

Development Management Sub Committee

Wednesday 18 March 2020

**Application for Planning Permission 19/05092/FUL
at 14 Ashley Place, Edinburgh, EH6 5PX.
Demolition of existing building and erection of 58 flatted
residential development with associated landscaping, car
and cycle parking, formation of vehicular access from
Ashley Place and associated infrastructure.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposal complies with the Edinburgh Local Development Plan. The design and layout is acceptable and the higher density development provides an efficient use of this vacant brownfield site. The amenity of existing neighbouring properties will not be adversely affected and an acceptable amount of amenity will be afforded to future occupants. The proposed development will provide a satisfactory residential environment. The low level of car parking provision, high level of cycle parking will encourage sustainable transport. This application complies with the Edinburgh Local Development Plan policies Del1, Des 2-8, Des11, Env 8-9, Env12, Env 16, Env 20-22, Emp 09, Hou 01-7 , Hou10, Tra 1-4, Tra 08-09. There are no material considerations that would alter this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LHOU07, LHOU10, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, NSGD02, NSG, DBBON,

Report

Application for Planning Permission 19/05092/FUL at 14 Ashley Place, Edinburgh, EH6 5PX. Demolition of existing building and erection of 58 flatted residential development with associated landscaping, car and cycle parking, formation of vehicular access from Ashley Place and associated infrastructure.

Recommendations

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

Background

2.1 Site description

The application relates to a site of 0.39ha located in the north of Bonnington and to the east of Newhaven Road. Ashley Place is a cul-de-sac which leads off Newhaven Road.

The site currently contains a two storey brick building previously occupied by a voluntary organisation and a building services company and its associated yard which is surrounded by high wire mesh fence. There is an area of car park on the eastern part of the site.

To the south west, on Ashley Place, there is a terrace of traditional tenemental flats. Further to the east, on Ashley Place, is a six storey brick and render block of modern flats accessed from Tinto Place. There is also four storey red brick flatted blocks nearing completion. There is another large six storey high block of similar flats to the south east. To the north and east there are also are low-rise industrial buildings.

The future use of the site is considered by the Bonnington Development Brief which is characterised by light industrial and business uses typical of the wider area covered in the brief.

2.2 Site History

19 January 2000 - Planning permission granted for use of the ground floor premises as a leisure centre (Class 11) and first floor premises as offices (Class 4) (in retrospect) (application number 99/03340/FUL).

25 May 2017 - Planning permission granted for the removal of an existing office building and associated storage yard and the erection of 40 flats (as amended) (application number 14/05208/FUL).

6 August 2019 - Proposal of Application Notice approved for residential development comprising up to 63 apartments, associated infrastructure and landscaping (application number 19/03433/PAN).

Planning history for the larger area which includes this site

21 February 2006 - Permission granted for proposed mixed development at Bonnington Road Lane/Ashley Drive/Tinto Place: (the application site is included as part of this area) (application number 04/00306/FUL). This application was for the residential development now built, on Tinto Place, as well as an office development on the current application site. However the offices were never built.

10 October 2014 - Proposal of Application Notice approved for residential led regeneration consisting of 200 flatted units (application number 14/03896/PAN). This PAN referred to a larger geographic area but included the current application site. This PAN has not been followed up with an application for planning permission.

Main report

3.1 Description of the Proposal

This application seeks full planning permission to demolish the existing brick building with adjoining yard, and to replace it with residential development of 58 flats, open space and associated infrastructure.

There are three adjoining flatted blocks creating an 'L' shape fronting Ashley Place. Block A is part four storey part five storey block. The adjacent block B and block C are both six storeys high with flat roofs. The top floor is set back from the roofline and includes metal balustrades at eaves height.

The private flats comprise 16 one bedroomed flats ranging from 52 sq.m to 56.4 sq.m in size; 19 two bedroom flats ranging from 67 sq.m in size to 88 sq.m in size. There are also nine three bedroom flats which range from 101.6 sq.m to 114 sq.m in size.

Fourteen units will be affordable. These are located in block A with a separate stair and cycle storage and one ground floor unit in block B with a separate entrance. There are four one bedroomed flats of which three are 62 sq.m and one is 52 sq.m in size. There are nine two bedroom flats ranging in size from 65. sq.m to 80 sq.m in size. There is also one three bedroomed unit which is 99 sq.m in size.

The proposed materials include a mix of light and dark grey facing brick, grey zinc cladding, a mix of aluminium faced timber windows to areas with cladding and UPVC windows to brick areas. The entrance canopy would be white and the balustrades painted metal. Photovoltaic panels are included on the roof.

Private amenity space includes the rear courtyard garden area including trees, hedges, bushes, a seating area and cycle parking shed which will have gated access from Ashley Place. The ground floor units have some private space including yew hedges.

Access to the site is from Ashley Place although pedestrians and cyclists can also link into the wider network via Tinto Place. The proposal includes 16 car parking spaces (27.5%), including one accessible space and three electric vehicle charging spaces, fronting onto Ashley Place. The 126 cycle parking spaces are provided, equating to 217%. For block A this is in an external store and comprises 28 spaces in Sheffield stands. Block B has internal ground floor storage comprising 50 spaces on two tier racks with two Sheffield stands. Block C has internal ground floor store 48 spaces on two tier racks and two Sheffield stands.

All bin stores are located in the ground floor of the buildings.

Scheme 1

The initial proposal was for a mix of mainly one and two bed units, and 48% single aspect units. It included 53% car parking provision which dominated the rear courtyard accessed by a pend. The proposal also included stair block access only, no private, front door entrances and front garden spaces.

Supporting Information

The following was submitted in support of the application:

- Archaeology Report;
- Daylight and Sunlight Assessment;
- Design and Access Statement;
- Drainage and Flood Risk Assessment;
- Ecological Report;
- Geo-environmental Assessment;
- Noise Impact assessment;
- Pre-Application Consultation (PAC) report;
- Planning Statement;
- Sustainability Statement;
- Townscape Assessment; and
- Transport Statement.

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

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 in this location;
- b) the proposals are of an appropriate scale, form, and design;
- c) the proposals will result in an unreasonable level of neighbouring residential amenity;
- d) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- e) the proposals will have any traffic or road safety issues;
- f) affordable housing provision is acceptable;
- g) educational infrastructure provision will be sufficient;
- h) the proposal meets sustainability criteria;
- i) there are any other environmental impacts;
- j) any comments raised have been addressed and
- k) the existing planning permissions.

a) Principle

The Edinburgh Local Development Plan (LDP) identifies the application site as within the urban area where residential development is acceptable in principle provided proposals are compatible with other policies in this plan. LDP Policy Hou 5 also emphasises that proposals to change from other uses to residential should provide a satisfactory residential environment, be compatible with nearby uses and meet existing open space, amenity and parking standards, having regard to other local plan policies. LDP Policy Emp 9 also accepts the principle of employment sites and premises in the urban area being developed for other uses where such uses will not prejudice the activities of nearby employment uses and help to regenerate the wider area. For sites over one hectare, business floorspace should also be provided. This site area is less than one hectare and the proposal does contribute to a wider residential development of the area, which does not prejudice the nearby employment uses.

The Bonnington Development Brief (2008) also covers the site. The brief sought to establish an appropriate mix of uses that would ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses at a time when there was general concern regarding the loss of employment uses in the city. The brief proposed a mix of residential and office use for Ashley Place. The change from business to residential was assessed in the previous planning application (14/05208/FUL) and planning permission granted for residential use. Therefore, the principle of residential use on this site is acceptable.

b) Design, scale, form, density and layout

Policies Des 1 to Des 9 of the LDP set out the policy framework for the design of developments to ensure that proposals integrate within the city and help to create a sense of place. Also relevant is the Bonnington Development Brief (2008) and the Edinburgh Design Guidance. The brief sought to ensure a predominant building form of tenemental scale buildings around 4-5 storeys high to protect city views and create an attractive street layout allowing pedestrian and cycle accessibility.

The surrounding area is being redeveloped and contains a range of flatted blocks in a variety of designs, heights and materials. The proposal continues Ashley Place as a street integrating with the new residential development nearby. This proposal does not compromise the effective development of neighbouring land and aligns with the aims of the development brief.

The scale of the building is substantial with a deep floor plate and curved 'L' shaped corner to the pedestrian link to Tinto Place. This design is an interesting addition which differentiates the building whilst integrating with the pattern of rectilinear perimeter blocks. The 'stepping up' from four to five to six storeys, and setting back the top storey helps to reduce its mass. The elevation details and materials complement those of the existing flats nearby. A condition is recommended to secure materials of an appropriate quality.

Policy Des 7 outlines the criteria to assess layout of proposals. The proposed 'L' shaped layout of the buildings provides a street frontage to Ashley Place, front garden area, and rear communal garden, replicating the tenemental form. The individual entrances to ground floor flats, breaks up the elevation, is more accessible for all users and provides overlooking to the paths and on-street car parking. The proposed flats are set back from the existing Ashley Place building line by 6 metres, allowing an enhanced streetscape, greater distances between flatted blocks, removing cars from one side of the street. The perimeter block is extended along Ashley Place and continues the tenemental form and therefore the proposed layout is acceptable.

Height

The general height of new development in this area varies between four and six storeys high. Policy Des 4 requires assessment of height in relation to the character of the wider townscape, and impact on existing views. There is an existing six storey flatted block on Ashley Place as well as the traditional four storey tenements. There is also the extant planning permission for a six storey office block on the site. The top floor is set back from the eaves which helps reduce the mass at roof level. The flatted roof is not traditional tenemental style but is found in nearby new buildings.

The Bonnington Development brief envisaged tenemental scale buildings of around 4-5 storeys high. The surrounding area already includes buildings up to six storeys in height, therefore the proposal is not out of keeping with the surrounding area. The brief also wanted to ensure that any proposals did not impact on city views.

Policy Des 11 protects skyline and key views from adverse impact. A townscape assessment was undertaken which illustrated that Ashley Place site lies within the field of view of two key views - No. N8 and No. C1b. However, the proposed six storey height would not be visible in either view above existing rooflines and is acceptable. The proposed height is therefore acceptable.

Housing Density and Mix

Policy Hou 4 seeks appropriate density of development having regard to the surrounding area, amenity for existing and new residents, and accessibility. The proposed density is 148 dwellings per hectare an increase from the previous proposal which was 102 dwellings per hectare. However the adjoining development proposal at Tinto Place provided a density of 143 dwellings per hectare and other modern developments such as Westfield (172 dph) and Lochrin Place (164 dph) as illustrated in the Edinburgh Design guidance. The higher density mix of housing proposed provides a balance between the efficient use of land on this brownfield site and ensuring that an attractive residential environment is created which safeguards living conditions within the development.

The revised scheme provides an acceptable mix of one (20 units), two bedroomed (28 units) and three bedroomed flats (10 units). One two-bedroomed affordable flat is slightly below standard at 65 sq.m rather than 66 sq.m. However all the other flats exceed the minimum internal floor areas as set out in the Edinburgh Design Guidance. The number of single aspect dwellings has reduced from 48% to 32%. The proposal includes one wheelchair accessible unit as well as family accommodation.

All three bedroomed properties provided are significantly larger than the minimum internal floor area of 81 sq.m (ranging from 91 sq.m to 114 sq.m) and are designed for growing families. This equates to 17% of the units. There is a minor infringement as this is slightly below the Edinburgh Design Guidance requirement for growing families (20%) and not all three bedroom properties have direct access to private gardens or balconies. However all the ground floor properties have main door entrances and private threshold spaces and top floor flats have private roof terraces. There is a communal rear garden which has total useable greenspace of 26.7% above the minimum of 20% of the total site area which complies with policy Hou 3 on private green spaces in housing developments. Given that this area is substantial and the quality of the landscaping can be secured by condition, and all parking (except the cycle parking shed) has been removed from the rear area, it is considered that, on balance, this is acceptable under LDP policy Hou 4.

c) Amenity for existing residents

LDP Policy Des 5 (Development design amenity) advises that planning permission will be granted for development where it is demonstrated amongst other things, that the amenity of neighbouring developments is not adversely affected in relation to noise, daylight, sunlight, privacy, and immediate outlook. Proposals should also consider adaptability, mixed use, active frontages and external spaces. The Edinburgh Design Guidance interprets these criteria and helps to clarify how to ensure reasonable amenity needs are balanced against achieving good townscape.

Daylight and Sunlight

Representations have been made concerning the development's impact on residential amenity. The application site is in close proximity to a number of residential properties. A detailed daylight, sunlight and privacy statement has been prepared by the applicant.

The detailed study tests residential windows facing onto Ashley Place. The study shows that daylighting to these windows will be reduced by the development. This is because of the building height and its proximity to the windows. Whilst there is a reduction of daylight to the neighbouring 113 windows, these windows still comply with the requirements of the Edinburgh Design Guidance either in terms of the Visual Sky Component or the Average Daylight Factor. The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. In the Bonnington area, buildings come close together, in some cases more than that proposed. The proposal increases the situation from the existing two storey building to a six storey building which is set back around 18 metres from the neighbouring building. Whilst there is a reduction in daylight these windows are still afforded enough daylight to comply with the Edinburgh Design Guidance.

The assessment of sunlight to existing garden spaces is required, including the existing Ashley Place courtyard garden which is 30m away from the proposed development, and has existing four storey development surrounding it. The proposed development does not rise above the 45 degree line and therefore sunlight to this courtyard would not be affected.

Privacy and outlook

The Block A building is set back around 18 metres from the numbers 12-16 Ashley Place to provide acceptable privacy levels and immediate outlook commonly found on tenemental streets. The Ashley Place elevation of the proposal has been designed to reduce overlooking from the new development to the existing residential properties. This is an improvement over the implemented and extant permissions for the site and is acceptable.

Noise

The previous planning application (14/05208/FUL) was consented subject to conditions that did not relate to noise. An informative is attached, following Environmental Protection's suggestion, to highlight that no noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday, due to the close proximity of existing residential properties, which is enforceable under the Control of Pollution Act 1974. This would be enforced by Environmental Protection.

d) Amenity for future occupiers

Daylight and Sunlight

The assessment of the no skyline method as set out by BRE reveals that 8 ground floor windows fail the no-skyline test, however all surpass the minimum 25% glazing on the external wall. Of the six flats affected, all are dual aspect and would have reasonable daylight either from the rear which overlooks the shared garden area or in one case from windows fronting two sides of Ashley Place. Therefore it is considered that this infringement of guidance is not significant enough to merit refusal of planning permission.

Over half of the courtyard space would receive sunlight for more than 3 hours as assessed by using hour by hour shadow plans for 21 March. The proposed landscaped courtyard to the rear therefore has sufficient sunlight in terms of the Edinburgh Design Guidance.

Privacy and outlook

The setting back of the blocks increases the distance between flats to reduce privacy. The flats have been oriented so that most bedroom spaces face the courtyard rather than the street. This improves the privacy for residents. The windows to ground floor flats that face the street and the courtyard all have a planted buffer in front of them to increase privacy and improve the outlook. All ground floor units are double aspect which gives them a varied outlook.

Noise

The surrounding area has seen the development of further residential properties since then whilst there are still some commercial uses neighbouring the site. The applicant has submitted a supporting noise impact assessment, which has concluded that no specific noise mitigation measures will be required.

e) Transport impact

LDP Policies Tra 1 and Tra 8 require development proposals to demonstrate through appropriate transport assessment and proposed mitigation in relation to its impact on the existing transport networks and accessibility of the site by modes other than the car. The application is supported by a Transport Assessment. The LDP Action Programme (January 2019) also sets out requirements to mitigate the impact of development. Contributions are required to be secured by legal agreement, in line with the LDP Action Programme and include:

- a. Contribute the sum of £3,074 to Henderson Street - Great Junction Street Junction Alterations;
- b. Contribute the sum of £3,561 to Bonnington Road - Great Junction Street Junction Improvement;
- c. Contribute the sum of £13,363 to Leith and City Centre (East) Cycle Route;
- d. Contribute the sum of £9,263 to The Water of Leith Path - Commercial Street to Warriston;
- e. Contribute the sum of £2,801 to Jane Street / Tennant Street Active Travel Connections;

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

Policy Des 7 of the LDP seeks to enhance connectivity across sites. The proposal includes pedestrian and cycle accesses to the rear from the south and east. The property fronts onto Ashley Place and integrates with the existing pedestrian and cycle network to the south and east. The proposals also allow a potential future permeable east-west route through to Elizafield and Newhaven Road, depending on the redevelopment of the neighbouring area. The Action Programme contributions also improves the wider pedestrian and cycle network. This increases permeability and provides cohesion with the surrounding developments and complies with policy Des 7.

Parking

LDP Policies Tra 3 and Tra 4 sets out design considerations for the design of off-street car parking and cycle parking. The car parking layout along eastern street frontage comprises 16 on-street spaces including 3 electric vehicle charging spaces and one disabled space. There is a significant level of unallocated car parking in the surrounding area, easy access to nearby car club vehicles, and existing car ownership of 68% in this area, therefore this level of provision is acceptable.

The internal cycle storage at internal ground floor level and the external store is safe, secure, convenient and accessible and provides for a total of 126 cycle spaces which complies with the Edinburgh Design Guidance and is acceptable under Policy Tra 3. Transport has also advocated the use of a travel pack which is included as an informative. The low level of car parking provision, high level of cycle parking will encourage transport modes other than the car. Therefore the proposal complies with policies Tra 3 and Tra 4.

f) Affordable Housing

Policy Hou 6 requires a minimum of 25% affordable housing. The proposal includes 14 affordable units comprising four one bedroomed flats, nine two bedroom flats, and one three bedroomed units - an integrated and representative mix acceptable to Port of Leith Housing Association which are all to be for social rent. It is expected that these will be tenure blind. Enabling Partnerships has no objection to the proposals to deliver new onsite affordable housing, which will be secured by legal agreement.

g) Education Infrastructure

LDP Policy Del 1 requires infrastructure provision where relevant and necessary to mitigate any negative additional impact commensurate to the scale of the proposed development. 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, and amount of new housing development including within the urban area. This site falls within Sub-Area D1 of the 'Drummond Education Contribution Zone'. The impact of the proposal on identified education infrastructure actions and current delivery programme has been assessed. 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. The proposal for 39 units (excluding 19 one bedrooomed flats) requires a total infrastructure of £33,384 (or £856 per unit) (indexed from Q4 2017, to the date of payment). It is considered that these are reasonable and necessary in relation to the scale of the development proposed. If the appropriate infrastructure contribution is provided by the developer, Communities and Families does not object to the application.

h) Sustainability

A sustainability statement has been submitted and complies with the Edinburgh Design Guidance. In summary, measures included the reuse of a brownfield site, higher density development as efficient use of urban land, passive gain with the orientation of living areas within the flats to face south/east, and landscaping of the open space to rear. The reduction in car parking to 27%, and the provision of 130 cycle parking spaces and three electric vehicle chargers (EVC) helps to reduce the carbon impact of proposals. Waste have no objection to the proposals for reduction, reuse and recycling of waste which complies with their standards. Further details will be submitted at building warrant stage to include further details on sustainable materials, recycled UPVC windows, dual flush WC's carbon reduction, the roof mounted photo voltaic panels.

i) Other environmental impacts

Archaeology

The site is within an area of archaeological significance due to its Victorian industrial heritage and its close proximity to Pilrig House built on the site of the 1559-60 siege fortification of Somerset's Battery. The ground-breaking works associated with both demolition and construction are likely to have a significant impact upon surviving buried remains. Accordingly, it is considered essential that a programme of archaeological excavation work is undertaken as part of the demolition process and prior to development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking. The City Archaeologist recommends that a programme of archaeological works is undertaken, in accordance with a written scheme of investigation to be approved by the planning authority, prior to development. Therefore, a condition is attached to achieve this.

Biodiversity

Policy Env 16 of the Edinburgh Local Development Plan protects against development that would have an adverse impact on species protected under European or UK law. The application site does not lie within, or contain, any sites or areas designated or recognised for their international or national ecological or ornithological value. In addition, the closest non-statutory site is the Water of Leith Local Nature Conservation site which is located approximately 150m away, beyond the industrial area, to the north of the site. A preliminary roost assessment was undertaken since the building is vacant and in the vicinity of the Water of Leith. No evidence of bats nor features with the potential for roosting bats were found on site and the building was considered of negligible value to bats and poor for foraging bats too. However should any bats or bat roosts be identified during demolition, works must cease and an informative is put on to that effect. This is acceptable under policy Env 16.

Flooding

The applicant has submitted a surface water management plan, flood risk assessment plan, self certification and third party certification sheets as well as a SWMP checklist. Site specific soakaway testing and ground water monitoring has been carried out. A soakaway system is no longer considered viable. Proposals now are to discharge to the Water of Leith watercourse 140m north of the site, by connecting into the surface drain of the adjacent development currently under construction. Calculations are provided for the on-site attenuated solution put forward within the revised report. Also included is a network design check from the designer of the adjacent development to confirm suitability of our proposed connection to their network and subsequent discharge to the Water of Leith watercourse. Initial consultations have been had with CEC flooding, Scottish Water and the developer to give comfort of suitability. Private drainage is to be maintained by a factor via private residents. New lines from disconnecting manholes to existing network to be adopted by Scottish Water. Scottish Water has no objection to the proposed development. CEC flooding has assessed these revised proposals and confirm that they have no further comment to make on the proposed development.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection and therefore a condition is attached to ensure that contaminated land is fully addressed.

Local Air Quality

Environmental Protection note the reduction in car parking spaces in the revised proposals. The provision of electric vehicle charging points can be secured by condition to ensure that chargers of a minimum standard 7Kw (32amp) type two chargers shall be installed and operational prior to occupation of the development.

j) Material Representations

Objection - Scheme 2

- Overlooking, overshadowing, loss of privacy, loss of daylight and sunlight to neighbouring properties, detrimental impact on neighbours' amenity. This is addressed in section 3.3c.
- too much development, lots of new building already, building position, height. This is addressed in section 3.3b.
- noise pollution. This is addressed in section 3.3c.
- transport issues - insufficient parking, congestion, construction distribution, Ashley Place capacity for vehicles, loss of public transport unsuitability of Ashley Place for more residential use. This is addressed in section 3.3e.
- road safety issues for children going to school. This is assessed in section 3.3e.
- Air pollution. This is addressed in section 3.3i.
- Enough bins should be provided. This is addressed in section 3.3i.
- air pollution due to increase in vehicle emissions. This is assessed in section 3.3e.

Non- material issues

- air pollution, noise and structural damage or cosmetic damage during construction.

Neutral Comment

- consideration to potential issues of glint and glare from solar panels on the roof overlooked by neighbouring properties. This is addressed in section 3.3c.
- green landscaping to Ashley Place, avoid barren, concrete streetscape, need more landscaping to Ashley Place. This is addressed in section 3.3d.

Support

- principle is supported and will benefit local area - addressed in section 3.3a.

The Leith Central Community Council (LCCC) also object to Scheme 1 and ask that their objection is carried forward for Scheme 2. They object to the proposal as it does not include new flexible business space as required by the Bonnington Development Brief. This is addressed in Section 3.3a. They object due to the impact on daylighting and sunlight to existing residents, due to methodology used in Scheme 1, particularly as they have used comparisons with the proposed development and the unbuilt planning application. Further details on daylighting and sunlighting were submitted with Scheme 2 in line and the revised methodology used complies with the Edinburgh Design Guidance. These issues are addressed in section 3.3c and 3.3d. The LCCC also commented that scheme 1 did not meet the 20% minimum requirement for useable greenspace. This was increased in Scheme 2 and is addressed in Section 3.3d. The LCCC also are concerned that no evidence is submitted in order to show carbon reduction nor is 50% use of low/zero carbon (LCZ) technology. This is addressed in section 3.3i.

k) The existing planning permissions

The planning permission (04/00306/FUL) for this application site for office use is extant and a material consideration in the assessment of the current proposal. The live planning permission for residential development (14/05208/FUL) is also a material consideration in the assessment of the current proposal. The current application is for full planning permission in its own right. It is therefore, treated as a 'de novo' application. This means that Section 25 of the Town and Country Planning (Scotland) Act 1997 applies, "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."

The question of how much weight should be attached to other material considerations lies with the decision-maker. This is important in relation to matters concerning principle as set out above and design as set out above. A significant degree of weight should be attached to these permissions given the "fall-back" position as they are live and implementable.

Conclusion

The proposal complies with the Edinburgh Local Development Plan. The design and layout is acceptable and the higher density development provides an efficient use of this vacant brownfield site. The amenity of existing neighbouring properties will not be adversely affected and an acceptable amount of amenity will be afforded to future occupants. The proposed development will provide a satisfactory residential environment. The low level of car parking provision, high level of cycle parking will encourage sustainable transport. This application has been assessed against the Edinburgh Local Development Plan policies Del1, Des 2-8, Des11, Env 8-9, Env12, Env 16, Env 20-22, Emp 09, Hou 01-7 , Hou10, Tra 1-4, Tra 08-09. The Edinburgh LDP Action Programme, Edinburgh Design Guidance and Edinburgh Developer Contributions and Infrastructure and Bonnington Development Brief are also used to assess this application.

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. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and SUDS landscaping and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Head of Planning.

6. The three residential parking space highlighted on drawing number 6B dated 13/01/2020 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. The cycle infrastructure and storage provision as submitted should also be implemented

Reasons:

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the Head of Planning to consider this/these matter/s in detail.
6. To ensure that the level of electric vehicle charging points are installed and operational.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, affordable housing and transport has been concluded and signed. The legal agreement shall include the following:
 - a. Education - A financial contribution of £33,384 in total (or £856 per unit for the 39 units above one bedroom in size), is required to Communities and Families to alleviate accommodation pressures in the local area as identified by the LDP Action Programme and associated LDP policy Del1.
 - b. Affordable Housing - 25% of the total number of residential units shall be developed for affordable housing provision for social rent.
 - c. Transport - A contribution towards the LDP Action Programme for junction alterations including:
 - a. Contribute the sum of £3,074 to Henderson Street - Great Junction Street Junction Alterations;
 - b. Contribute the sum of £3,561 to Bonnington Road - Great Junction Street Junction Improvement;
 - c. Contribute the sum of £13,363 to Leith and City Centre (East) Cycle Route;
 - d. Contribute the sum of £9,263 to The Water of Leith Path - Commercial Street to

Warriston;

- e. Contribute the sum of £2,801 to Jane Street / Tennant Street Active Travel Connections;

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

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. No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles, 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) and timetables for local public transport
7. The site has limited potential value for roosting, foraging and commuting bats and nesting birds. A preliminary roost assessment was undertaken since the building is vacant and in the vicinity of the Water of Leith. No evidence of bats nor features with the potential for roosting bats were found on site and the building was considered of negligible value to bats and poor for foraging bats too. It is recommended that demolition falls outside of the bat summer roosting season (May - September inclusive) to avoid disturbing any bats that may be present inside the building. Should any bats or bat roosts be identified during the demolition or roof removal, works must cease immediately and contact should be made with a licensed bat worker or Scottish Natural Heritage for advice on how to proceed.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 31st October 2019 and a total of seven representations were received to Scheme 1 - five objecting, one support and one commenting on the proposal.

The revised proposals were advertised on 17th December 2019 and 14th January 2020 and a total of 7 representations were received objecting to Scheme 2.

Leith Central Community Council objected to Scheme 1 and continue that objection to Scheme 2.

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

Date registered

24 October 2019

Drawing numbers/Scheme

1, 2, 3A, 4, 5, 6C, 7A,8A, 9A, 10B, 11B, 12A, 13,,
14A, 15A, 16A, 17A, 18A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer

E-mail:catriona.reece-heal@edinburgh.gov.uk Tel: 0131 529 6123

Links - Policies

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 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 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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 Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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.

Relevant Non-Statutory Guidelines

The Bonnington Development Brief sets out planning and design principles to guide the redevelopment of an area currently occupied predominantly by business and industrial uses.

Appendix 1

Application for Planning Permission 19/05092/FUL at 14 Ashley Place, Edinburgh, EH6 5PX. Demolition of existing building and erection of 58 flatted residential development with associated landscaping, car and cycle parking, formation of vehicular access from Ashley Place and associated infrastructure.

Consultations

Archaeology 18. November 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the demolition of existing building and erection of a 58 flatted residential development with associated landscaping, car and cycle parking, formation of vehicular access from Ashley Place and associated infrastructure.

Map evidence indicates that until the mid-19th century the site survived as open ground, with the 1st Edition OS map indicating that it formed the northern half of the Adelphi Fruit and Flower Gardens. However, the surrounding area at Bonnington starting in the late 18th century become a focus for industry with the neighbouring plots of land containing Haig's Distillery and the Bonnington Soap and Chemical Works. Between 1849 and the publication of the 2nd OS map in 1876 this site had become subsumed by the neighbouring Bonnington Chemical works. The 1876 map shows the site containing circular tar tanks and at least one factory building. The scale of industrialisation of the area is witnessed by the later Victorian OS maps which show the site fully developed with a range of factory buildings and light narrow(?) -gauge railway tracks. The core of the current building occupying this site would appear to be a relic of this industrial past being constructed sometime between 1914 and the early 1930's.

In addition to the site's industrial heritage it's close-proximity to Pilrig House, built on the site of the 1559-60 siege fortification of Somerset's Battery, suggests that the site may also contain evidence relating to this fortification and its associated army encampments.

Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policies ENV3, ENV4 & 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.

As stated the site overlies an area of archaeological significance principally relating to the site's Victorian Industrial heritage and possible earlier association with the encampments of the English Armies during the siege of Leith in 1559-60. Accordingly, ground-breaking works associated with both demolition and construction are likely to have a significant impact upon surviving buried remains. Accordingly, it is considered essential that a programme of archaeological excavation work is undertaken as part of the demolition process and prior to development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking.

This will require a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of this programme of evaluation will allow for the production of detailed further mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to construction.

Therefore, it recommended that if consent is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, 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.

Environmental Protection 18. November 2019

Environmental Protection have made comment on similar proposals in the past for this site. It was for the removal of the existing office building and associated storage yard and the erection of 40 flats (14/05208/FUL). This application was consented subject to conditions.

The surrounding area has seen the development of further residential properties since the last application was consented. There are still come commercial uses neighbouring the site. The applicant has submitted a supporting noise impact assessment which has identified that the commercial uses shall not have an adverse impact on the amenity of the proposed residential units.

Noise

The noise impact assessment has concluded that no specific noise mitigation measures will be required. The noise measurements have taken into consideration the existing commercial operations. There are no records of complaints against the nearest commercial uses from the existing neighbour residential properties.

Due to the close proximity of existing residential properties Environmental Protection highlights that no noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Local Air Quality

The applicants latest proposal does include a reduced number of parking spaces which is welcomed. The applicant has confirmed that they will be providing six electric vehicle charging points that will be installed and operational prior to occupation of the development. The chargers shall be of a minimum standard 7Kw (32amp) type two chargers shall be installed. The applicant should also investigate not using gas boilers and investigate using electric not fossil fuels.

Therefore Environmental Assessment offers no objection subject to the following condition;

1. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Head of Planning.

2. The six residential parking space highlighted on drawing number 1921.L.G(92)001 dated 11/10/2019 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

Informative

No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Scottish Water 18.November 2019

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

Water

There is currently sufficient capacity in the GLENCORSE Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes: Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd Tel: 0333 123 1223

Email: sw@sisplan.co.uk www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Step

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish

Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed

to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Waste 18.Novmber 2019

I can confirm that this development would be excepted with the waste strategy provided. This would be subject to a site visit prior to collections being agreed. Please inform the developer / builder to contact this office a minimum of 12 weeks prior to occupation to allow them time to purchase the bins and set up the site visit. Please note, no collections will take place until this site is checked and agreed, any waste produced on site is the responsibility of the developer / builder. Can you provide me with a detailed plan of the three bin stores showing the below bins in place and confirming all three bin stores are in accordance with our architects instructions attached. You have shown the bin stores as stated on page 31 of your design access statement with a detail that they are within 10 meters of an existing road, can you show detail of the straight pull to the collection point and highlight any drop kerbs, can you please provide this on a plan. A swept path analysis is only required if we need to enter the site and leave the existing road to reach any collection point, not in this instance.

I can confirm the number and size of the required bins below:

<i>Bin store block A</i>	<i>14 units</i>	<i>Bin store block B</i>	<i>23 units</i>
<i>Residual</i>	<i>2 x 1280</i>	<i>Residual</i>	<i>3 x 1280</i>
<i>Recycling DMR</i>	<i>2 x 1280</i>	<i>Recycling DMR</i>	<i>2 x 1280</i>
<i>Glass</i>	<i>1 x 360</i>	<i>Glass</i>	<i>1 x 660</i>
<i>Food</i>	<i>1 x 240</i>	<i>Food</i>	<i>1 x 500</i>

<i>Bin store block C</i>	<i>21 Units</i>
<i>Residual</i>	<i>3 x 1280</i>
<i>Recycling DMR</i>	<i>2 x 1280</i>
<i>Glass</i>	<i>1 x 660</i>
<i>Food</i>	<i>1 x 500</i>

Communities and Families 20 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:

39 Flats (19 one-bedroom flats excluded)

This site falls within Sub-Area D1 of the 'Drummond 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 contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£33,384

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 24th January 2020

ROADS AUTHORITY ISSUES

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 £3,074 to Henderson Street - Great Junction Street Junction Alterations, as per the LDP Action Programme (January 2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

b. Contribute the sum of £3,561 to Bonnington Road - Great Junction Street Junction Improvement, as per the LDP Action Programme (January 2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

c. Contribute the sum of £13,363 to Leith and City Centre (East) Cycle Route, as per the LDP Action Programme (January 2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

d. Contribute the sum of £9,263 to The Water of Leith Path - Commercial Street to Warriston, as per the LDP Action Programme (January 2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

e. Contribute the sum of £2,801 to Jane Street / Tennant Street Active Travel Connections, as per the LDP Action Programme (January 2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

f. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

g. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

2. For avoidance of doubt the proposed road layout (including on-street car parking) is not agreed at this stage (see note IV for further detail);
3. 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;
4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
5. 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;
6. 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;
7. 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;

Note:

- I. The application has been assessed under the 2017 Parking Standards. These permit the following:
 - a. A maximum of 77 car parking spaces (Zone 3 - 1 space per 2 room unit, 1.5 spaces per 3 room unit and 2 spaces per 4 room unit). 16 car parking spaces are proposed;
 - b. A minimum of 117 cycle parking spaces (2 spaces per 2/3 room unit and 3 spaces per 4+ room unit). 130 cycle parking spaces (126 internal and 4 visitor) are proposed;
 - c. A minimum of 8% of the car parking to be designated as accessible car parking, this results in a requirement for 1 accessible car parking space. 1 space is proposed;
 - d. A minimum of 1 of every 6 car parking spaces to be equipped for electric vehicle charging, this results in a requirement for 3 EV spaces. 3 EV spaces are proposed;
 - e. A minimum of 2 motorcycle parking spaces (1 per 25 units). 0 designated motorcycle parking spaces are proposed.

II. The applicant provided a justification for the proposed level of car parking that looked at 2011 Census data related to car ownership in this area, this was found to be at around 68%. Applying this to the proposed development would result in around 40 cars being owned at this development. Whilst the proposed 16 car parking spaces is lower than the level anticipated it should be noted that there is a significant level of car parking being provided by surrounding developments and as this is on-street it will be unallocated and available to anyone. This site also benefits from excellent access to car club vehicles with two existing vehicles within two minutes' walk of the site and an additional six vehicles being delivered as part of the neighbouring development. The applicant has also highlighted that providing low car parking will contribute towards the Council's aspirations relating to lower car ownership and usage. The proposals comply with 2017 Parking Standards and therefore is considered acceptable;

III. The cycle parking is split between three separate stores, two of which are internal within the building and one external store within the private amenity space. The cycle parking is split in the following manner:

- a. Store A (External) - 28 Spaces (all spaces are Sheffield stands appropriately spaced to accommodate non-standard bikes);
- b. Store B (Internal) - 50 Spaces (high-density two-tier racks make up the majority of the provision with 2 Sheffield stands spaced appropriately for non-standard bikes);
- c. Store C (Internal) - 48 (high-density two-tier racks make up the majority of the provision with 2 Sheffield stands spaced appropriately for non-standard bikes);

The two internal stores have two entrance exit points one which leads directly into the private amenity area and another into building cores which allows residents to take direct access to Ashley Place. The external store will be fully covered, secure and weatherproof and will have a single access point. All stores are considered to have good accessibility and appear to be easy to use. The proposed cycle parking numbers exceed the minimum standard set out in the 2017 Parking Standards and the layout and format of the cycle parking is considered acceptable;

IV. It is not clear if the proposed footway on the eastern side of the development complies with current guidance. A minimum footway width of 2.5m is required to ensure that the vehicle overhang from the proposed end-on parking does not majorly impact on the pedestrian environment. It is anticipated that this can be dealt with through the RCC process (see Edinburgh Street Design Guidance Fact Sheet P3 - Footways for further information);

V. A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments and shows that the proposed development is likely to generate a net reduction in peak time vehicle trips when considered against the existing use of an office (net reduction of 15 AM two-way trips and 12 PM two-way trips);

VI. A potential future permeable East-West route through to Elizafield and Newhaven Road has been future-proofed through the planning application and road construction consent process for the neighbouring development should it come forward for redevelopment and secured through the future RCC process. Any potential north-south permeability would be dealt with through the potential redevelopment of the site to the west, if required at that time. It should be noted at present Elizafield is designated as a

private access meaning it is not a "road" and the Council as Roads Authority has no control over this area;

VII. Transport contributions will be sought in relation to transport actions identified in the LDP Action Programme, these are likely to include:

- o Henderson Street / Great Junction Street Junction Alterations (total action cost - £209,856);
- o Bonnington Road / Great Junction Street Junction Improvement (total action cost - £245,000);
- o Leith and City Centre (East) Cycle Route (total action cost - £918,750);
- o The Water of Leith Path - Commercial Street to Warriston Total action cost (637,000);
- o Jane Street / Tennant Street Active Travel Connections (total action cost - £61,250);

With regards to finding a cost per unit the estimated housing capacity of the Central Leith Waterfront within the LDP (2016) has been utilised along with the figures for sites in this area within the Land Housing Audit: these numbers are as follows:

- o Central Leith Waterfront (CLW) - 2,720 units;
- o Surrounding sites within the Land Housing Audit (LHA) - 1,268 units;

These will be applied to the actions in the following manner:

- o Henderson St / GJS - CLW + LHA
- o Bonn Rd / GJS - CLW + LHA
- o Leith - CC Cycle Route - CLW + LHA
- o WoL Improvements - CLW + LHA
- o Jane St / Tennant St - LHA

Transport contributions have been worked out as follows:

- o Henderson St / GJS = £209,856 / (2720 + 1268) = £53 per resi unit x 58 = £3,074 (9.6%)
- o Bonn Rd / GJS = £245,000 / (2720+1268) = £61.40 per resi unit x 58 = £3,561 (11.1%)
- o Leith - CC Cycle Route = £918,750 / (2720 + 1268) = £230.40 per resi unit x 58 = £13,363 (41.7%)
- o WoL Improvements = £637,000 / (2720 + 1268) = £159.70 per resi unit x 58 = £9,263 (28.9%)
- o Jane St / Tennant St = £61,250 / 1268 = £48.30 per resi unit x 58 = £2,801 (8.7%)

Total Transport contributions = £32,062 (percentages provided for benefit of legal agreement)

Affordable Housing 18 February 2020

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997

CONSULTATION

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.

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

2. Affordable Housing Provision

This application is for a development consisting of up to 58 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (14) homes of approved affordable tenures. The developer has been in contact with Port of Leith Housing Association and they are satisfied with the range of housing that has been offered which is an integrated and representative mix of affordable housing on site. Prices for the units have been agreed with Port of Leith and all will be for social rent.

The applicant has stated that the affordable housing will account for 25% (14) of the new homes on site. This is welcomed by the department. 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 Council aims to secure 70% of new onsite housing for social rent which the applicant has complied with, agreeing to 100% social rent as the affordable housing contribution having agreed this with Port of Leith HA.

In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities.

3. Summary

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

- The applicant is working with Port of Leith Housing Association to deliver the affordable housing on site*
- All the affordable housing will be delivered on site for social rent*
- 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 will have to 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.

Leith Central Community Council 17 December 2019

1. Daylighting: impact on nearby buildings

LDP Policy Des 5 Development Design - Amenity

Planning permission will be granted for development where it is demonstrated that:

a. the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

This policy applies to all new development for one or more new buildings. Buildings must meet the needs of users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy.

*Edinburgh Planning Guidance
Daylight, Sunlight and Privacy
Approved 25 February 2010*

Applications should be supported by the methods of daylighting and sunlighting assessment set out in this guidance and the Building Research Establishment Report (Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice by P J Littlefair (1991), where appropriate demonstrating both before and after circumstances. Information should also be submitted showing site levels and heights of neighbouring buildings as appropriate.

- *The applicant uses the Vertical Sky Component (VSC) method to measure the future amount of daylight on existing buildings.*
- *For existing buildings, the Edinburgh Planning Guidance & the Building Research Establishment (BRE) state that if the VSC at the centre of a window is more than 27% (or if not, then it is more than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected.*
- *The daylighting calculations provided by the applicant (Design & Access Statement - Part 2) show that the proposed development will not achieve the minimum of 27% of diffuse daylighting per window in all existing identified locations; it will therefore adversely affect neighbouring flats in all identified locations.*

- Rather than assessing the proposed development's impact within the current urban context (now vs after), the applicant provides comparisons between the proposed development and an unbuilt planning application (approved in 2006).
- The 2006 planning application did not provide a daylighting analysis.
- The daylighting analysis does not individually identify affected windows of the existing buildings; it does not identify which rooms they serve and it does not state if the affected existing flats are single or double aspects.
- The daylighting and sunlight figures of the proposal do not seem to be provided by a daylighting specialist, as is good practice.

2. Provision of greenspace

LDP - Policy Hou 3 Private Green Space in Housing Development

Planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

a) In flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens). A minimum of 20% of total site area should be useable greenspace.

The current proposal does not seem to meet the 20% minimum requirement for useable greenspace.

3. Sustainability

LDP - Policy Des 6 Sustainable Buildings

Planning permission will only be granted for new development where it has been demonstrated that:

- a) the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating Technologies.*
- b) other features are incorporated that will reduce or minimise environmental resource use and impact, for example:*
 - i. measures to promote water conservation*
 - ii. sustainable urban drainage measures that will ensure that there will be no increase in rate of surface water run-off in peak conditions or detrimental impact on the water environment. This should include green roofs on sites where measures on the ground are not practical*
 - iii. provision of facilities for the separate collection of dry recyclable waste and food waste*
 - iv. maximum use of materials from local and/or sustainable sources*
 - v. measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking and other supporting facilities such as showers.*

This policy applies to all development involving one or more new buildings. The purpose of this policy is to help tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment.

As acknowledged in the Sustainability Statement Form, the proposal does not demonstrate that the current carbon dioxide emissions reduction target has been met, with at least a 50% use of LZC technology.

No evidence is submitted in order to show carbon reduction.

4. Mix of uses

Bonnington development brief August 2008

Mix of uses

2.2 The brief area is designated for business and industry in the adopted North East Edinburgh Local Plan. However, the finalised ECLP identifies the brief area as lying within the general urban area. The introduction of non-employment uses will now be permitted provided the proposal includes a significant element of new floorspace designed to provide for a range of business users, and complies with the other principles in this brief.

4.1 The role of the brief is to guide an appropriate mix of uses, that includes flexible small business space, and to connect missing links in the network of pedestrian/cycle routes and green spaces (Figures 4a and 4b).

Specific objectives for the brief area include:

-Establish an appropriate mix of uses that ensures the introduction of residential uses will not compromise the operation of existing businesses with regards to environmental health issues, such as noise;

-Provide new flexible small business space to help meet the need in North East Edinburgh;

5.5 All sites for new development will be required to include a significant element of new small business space to help meet the need in North East Edinburgh. The format of the small business space should be able to accommodate a range of light industrial uses on the ground floor with residential units above, though other formats may be equally suited to a range of business types.

-The proposal does not address the requirements set in the Bonnington Development Brief in terms of providing new flexible business space to help meet the need in North East Edinburgh.

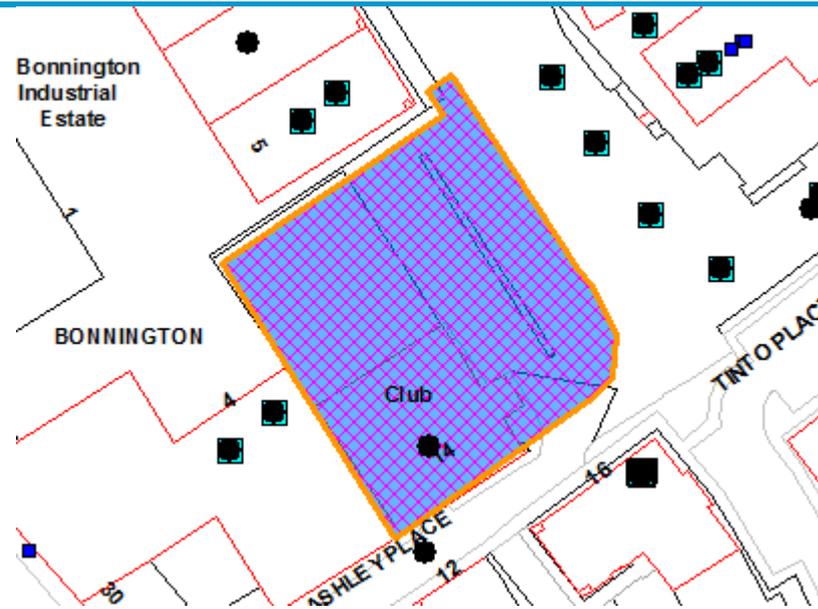
Leith Central Community Council 25 February 2020

While we are aware of the applicant's attempts to address a number of the concerns that formed the basis of our objection, we have now decided - on balance - to let our original objection stand.

Flooding Response 26 February 2020

Thanks for sending the SWMP checklist through. This satisfies CEC Flood Prevention's comments. This application can be determined with no further comments from our department.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END