlies one such Bastion which incorporated two dry docks one of which was enlarged in the later 19th century. The dock and Dry docks remained in use into the mid-20th century. The remains were excavated in 2019 by AOC Archaeology (AOC report 23427) and measures put in place for their preservation beneath the current development.*

*As such the site, has been identified as occurring within an area of archaeological and historic significance both in terms of Leith's and Edinburgh's Maritime heritage. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies 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.*

#### *Old West Dock and Dry Dock Remains*

*As stated the development overlies part of the potentially nationally significant remains of Leith's Old West Dock containing two dry docks and external fortifications. It is essential that these remains are preserved in situ in accordance with CEC Policies ENV8 (b) & ENV9 (b) with foundation and services designed to avoid and where not possible minimise disturbance. This mitigation should be based upon the August 2019 report (see attached) submitted by the site's engineers Goodson and Associates.*

*It is recommended that the following condition is attached to consent to ensure the implementation of this outline strategy to enable the protection and preservation of these:*

*'No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation and conservation of the*

*Victoria Dock Entrance walls have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.'*

## **Communities and Families response - dated 15 November 2019**

*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:*

*15 Houses*

*This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.*

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

*The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.*

*The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.*

*If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.*

*Total infrastructure contribution required:*

*£275,865*

*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.*

*Total land contribution required:*

*£14,205*

*Note - no indexation to be applied to land contribution.*

## **Environmental Protection response - dated 18 November 2019**

*Environmental Protection has provided comments on the original application for the consented residential lead development consisting of 425 flats providing a mixture of accommodation and tenure as well as associated infrastructure including 374 car parking spaces.*

*This application is for the addition of another 3 units and 6 car parking spaces. These units are proposed be located to the south of the site. The consented site itself lies within an extensive area of land which was given over to port and industrial activities. Over the years some these uses have declined considerably leaving the area of vacant brownfield land with an intensification of port activities occurring in the main port. This plot is located closest to the Scottish government offices and their small multi use games area (MUGA).*

*Environmental Protection had previously highlighted concerns with the larger consented site being developed out with mainly residential properties. The main concerns with local air quality and noise. The site is located in close proximity to air quality management areas for both PM10 and NO2. This proposal will increase the number of people exposed to elevated pollution levels and will contribute towards increasing levels in the NO2. Environmental Protection will recommend that electric vehicle charging is installed to each unit.*

*It is understood that this is a small increase, but the level of parking is still excessive. The site may be exposed to noise from the MUGA as well as light pollution from floodlights serving the MUGA. It is acknowledged that the main noise source affecting the consented site will be from the Port activities and this specific plot will not be affected by noise from the port as much as the rest of the consented development.*

*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)*

*Therefore, Environmental Protection recommend the application is refused, however if consented the following conditions should be attached;*

*1. 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.

2. All private driveways shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

### **Roads Authority Issues - dated 7 November 2019**

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:

a. Contribute the sum of £1,320 (based on 15 residential units) to the Water of Leith Cycle Route in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (See note II for further information);

b. Contribute the sum of £630 (based on 15 residential units) to the West end of Victoria Quay building to Water of Leith Cycle Route via Citadel in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see note II for further information);

c. Contribute the sum of £26,340 (based on 15 residential units) to the Ocean Drive Eastwards Extension in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (See note II for further information);

2. Contribute the sum of £37,000 (based on 15 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

3. The applicant is required to provide electric charging points in 3 of the driveways as per the 2017 Parking Standards, passive provision should also be considered for the remaining driveways to allow for easy installation of charging infrastructure;

4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

6. A Quality Audit, as set out in Designing Streets, has been submitted prior to the grant of Road Construction Consent;

7. 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;

8. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

9. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

Note:

I. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 15 car parking spaces, (1 space per resi unit), 15 car parking spaces are proposed in the form of private driveways. This level of car parking is considered acceptable as it fits with the provision of the wider site and complies with Parking Standards;

b. There is no requirement for cycle parking as all the properties have accessible private garden spaces;

c. A minimum of 1 of every 6 car parking spaces to be enabled for Electric Vehicle charging, this means there is a requirement for 3 driveways to be equipped for EV charging;

d. As the car parking is all private driveways there is no requirement for designated accessible parking;

II. The transport contributions have been calculated by identifying the relevant actions from the LDP Action Programme and finding a per unit rate by dividing each action cost by the estimated housing capacity of the relevant LDP areas and then multiplying by the proposed number of units. The LDP areas and estimated housing capacity is as follows are as follows:

- o Leith Waterfront - 3,000 resi units
- o Central Leith Waterfront - 2,720 resi units
- o Leith Waterfront (SS) - 1,500 resi units
- o Total Estimated Housing Capacity - 7,220

The identified transport actions and total cost are as follows:

o The Water of Leith Cycle Route (Commercial Street to Warriston): Total action cost - £637,000

o West end of Victoria Quay building to Water of Leith Cycle Route via Citadel: Total action cost - £306,250

o Ocean Drive Eastwards Extension: Total action cost - £12,678,750

The cost per unit is as follows:

o The Water of Leith Cycle Route =  $\text{£}637,000 / 7220 = \text{£}88 \text{ per unit} \times 15 = \text{£}1,320$  (4.7%)

o West end of Victoria Quay =  $\text{£}306,250 / 7220 = \text{£}42 \text{ per unit} \times 15 = \text{£}630$  (2.2%)

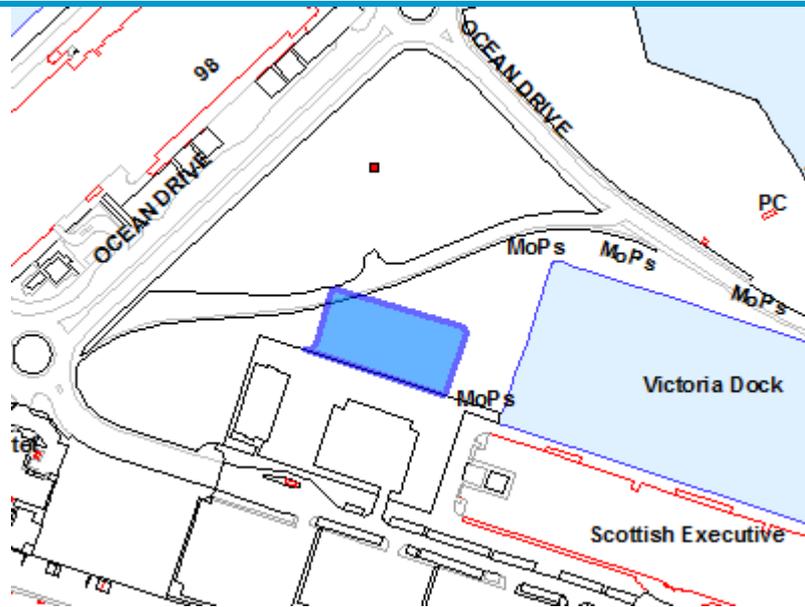
- o Ocean Drive Eastwards Extension = £12,678,750 / 7220 = £1,756 per unit x 15 = £26,340 (93.1%)
  - o Total contribution required = £28,290
- Percentages provided for benefit of legal agreement;

*TRAMS - Important Note: The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:*

- o *Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
- o *Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- o *Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- o *Any excavation within 3m of any pole supporting overhead lines;*
- o *Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
- o *The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>*

## Location Plan

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**END**