

Development Management Sub Committee

Wednesday 13 January 2021

Application for Planning Permission 20/01313/FUL At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB Proposed residential development and associated landscaping, drainage, roads and infrastructure.

Item number

Report number

Wards

B13 - Leith

Summary

The proposed use on the site is acceptable. Subject to conditions, there is no significant adverse impact on neighbouring amenity and the future occupiers of the residences will be afforded adequate amenity. The development is acceptable in transportation terms and the parking provision, including cycle parking, meets the Council's standards. The development has no detrimental impact on significant archaeological remains.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed buildings and the associated works would harmonise with, and thereby would preserve the setting, of the assemblage of listed buildings on the former Edinburgh and Leith Gasworks site. In addition, the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of Leith Conservation Area.

The proposals comply with the Development Plan.

There are infringements of the Edinburgh Design Guidance in terms of the proportion of three bed units suitable for growing families; the proportionate split of family and non-family units between the private and affordable components; flats suitable for growing families not having direct access to a private garden; and daylighting to some of the dwellings. However, the infringements are minor and considered acceptable in the context of delivering housing on this urban site.

There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDEL03, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LDES08, LEN20, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSHAFF, NSGD02, LEN21, LEMP09, LEN03, LEN06, CRPLEI, HESSET, LEN22,

Report

Application for Planning Permission 20/01313/FUL At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB Proposed residential development and associated landscaping, drainage, roads and infrastructure.

Recommendations

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

Background

2.1 Site description

The application site is roughly triangular shaped in plan and covers 0.81 hectares. The site is presently used by the City of Edinburgh Council as a car pound and has in the past been used to store grit.

The site is bounded to the north by cleared land that that forms part of Forth Ports Authority docks and basins. Bath Road; which is the access road to Forth Ports docks and basins, bounds the site to the east. The site the subject of planning permission ref.18/08206/FUL granted to the same applicant for a flatted development of 212 flats and ground floor commercial units and associated works bounds the site to the south, beyond which is Salamander Street (the A119). The commercial buildings in Tower Street bound the site to the west.

There is an existing access to the site off Bath Road and an existing access to the site off Tower Street.

The surrounding area is a mixture of industrial use and residential uses.

The assemblage of Category B listed buildings and structures of the former Edinburgh and Leith Gasworks are located nearby to the south west of the site. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The buildings within the old gasometer site fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies to the south west of the Gasworks site (LB27140) listed 14 December 1970. To the south of Gasworks site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The site of the former Edinburgh and Leith Gasworks lies within Leith Conservation Area.

2.2 Site History

25 September 2019 - Proposal of Application Notice submitted for a mixed use development and associated drainage, roads and infrastructure on the site. (application number 19/03870/PAN).

Neighbouring sites:

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the neighbouring site to the immediate south at 1 Bath Road. (application number 18/08206/FUL).

28 October 2020 - The Planning Committee resolved to grant planning permission subject to conditions and the conclusion of a section 75 legal agreement for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended) at the site of the former Edinburgh and Leith Gasworks at 1-5 Baltic Street and 7-27 Constitution Street. (application number 20/00465/FUL).

28 October 2020 - The Planning Committee resolved to grant Listed building consent subject to conditions for Internal and external alterations to Category B- listed gas works buildings and conversion to residential use; removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls at the site of the former Edinburgh and Leith Gasworks. (application number 20/00466/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of 95 flatted residences comprising of 72 private flats and 23 affordable flats.

The proposal includes: (i) a U-shaped block at the western end of the site. At its highest, this block is 6-storey in height. This block contains a total of 66 flats, 3 of which are be affordable; (ii) an L-shaped block roughly in the middle of the site, containing 17 affordable flats. At its highest, this block is 5-storey in height; and, (iii) a three-storey rectangular plan terrace of colony flats positioned nearby to the east elevation of the middle flatted block. The colony block contains 12 private flats, three of which are affordable. The split between the private and affordable is as follows:

Private		Affordable	
number of units		number of units	
1 bed	0	1 bed	3
2 bed	49	2 bed	17
3 bed	23	3 bed	3
Total	72		23
			<u>95</u>

The U-shaped block encloses a landscaped courtyard which is open to the south. The L-shaped middle block has a dual frontage to the south and west. The rectangular colony block fronts south.

The design of all three buildings is contemporary. The roof of the western most block and the middle block is flat and PV panels are mounted on them. The pitched roof of the rectangular colony terrace is clad in dark grey roof tiles. External wall materials are a mixture of two colours of facing brick and render panels. The distribution of external materials has not been confirmed. The framing of windows and external doors are grey in colour. Balconettes are located on some elevations of the flatted blocks, and balconies are proposed on the south facing elevation of the western most block.

Vehicular access will be taken from three points: (i) from the existing access off Tower Street at a point on the west boundary of the site, which will be the primary access; (ii) from Bath Road at a point on the eastern boundary of the site; and, (iii) off Baltic Street at a point on the western end of the south boundary off the site via the spine road within the consented development to the immediate south which is the subject of planning permission 18/08206/FUL. On the site layout plan, an area of land is identified for the future realignment of the access road off Tower Street, including an extension to the off-road cycle network.

The principal road within the proposed development is the east - west aligned road that was consented as part of the neighbouring consented development to the south. Accessed off that road is two proposed parking courts to serve the proposed flatted blocks. Parallel to and along the length of the principal road is a 3.5 metres wide shared cycleway/footway which is separated from the road by a linear open swale.

34 Thirty four car parking spaces (33%) are proposed within the two parking courts consisting of 25 standard bays, 3 disabled bays, 6 bays equipped with charging for electric vehicles and 2 City Car Club bays. The two car parking courts is are interspersed with landscape pockets of tree planting.

Cycle stores are distributed throughout the residential blocks in 5 communal stores. A total of 197 cycle racks are provided.

The enclosed landscaped courtyard which is open to the south of the westernmost block includes a rain garden, low formal hedging and vertical specimen shrubs and trees. This area will be semi public/private. A further rain garden is proposed to the east of the L-shaped middle block and it incorporates shrubs, hedgerows and trees. A communal soft landscape community space and orchard is proposed on the eastern extremity of the site.

A full landscaping scheme for the site has been submitted.

- Supporting Statements:
 - Planning Statement
 - Pre- Application Consultation Report
 - Design and Access Statement
 - Transport Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Ecology Report
 - Noise Impact Assessment
 - Site Investigation
 - Air Quality Assessment.
 - Archaeological Desk Based Assessment
 - An illustrative annotated version of the Leith Development Framework Masterplan.

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

Previous Scheme One

Since the application was validated the applicant/agent has submitted a revised scheme. The original scheme contained more flats, set out in a different layout.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development

which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 proposed use is acceptable on this site;
- b) the proposal preserves the setting of nearby listed buildings;
- c) the proposal preserves the setting of the Conservation Area;
- d) the proposed density, layout, scale, form and design are acceptable;
- e) the proposal is not detrimental to the amenity of neighbours and the proposal provides sufficient amenity for the future occupiers of the development;
- f) the proposal affects transport and road safety;
- g) Infrastructure has been addressed; including affordable housing, transport proposals, education and healthcare;
- h) flood mitigation and drainage are acceptable;
- i) other material planning matters have been addressed; and,
- j) public comments have been addressed.

(a) Use of Site

The site is part of the urban area and is within the Central Leith Waterfront Area and thereby Proposal EW1b applies. The site is part of a larger area identified in the Local Development Plan (LDP) as suitable for housing-led mixed use development. One of the development principles of this area is that new housing should be designed to mitigate any significant adverse impacts on residential amenity from existing or new industrial development. LDP Policy Hou 1 supports housing as part of mixed-use regeneration proposals at Edinburgh Waterfront including Proposal EW1b. The proposal complies with Policy Hou 1 as it provides housing on a brownfield site.

The site is covered by the Leith Docks Development Framework, the aim of which is to create a mixed and balanced community which exemplifies the principles of sustainability in terms of use, mix, accessibility and design.

LDP Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront. The proposal complies with this policy as it delivers housing development in the Leith Waterfront Area.

The site's former use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered. For the reasons explained below, the proposal would contribute to the comprehensive regeneration and improvement of the area and thereby it accords with Policy Emp 9.

Therefore, the principle of the proposals is acceptable.

(b) Setting of listed buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

Owing to their position, height, scale, massing, form and detailing, the proposed buildings and associated works would harmonise with the assemblage of Category B listed buildings on the neighbouring former Edinburgh and Leith Gasworks site (listed building ref. LB26744). With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposal would preserve the setting of these neighbouring listed buildings.

Therefore, the proposals are acceptable in terms of the impact on the listed buildings.

(c) Setting of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area or affecting its setting will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site lies outwith but near to Leith Conservation Area. The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the

importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The assemblage of listed buildings on the neighbouring former Edinburgh and Leith Gasworks site make a significant contribution to the character and visual amenity of Leith Conservation Area in which they are located. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed development would sit comfortably within the context of the conservation area. The height, scale and massing are appropriate and would not detract from the character of the conservation area when viewed as a whole.

Therefore, the proposals would preserve the character and setting of Leith Conservation Area.

(d) Density, layout, scale, form and design

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 development principles for the Edinburgh Waterfront are set out in Table 11 in the LDP. The aim is to ensure that the regeneration of Edinburgh's Waterfront comes forward in a planned manner within the context of a long-term vision. The requirements in principle include comprehensively designed proposals which maximise the development potential of the area; provide a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods; provide for a mix of house types, sizes and affordability, and the provision of open space; and create local identity and a sense of place. These and other requirements are discussed in more detail below.

LDP Policy Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land. The Leith Docks Development Framework identifies the adjacent Forth Ports site to the north as suitable for housing-led redevelopment. That adjacent site is at a higher level than the application site. The proposed layout shows an access road and footpaths/cycleways extending northwards up to adoptable verges abutting the northern boundary retaining wall. The proposal includes the raising of levels on the western part of the site sufficiently such that the proposed roads, footpaths and cycleways can in the future be extended at grade northwards into Forth Ports land. In addition, roads, footpaths/cycleways link to existing/consented roads, footpaths/cycleways on adjacent sites to the south and west. Accordingly, the proposed development is a comprehensive development and it will not compromise the effective redevelopment of the adjacent land and thus it complies with Policy DES 2.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also requires that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

The proposed development site would have a density of 126 dwellings per hectare, which is a relatively high-density development. This is generally acceptable in this location as the site is approximately three miles from the city centre and is in close proximity to a good public transport network. The density is similar to neighbouring recently built developments and is acceptable.

LDP Policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form, scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

The established urban grain is generally buildings hard on to the heel of the footpath. The consented development to the south which comprises 3 U-plan blocks enclosing a landscaped green space on three sides with an open aspect onto Baltic Street, deviates from the established grain. However, this adds variety and interest to the area. The proposed western most block in the current proposal copies the plan form and orientation of the consented 3 blocks on the neighbouring site and in this regard, it is complementary in its relationship to them.

The proposed scale and massing of new buildings are well-suited to the character of this part of Leith and the proposals respond well to the wider setting. The variety of building heights in the locality largely defines the visual character. The heights of recent and consented developments respond positively. A variety of building heights is proposed across the application site, which respects the urban grain and character of the area. The heights and position of the proposed buildings responds positively to neighbouring buildings. In terms of their heights, positioning, form and style the proposed three blocks sit comfortably with each other. The pitched roofs of the colonies block references pitched roofed buildings in the area.

Policy Des 7 (Layout Design) sets out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

Active frontage and surveillance over the principal east-west orientated street is achieved by south facing windows/balconies in both the u-plan block and in middle block and also south facing windows in the colonies block. The varying positions of the buildings in relation to the street helps to create an interesting sequence of streets and spaces in the development. The position of the proposed three buildings on the site follow the grid structure of the consented neighbouring development to the south, thereby maintaining permeability through the site. The proposed layout encourages the use of cycling and walking.

Hard surfaces on external spaces including car parking areas are broken up with pockets of soft landscaping and the overall landscaping of the public realm results in an attractive streetscene.

The proposed use of brick and render on external walls will tie in with the neighbouring consented development to the south and are appropriate materials in this area.

(e) Amenity of future occupiers and neighbours

Useable Open Space

LDP Policy Hou 3 requires an appropriate level of greenspace provision in new housing developments. A standard provision of 10 square metres per flat is applied.

There is a raingarden courtyard for the western most block that is open on its south side, with an area of some 730 square metres. The open south side of the courtyard allows daylight to the communal central space and also to the windows facing onto the courtyard. A second raingarden is located to the rear of the middle block with an area of some 300 square metres. Both these raingardens provide SUDS attenuation and owing to them being shallow they are also useable amenity spaces. They are planted with shrubs and formal hedgerows, specimen shrubs and trees. In addition, on the eastern part of the site there is a formal planted area and an adjoining linear landscape strip planted as a community orchard with a combined area of 478 square metres. The colonies block includes small private front gardens and small private rear gardens backing onto a raingarden. The proposed layout meets the open space requirements and complies with LDP Policy Hou 3 and the Urban Design Guidance.

Privacy, Daylighting and Overshadowing of Open Space

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The Edinburgh Design Guidance (EDG) states - The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The distances from the proposed buildings to the consented buildings on the adjacent site to the immediate south is some 21 metres, which is adequate to achieve mutual privacy.

In order to assess the impact on daylight of the consented development to the immediate south to the proposal and vice versa, the simple 25 degree method can be used. The Edinburgh Design Guidance requires the vertical sky component (VSC) to be either a minimum of 27% or 0.8 of the former value. A 27% VSC is achieved where new development is below a 25 degree line drawn in section from the horizontal at the mid-point of the existing window. The relationship between the consented development to the south and the currently proposed development in places cannot meet a 27% VSC. This is not unusual for denser areas of Edinburgh. However, owing to the spacing between the proposed and consented blocks the degree to which the situation fails the test is not significant. Moreover, the proposed spacing between buildings is similar to the existing layout of buildings in the locality and there are many instances in the area where the parameters are not met. The infringement to the Edinburgh Design Guidance in the circumstance of this case is acceptable.

Noise

The applicant's Noise Impact Assessment (NIA) considers the potential noise source from traffic noise from Baltic Street/Salamander Street nearby to the south. It also

considers occasional commercial and industrial noise from the various neighbouring industrial sites including from port related activities on neighbouring land to the north occupied by Forth Ports. The NIA identified that noise from Baltic Street/Salamander Street is the dominant noise affecting the site. The applicant has provided details of the required minimum glazing specifications to mitigate traffic noise impacts. This mitigation is considered to be adequate. The neighbouring development to the south when built would also provide a significant level of acoustic protection from the road noise.

The Council's Environmental Protection Service highlight that the neighbouring land to the north occupied by Forth Ports is authorised for industrial use. They raise concern about the potential for industrial operations on that neighbouring land to give rise to noise nuisance. The applicant proposes two measures to address potential noise nuisance to the proposed residences from operations on Forth Port's land. Firstly, the installation of a mechanical ventilation system and secondly acoustic glazing on noise sensitive facades of the proposed buildings as identified in the noise assessment report. Environmental Protection confirm that they do not support mechanical ventilation because enforcing this is too difficult. In addition, they raise concern that the locations of the acoustic glazing in the new dwellings has not been clarified. Consequently, they advise that the application should be refused on noise grounds.

The Planning Authority considers that the proposed acoustic glazing and mechanical ventilation proposed are the best options to minimise noise impacts on this site. They are the same solutions put forward in the neighbouring consented development to both the south and south west. Subject to these measures being implemented prior to the first occupation of the flats, the amenity of their occupiers would not be significantly adversely impacted in terms of noise and thereby the proposal complies with Policy Des 5. Subject to the noise mitigation being implemented, the proposal would not prejudice or inhibit the activities of neighbouring industrial uses and thereby would not conflict with part a) of Policy Emp 9.

Air Quality

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effect on air quality.

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years. The applicant proposes mechanical ventilation and filtration as a form of mitigation against the PM 10 levels at the application site, which is the same mitigation proposed and consented for the neighbouring development to the south. The use of MVHR (mechanical ventilation with heat recovery) would also provide additional noise mitigation with the MVHR system removing the requirement for trickle ventilators to all windows. The heat recovery element would enhance the sustainability credentials of the development by reducing heat demand, and in turn emissions, through more efficient capture and re-use of heat which would normally be lost. The applicant has provided drawings and details of the proposed filtration system. The filters would have to be changed regularly and properly maintained. The Environmental Protection Service are not supportive of this as they cannot enforce this.

In making an assessment in relation to this application, consideration has been given to the appeal decision on a site nearby at 2 Ocean Drive (ref.14/05127/FUL). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there was a downward trend in annual mean PM 10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy ENV 22. Subsequently; having due regard to that appeal decision, the Planning Committee granted planning permission 18/0820206/FUL for the residential mixed-use development on land to the immediate south of the site and more recently a residential mixed use development on the former Edinburgh Gas Works site.

Notwithstanding that there has already been residential use on neighbouring sites consented inside the AQMA, the Environmental Protection Service recommends the application is refused on air quality grounds. However, they recommend that if planning permission is granted, the applicant provide more than the minimum required six electric vehicle charging points.

All matters relating to air quality and this current proposal have been considered including the past appeal decision and subsequent planning permissions granted for residential development on neighbouring sites. On balance, it is considered that the proposed mitigation measures in the form of the proposed mechanical ventilation is adequate air quality mitigation. It would not be reasonable or justifiable for the Planning Authority to insist that the application provide more than the minimum required six electric vehicle charging points as recommended by the Environmental Protection Service.

Odours

The site is located approximately 800m from the Seafield Waste Water Treatment Work (WWTW) and therefore there is the potential for odour nuisance. However, the degree of nuisance is not considered to be significantly detrimental to the amenity of the future occupants of the proposed residences.

Contamination/ground remediation

A condition would be imposed on a grant of planning permission requiring that land contamination on the site is appropriately addressed.

(f) Transport and road safety

Policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The scheme has been assessed against policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking). Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

The proposed accesses to the site are acceptable in transportation terms. Adequate footpaths/cycleways have been provided within the development. The layout delineates a safeguarded future east-west alignment of the access road and footpaths/cycleways off Tower Street. To facilitate this in the future, soft landscaped verges along the west boundary of the site would be adopted by the Council.

A Transport Assessment (TA) has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of the estimated traffic generated by the development. From the TA it can be concluded that the net impact of the proposed development on the surrounding road network will be negligible.

The development would provide 34 off-street car parking spaces. This equates to 33% of the total number of units. The justification for the proposed level of car parking relates to the site's location in terms of easy access to facilities and services in the surrounding area. The applicant also highlights the site's accessibility to public transport and the bus stops that are within an easy walking distance (370 metres) of the site. The site also benefits from being near to the proposed tram line completion, where a tram stop/halt is proposed 140 metres from the western boundary of the site (Constitution Street). The provision of the proposed two car club spaces further would make it more convenient for the future residents of the development to not own a car and further justifies the lower provision. A minimum of 8% of car parking is required to be accessible. Three accessible spaces are required which meets the requirements. Six spaces are shown to be equipped for electric vehicle charging. This is acceptable. Four motorcycle spaces are proposed which meets the requirements. The proposed car parking provision complies with Policy Tra 2 (Private Car Parking).

The proposed five cycle stores include 121 double racks and 76 single racks. The location of the cycle stores is strategically positioned to ensure easy accessibility. The proposed cycle parking meets the minimum requirements.

(g) Infrastructure

Affordable Housing

LDP Policy Hou 6 states the residential developments, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For the proposed development, this equates to 23 affordable units. The applicant is proposing to provide 23 affordable units comprising: 3 Golden share units within the U-plan block; 17 affordable rented units within the L-plan block and 3 units within the colony block.

The affordable unit split is: (i) 3 one bed units (13%), 17 two bed units (74%) and 3 three bed unit (13%). The market (private) units comprises: zero one bed units, 49 two bed units (68%) and 23 three bed units (32%).

Locating the affordable flats for rent all within the L-plan block is preferred by social housing landlords for management and is thus acceptable.

The proportion of family units suitable for growing families (three bed units with a minimal internal floor space of at least 91 square metres) proposed across the site is 18.94%. This proportion marginally falls short of the minimum 20% set in the Edinburgh Design Guidance. However, the proportion of 3 bed family units overall across the site (which include flats with an internal floor space of 81 square metres) is 23%. Given this and the fact that there is a range of sizes for all flats starting from the minimum and that the sizes of all of the proposed flats comply with the minimum standards set in the Edinburgh Design Guidance, the small infringement of the Guidance in terms of the proportion of three bed units suitable for growing families is acceptable.

None of the proposed units suitable for growing families have direct access to private gardens, although their future occupants will have access to the proposed communal gardens. This infringement to the Guidance is justified given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective reuse of an urban site.

The provision of the affordable units will be required to be secured on site through a Section 75 legal agreement.

Transport Proposals

LDP Policy Del 1 sets out the developer contributions required towards transport interventions necessary to mitigate the effects of development or meet sustainable travel targets.

The Roads Authority was consulted and raised no objections, subject to the following developer contributions for the following infrastructure works which are identified in the LDP Action Programme. The contribution is based on the proposed 95 units: -

Tram	£47,578
Bernard Street/ Salamander Street	£80,560
Ocean Drive Eastward Extension	£166,820
Leith Links to Bath Road	£23,275
Salamander Street to Foot of Leith Walk	£9,975
Henderson St-The Shore- Commercial Street	£4,794
Bernard St /The Shore Junction	£2,850
2 car club spaces	£12,500
Introduction of waiting and loading restrictions	£2,000
Introduction of 20 mph speed limit & signage	£2,000
TOTAL	£352,352

The developer has agreed to implement these infrastructure works and it is recommended that this will be secured through a Section 75 legal agreement.

Education

LDP Policy Del 1 (Developer Contributions) also requires contributions to the provision of education infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

The Council has assessed the impact of growth set out in the LDP through an Education Appraisal (January 2018) taking account of school roll projections. The Council's assessment has identified where additional infrastructure would be requested to accommodate the cumulative number of additional pupils from developments coming forward in this area. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Leith Trinity Education Contribution Zone. The assessment was based on 92 flats (3 one-bedroom flats excluded) using the established 'per flat' rates for that zone. The total infrastructure contribution required is £90,160 (Index from Quarter 4 2017 to the date of payment). A S75 legal agreement is recommended as the suitable method of securing this contribution and ensuring the scheme complies with policy Del 1.

Healthcare

The site is within the Leith Waterfront developer contribution zone as identified in the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The Edinburgh LDP action programme identifies the need for a new medical practice to mitigate the impact of new residential development in Leith Waterfront. Policy Hou 10 Community Facilities of the LDP states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities. The intension of the policy is to ensure that new housing development goes hand in hand with the Supplementary Guidance. The guidance requires a developer contribution of £945 per dwelling for proposals within the zone which equates to £89,775 for the 95 flats proposed.

The applicant will be required to enter into a Section 75 legal agreement to secure the delivery of this contribution.

(h) Flooding and Drainage

Scottish Water raise no object to the planning application. They inform that there is currently sufficient water capacity to serve the proposed development. They advise that once planning permission is granted the applicant can apply to Scottish Water for a formal waste water connection and Scottish water will advise the applicant accordingly. With regards to surface water capacity, they confirm that for reasons of sustainability and to protect their customers from potential future sewer flooding, they will not accept any surface water connections into their combined sewer system. They state that there may be limited exceptional circumstances where they would allow such connection for brownfield sites only, however they will require significant justification taking account of various factors including legal, physical and technical challenges. The proposal includes a mixture of SUDS including raingardens, swales, porous paving to attenuate surface water. It is unknown at this time whether Scottish Water will allow surface water to discharge at a reduced rate into the combined sewer system. Scottish Water

confirm that this would be considered and decided once the applicant has submitted to them a full Pre-Development Enquiry (PDE). It would not be reasonable to delay the determination of this planning application until the applicant has obtained permission from Scottish Water to connect surface water from the site into the combined sewer system. If a connection is not secured, then the applicant would have to find an alternative means of discharging surface water from the site. In this circumstance the applicant may be required to submit a revised planning application for a revised SUDS scheme.

(i) Other Matters

Sustainability

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant has submitted a sustainability statement in support of the application. The proposed development would be constructed on brownfield land and would meet a 30% carbon reduction. Photovoltaic panels are to be mounted on roofs to maximise solar gain. Recycled materials would be used where possible. The proposal is classed as a major development and has been assessed against Part B of the sustainability standards. The proposal meets the essential requirements of the Edinburgh Standards for Sustainable Buildings.

Archaeology

The Council's Archaeology Officer informs that the site occurs within an area of potentially national archaeological significance forming part of the marshalling yards for the North British Railways Leith Station constructed in the 1840s. Prior to this, the site overlay the low tide expanse of Leith's beach. This area formed part of the racecourse for Leith Races, the precursor for Musselburgh Racecourse. The site also occurs adjacent to the Leith glass works constructed by the Edinburgh Glasshouse Company in the 1760s. Consequently, the Archaeology Officer advises that the proposed development would have the potential for disturbing archaeological remains. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development. This recommended control can be secured by a planning condition.

Ecology

LDP Policy Env 16 Species Protection - supports development that has no adverse impact on species protected under European or UK law.

The applicant has submitted an ecology report. This has been reviewed. It is accepted that the appropriate surveys have been undertaken and no bats were found roosting in any of the existing buildings. No other protected species were found. There is no objection to this application in relation to LDP Policy Env 16.

Waste

The layout of the development delineates a direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores contained within each of the flatted buildings. Waste Services does not raise a concern with the proposal.

(j) Public Comments

Material Comments - Objection:

- Development on the site should not hinder the effective future residential redevelopment of the adjacent land to the north and arrangements should be in place to ensure that road/cycleway and footway connects into that neighbouring land from the site can be realised in the future without cost to the owner of that neighbouring land. This is addressed in section 3.3 a).

Non-Material Comments

- The Development Framework 'Masterplan Ref: 19142(PL)006 A submitted with the application should not be assessed in the application. - The development framework 'Masterplan' submitted in support of the application is an illustration by the applicant of how the wider development framework area could be developed. It does not form part of the proposed development and thereby is not assessed in this application.

Conclusion

The proposed use on the site is acceptable in planning terms. Subject to the conditions of a grant of planning permission, there is no significant adverse impact on neighbouring amenity and the future occupiers will be afforded adequate residential amenity. The development is acceptable in transportation terms and the parking provision; including cycle parking, meets the Council's standards. The development has no detrimental impact on significant archaeological remains.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, owing to their position, height, scale and massing the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of the assemblage of listed buildings on the former Edinburgh and Leith Gasworks site (LB26744). Therefore, the proposal complies with adopted Edinburgh Local Development Plan Policy Env 3 Listed Buildings - Setting).

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, owing to their position, height, scale and massing the proposed buildings and the associated works would harmonise with and thereby would preserve the setting of Leith Conservation Area. Therefore, the proposal complies with adopted Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development).

There is an infringement of the Edinburgh Design Guidance both in terms of the proportion of three bed units suitable for growing families (units with a minimum of 91 square metres) and there not being a proportionate split of family and non-family units between the private and affordable components. However, given that the proposed

proportion of 3 bed units (of 91 square metres and below) across the site exceeds 20% and the fact that there is a mixture of sizes of units across the site and which all meet the minimum internal floor space set by the Guidance, the infringement to the Guidance is considered minor and acceptable in the particular circumstances of this case.

There is an infringement of the Edinburgh Design Guidance in terms of the flats suitable for growing families not having direct access to a private garden. However, this is acceptable in this case given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective reuse of an urban site.

There is an infringement to the Edinburgh Design Guidance in terms of daylight to some of the proposed residences. However, the infringement is minor and not significant and is therefore acceptable.

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

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

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. Development shall not begin until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each residential phase of development, the provision of affordable housing, the provision of open space, SUDS, landscaping and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting, analysis, interpretation and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the use of any external finishing materials a sample panel(s) of them no less than 1.5m x 1.5m shall be produced and made available for the prior written approval of the Planning Authority.
5. Prior to any external finishing materials being used on the buildings a specification and detailed drawings of adequate scale, delineating the distribution of the external finishing materials and colours be submitted for the prior written approval of the Planning Authority. The details shall be implemented as approved.
6. Prior to the first occupation of any of the proposed residential units hereby approved, glazing units with a minimum insulation value of (Rw, Ctr 26dB) shall be installed for the external doors and windows of the bedrooms and living rooms within the facades highlighted in Appendix C (Indicative Mitigation Mark-Up) in the KSG Acoustics Noise Impact Assessment report dated 13 March 2020. Thereafter the acoustic glazing units shall be retained.
7. Prior to the first occupation of any of the proposed residential units hereby approved the mechanical ventilation system including ISO coarse glass G3 filters all as specified/delineated on docketed drawing Nos. 40-MVHR-One Bed; 41-MVHR-two bed; and 42-MVHR-Three bed, shall be installed within the residences and made operational. Thereafter the mechanical ventilation system shall be retained in each property.
8. The adopted verges delineated on docketed drawing No.E118/1602 Rev C; which shall be adopted by the Council as Roads Authority, shall extend upto and on the boundary of the application site.
9. The 3.5 metre wide active travel link located adjacent to the south west of the two city car club spaces on the western end of the site and delineated on docketed drawing No.19142(PL)010_K, shall extend up to and on the boundary of the application site.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. In order to safeguard the interests of archaeological heritage.

4. In order to enable the planning authority to consider this/these matter/s in detail in the interests of safeguarding the character and visual amenity of the area.
5. In the interests of safeguarding the amenity of the future occupants of the residential properties hereby approved.
6. In the interests of safeguarding the amenity of the future occupants of the dwellings hereby approved.
7. To ensure that the road/cycleways/footways within the site can in the future be extended over the verges and link to future roads/cycleways/footway connections within the adjoining land, thereby ensuring co-ordinated development in compliance with adopted Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development).
8. To ensure that the active travel route connects within the active travel route on adjoining land, thereby ensuring co-ordinated development in compliance with adopted Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development).

Informatives

It should be noted that:

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

a. Healthcare- Contribute the sum of £89,775.00 to healthcare infrastructure.

b. Education- Contribute the sum of £94,080 to education infrastructure (indexed from Quarter 4, 2017 to the date of payment).

b. Affordable Housing - affordable housing is to be provided in accordance with Council policy.

c. Transport - A contribution towards the LDP Action Programme for the following transport works;

i. Contribute the sum of £47,578 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;

ii. Contribute the sum of £166,820 to Ocean Drive Eastwards extension. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

iii. Contribute the sum of £80,560 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- iv. Contribute the sum of £23,275 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - v. Contribute the sum of £9,975 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - vi. Contribute the sum of £4,794 to the Henderson St/The Shore/Commercial St (Bus Priority). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - iv. Contribute the sum of £2,850 to the Bernard St/The Shore junction. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - v. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - vi. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- and

d. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12, 500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

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

--The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;

-In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

-The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address;

-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;

- 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;

- A Quality Audit, as set out in Designing Street, should be submitted prior to the grant of Road Construction Consent;

- All accessed must be open for use to 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 road, 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, and a cycle parking numbers including location, design and specification. Particular attention must be paid to ensure the refuse collection vehicles are able to serve the site. The applicant is advised to contact the Council's Waste Management Team to agree details.

- The applicant should give consideration to the following points to further enhance the cycle stores:

- a. The access doors to the stores should be centred to further improve the access to the stores, currently the access will require a slight turn that may cause difficulties;

- b. Provision for parking non-standard bikes as the proposed two-tier racks do not accommodate large bikes such as tandems and cargo bikes; and,

- c. Bike maintenance facilities such as stands, tools and pumps;

6. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has no impacts in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 16 August 2019.

Copies of the notice were also sent to:

- Leith Harbour and Newhaven Community Council;
- Leith Links Community Council;
- Three Ward Councillors.

A public exhibition was held on 16 October 2019 from 3pm to 7pm at Leith Library, Ferry Road.

Full details can be found in the Pre-Application Consultation report which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

8.2 Publicity summary of representations and Community Council comments

Neighbour notification was carried out on the 24 April 2020. One representation was received. A full assessment of the representation can be found in the main report in the Assessment section.

Background reading/external references

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

Statutory Development

Plan Provision

The site is within the Urban Area of the adopted City Local Plan. It is located within the Central Leith Waterfront Area and Proposal EW1b applies.

Date registered

19 March 2020

Drawing numbers/Scheme

08C, 09C, 14c, 16B, 17B, 19B, 21B, 22B, 25B, 26C, 40, 41, 42,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer

E-mail: adam.thomson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

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.

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

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

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

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.

Appendix 1

Application for Planning Permission 20/01313/FUL At 57 Tower Street1 Bath Road, Edinburgh, EH6 7BB Proposed residential development and associated landscaping, drainage, roads and infrastructure.

Consultations

Scottish Water - Date 16/07/2020

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- This proposed development will be serviced by Edinburgh Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via our Customer Portal or contact Development Operations.

Please Note

- 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.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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 from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, 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:
- 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 information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal 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 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 the discharge from your premises is likely 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 [here](#).
- 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

SEPA - First Consultation Response - Date 15/04/2020

Advice for the planning authority

We object to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Food risk

1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

1.3 Technical Report

1.4 SEPA Flood Risk Hydrology (FRH) has been consulted on a planning application to erect 102 units as part of a residential development at 57 Tower Street, 1 Bath Road, Edinburgh, EH67BB (327517, 676511). The site has been adopted as part of the 2014 local development plan.

1.5 Kaya Consulting has produced a Flood Risk Assessment (FRA) for the current application site. The FRA advises that the ground levels on the application site are between ~4mAOD and ~5mAOD.

1.5 The sources of potential flood risk to the application site and the development are fluvial risk from the Water of Leith, tidal risk from the Forth Estuary, and a combination of fluvial and coastal risk and surface water.

1.6 A number of studies have been carried out in this area regarding fluvial flood risk. It has concluded that a 0.5% (1 in 200 year) fluvial event on the Water of Leith, including an allowance for climate change up to 2057, will reach 4.04 mAOD or below providing that the flood control apparatus on the shipping lock functions effectively. If there is a complete failure of the apparatus then the flood level could exceed 5.27 mAOD. At this level floodwater would start to overtop the sealing dam and discharge into the Firth of Forth.

1.7 The Kaya Consulting FRA recommends that finished floor levels should be no lower than 5.6mAOD, however SEPA recommends that finished floor levels should be set at a minimum of 6.0mAOD in the Leith Docks area. This will provide a 600mm freeboard allowance above the estimated flood level. We therefore object to the proposed development until it is confirmed that finished floor levels will be set at a minimum of 6.0mAOD.

1.8 As stated within the FRA, according to climate change projections (UKCP18 and SEPA) the site will be within the 1 in 200 year coastal level by 2075. We therefore strongly suggest that consideration is given to the sustainability of this development.

Summary of Technical Points

1.9 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

Confirmation that finished floor levels will be set at a minimum of 6mAOD

2. Air quality

2.1 The development is proposed within the Salamander Street AQMA declared due to exceedances of the Scottish PM10 annual mean objective. Ambient PM10 concentrations have declined in this area since 2012 such that the exceedance is now marginal. CEC monitoring indicates NO2 objectives are not exceeded in this AQMA. The impact assessment has modelled with and without development scenarios which demonstrate that there will be no significant changes in NO2 or PM10 concentrations if the development is consented. This is largely due to the low additional vehicle movements that the development is predicted to generate. However, the development does have the potential to introduce new human receptors to an area of known poor air quality.

2.2 There may be a positive impact if the wall to the north of Salamander Street is demolished as dispersion will be improved. However, the positive effect of removing this wall could be offset if the development itself creates a new canyon on Salamander Street. The Council should work with the developers to ensure the development is designed to improve dispersion of air pollutants and not trap them in a canyon design. Consideration should also be given to conditioning the developer to resurface the cobbled area of Bath Street which has been highlighted as being a contributor to dust resuspension due to the uneven cobbles.

3. Standing advice

3.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Detailed advice for the applicant

4. Flood risk

4.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

4.2 We refer the applicant to the document entitled: 'Technical Flood Risk Guidance for Stakeholders'. This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

4.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

4.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

4.5 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

The applicant will note that we have objected to the proposal and should take account of the advice provided above.

5. Regulatory requirements

5.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

5.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

5.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

5.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

5.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

5.6 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

5.7 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

SEPA - Second consultation response - Date 09/06/2020

We previously objected to this planning application on the 15 April 2020 (our ref: PCS/170774). Having considered the information provided (including KAYA response of the 28th April 2020, ref. KC1769/CA/MS), we are withdrawing our objection in relation to flood risk.

Please note that we have not reviewed the Surface Water Management Plan as surface water is a responsibility of the City of Edinburgh Council.

Please also note our previous advice.

Advice for the planning authority

it We have no objection to this planning application. Please note the advice provided below.

Flood risk

We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Risk Management Authority.

Technical Report

We previously responded to a planning consultation for this application (planning ref: 20/01313/FUL) and objected on the basis of the proposed finished floor level (FFL) being only 5.6 mAOD.

Kaya Consulting has since submitted a letter dated 28 April 2020 laying out again the basis for its recommended FFL of 5.6 mAOD. We note that the ground levels in the vicinity are low particularly in relation to the 6.0 mAOD recommended by SEPA and an FFL will provide a freeboard allowance of only 270 mm above the design flood level based on a scenario of a failure of the locking gates at Leith Dock. The City of Edinburgh Council should consider if it is satisfied with this reduced freeboard allowance.

Caveats and detailed advice for the applicant

The applicant will note that we have removed our previous objection.

Flood risk

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review and can take no responsibility for incorrect data or interpretation made by the authors.

The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

Regulatory requirements

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25?

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

Housing Management and Development - Date 12/06/2020

The Housing Management and Development Service is not able to support the current proposal for the reasons set out below. We would welcome the opportunity to work with the applicant so that a scheme with an appropriate mix of affordable homes can be progressed.

This application is for a development comprising 102 flats and colonies. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (25.5 units).

The applicant has submitted an 'Affordable Housing Statement' which confirms that 25 affordable homes will be provided on-site. Three units will be in Block 1 and 22 will be in Block 2. This is acceptable as the AHP states that the Council will round down the number of affordable housing units required to the nearest lower whole number of units when those units are provided on-site.

The affordable homes will be integrated in a central part of the site and "tenure blind" in appearance. Leith Town Centre and extensive public transport links are in easy walking distance.

The affordable home residents will have access to communal garden spaces. An equitable and fair share of cycle and vehicle parking, consistent with the relevant parking guidance, should be provided for the affordable homes.

The applicant has confirmed the intention that 20 (80%) of the homes will be delivered by a RSL (Registered Social Landlord) either as social rent or mid-market rent, and five (20%) of the affordable homes will be delivered as 'Golden Share' (unsubsidised low-cost home ownership with a purchase price set at 80% of market value in perpetuity). The final tenure type of the affordable homes is still to be agreed with the Council. Housing Management and Development's expectation is that a minimum of 70% of the affordable homes should be available for social rent as this is the Council's highest priority tenure type.

The applicant has indicated that the five 'Golden Share' properties will be in Block 1. However, the submitted plans indicate that this block will only have three affordable units. It is not clear if this means that other 'Golden Share' properties will be in Block 2 alongside the units that are to be managed by a RSL. This should be clarified as RSLs tend to prefer homes that are in self-contained blocks to allow for effective management.

The applicant has not yet confirmed which RSL they will partner with to deliver these homes. The applicant should engage with an RSL at an early stage to ensure that the design of affordable housing is informed by guidance such as Housing for Varying Needs and relevant Housing Association Design Guides.

Although some aspects of the proposed affordable housing provision are acceptable, overall the Housing Management and Development service is not supportive of the current proposal as the proposed mix of affordable flat sizes is not appropriate. This is explained below.

There is a need and demand for all size and type of affordable housing. The Council's planning guidance on 'Affordable Housing' therefore states that 'the proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided'.

This is to make sure that development sites make a proportionate contribution to the provision of a range of affordable homes across the city to help meet need and demand, including larger family homes where practical.

The 25 proposed affordable units comprise the following:

- one (4%) three-bedroom flat, which compares with 15 (19%) of the market homes;
- 19 (76%) two-bedroom flats, which compares with 62 (81%) of the market homes;
- 5 (20%) one-bedroom flats. None of the market homes have only one bedroom.

The proportion of three-bedroom homes within the affordable element is significantly below the proportion that is being provided on the rest of the site and a representative mix of house sizes will not be delivered. Affordable homes with three bedrooms can accommodate families with children of different genders.

The applicant has not provided information that justifies why a more representative mix of affordable homes could not be delivered. The Housing Management and Development service is not aware of any reason why more three-bedroom units could not be delivered to a RSL on this site.

The current scheme therefore does not comply with the Council's planning guidance on 'Affordable Housing'. To address the above concerns more of the affordable homes should have three-bedrooms, particularly those on the ground floor to allow families to benefit from direct access to open space.

Summary

The Housing Management and Development service is not able to support the current proposal. The proposed mix of affordable homes does not comply with the Council's planning guidance on 'Affordable Housing'. The proportion of affordable housing suitable for families with children does not match the proportion of such housing on the wider site and a representative mix of house types and sizes will not be provided. The Housing Management and Development service would welcome the opportunity to work with the applicant so that a scheme with an appropriate mix of affordable homes can be progressed.

Waste Services - Date 30/03/2020

I have been asked to consider the below application on behalf of the Waste Management Service.

I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our instruction for architects guidance to ensure waste and recycling requirements have been fully considered.

1. Direct access from bin store to vehicle, under 10 m and a straight pull, drawings show car parking blocking access.
2. confirmation all points raised in our architect's guidance have been adhered to.

In view of these factors and the size of this development I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered.

Environmental Protection - 01/04/2020

The applicant proposes installing a mechanic heat and ventilation system which will filter particulates out the atmosphere, can the applicant provide further details on this and include detailed designs and drawing to enable such a mitigation measure to be conditioned. The applicant is proposing to develop a residential block in the middle of an air quality management area therefore it would be advisable if they maximised all forms of air quality mitigation. For example, the developer is proposing to installed electric vehicle charging (EV) points to the lowest minimum standard, they should include more EV chargers.

COMMUNITIES AND FAMILIES - Date 03/04/2020

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:

96 Flats (6 one bedroom flats excluded)

This site falls within Sub-Area LT-1 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 contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:
£94,080

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.

Archaeology - Date 06/04/2020

The site is regarded as occurring within an area of potential archaeological significance forming part of the marshalling yards for the North British Railways Leith Station constructed in the 1840's. Prior to this the site overly the low tide expanse of the Leith's beach. This area formed part of the racecourse for Leith Races depicted on William Reed's early 19th century painting (see fig.1), the precursor for Musselburgh Racecourse. This course was one of Scotland's premier race courses with the earliest reference to it being in 1504 when records show that James IV paid for jockey. Royal patronage continued through the 17th century with the future James VII/II sponsoring events. During the 18th century the site drew major crowds with the main 'festival' events and races such as the 100 Guineas and the Royal Plate being held. In 1816 the races were move permanently to Musselburgh.

The site also occurs adjacent to the Leith glass works constructed by the Edinburgh Glasshouse Company in the 1760's.

Edinburgh 2019: Leith 57 Tower Street & 1 Bath Street.

Accordingly, this application must be considered under 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 CEC's Edinburgh Local Development Plan (2016) Policies DES 3, 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.

Buried Remains

The proposed development will require significant ground works which have the potential for disturbing archaeological remains ranging from 19th century Railway yard, material and artefacts derived from the adjacent glass works and potentially also from the Leith Race course. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to development. This will see a phased archaeological programme of works the initial phase will be the undertaking of an archaeological evaluation of the site (10%). The results from this initial phase of work will inform the scope of further mitigation to be undertaken, to ensure the appropriate

protection and/or excavation, recording and analysis of any surviving archaeological remains.

Archaeological Public Engagement & Interpretation

Given the potential importance of these remains it is essential that the excavations contain provision for a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS. In addition to the above given that the site overlies the site of the 18th/19th century Leith Race course the final public realm should also include interpretation to reflect this important local heritage Accordingly, it is recommended that this rich heritage is interpreted within the final public realm/landscape design of this development. This could include public art works as well as more tradition interpretive panels.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis, interpretation and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Roads Authority - 14/05/2020 - First consultation response

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 £57,202 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 See note VIII for further info);
- b. Contribute the sum of £179,112 to the Ocean Drive Eastwards Extension as per LDP Action Programme (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 £86,496 to Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (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 £24,990 to the Leith Links to Bath Road project as per LDP Action Programme (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 £10,710 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (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 £4,794 to the Henderson Street - The Shore - Commercial Street (Bus Priority) project as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - g. Contribute the sum of £3,060 to the Bernard Street - The Shore Junction Improvements as per LDP Action Programme (2019). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - h. See note IX for further info on transport contributions;
 - i. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - j. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
2. For avoidance of doubt the proposed road layout (including on-street car parking) is not agreed at this stage (see note VI for further detail);
 3. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
 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, to be 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;

10. 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 (updated January 2020). These permit the following:

a. A maximum of 102 car parking spaces (1 space per unit). 34 car parking spaces are proposed;

b. A minimum of 220 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit). 220 cycle parking spaces are proposed;

c. A minimum of 1 of every 6 car parking spaces to be equipped for electric vehicle (EV) charging. This results in a requirement for 6 EV parking spaces. 6 EV parking spaces are proposed;

d. A minimum of 8% of the car parking to be designated as accessible. This results in a requirement for 3 accessible spaces. 3 accessible spaces are proposed;

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e. A minimum of 4 motorcycle parking spaces (1 space per 25 units). 0 dedicated motorcycle parking spaces are proposed;

II. Whilst no definitive justification for the proposed level of car parking was provided but as the site is located in an area with good accessibility to public transport as well as local services and amenities it is considered acceptable. The proposed level of parking complies with the current parking standards;

III. It should also be noted that the Leith Area is part of phase 1 of the proposed expansion to the Controlled Parking Zone (CPZ) which is currently estimated to be implemented in summer 2021;

IV. The proposed cycle parking is distributed over 4 internal stores throughout the blocks each with a single external access. The cycle parking is made up of high-density two-tier racks. The cycle parking design is considered to be of an acceptable standard, but the applicant should give consideration to the following points to further enhance the cycle stores:

- a. The access doors to the stores should be centred to further improve the access to the stores, currently the access will require a slight turn that may cause difficulties;
- b. Provision for parking non-standard bikes as the proposed two-tier racks do not accommodate large bikes such as tandems and cargo bikes;
- c. Bike maintenance facilities such as stands, tools and pumps;

V. A transport assessment 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. The submitted document is generally in line with the published guidelines on transport assessments and utilises the TRICs database and 2011 census data to estimate that a development of this size and nature would generate 20 two-way AM peak vehicle trips and 19 two-way PM vehicle peak. Whilst no definitive figure was provided for vehicle trip generation based on the existing use it is anticipated that this would still generate a small number of peak time trips that would already be on the network. Considering these points, it is anticipated that the net impact of the proposed development on the surrounding network will be negligible;

VI. It is not clear if a number of the proposed footways associated with this development comply 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 negatively impact on the pedestrian environment (see Edinburgh Street Design Guidance Fact Sheet P3 - Footways for further information). There are still some minor issues with the proposed road layout, mostly related to junction design and pedestrian priority measures. It is anticipated that these issues can be dealt with through a quality audit and RCC process.

VII. Currently the proposed active travel route on the north side of the development road/street does not comply with current guidance for shared use footways/cycle tracks as the proposed end on parking will impact on the "effective" width of the route and will impact on the pedestrian and cyclist environment. When considering cycle infrastructure for this development, the traffic speed - Flow table contained within the Edinburgh Street Design Guidance Fact Sheet C1 - Designing for Cycling needs to be considered. With the low traffic speeds and very low traffic flow expected on these roads it can be considered a "Quiet Street" where shared on-road infrastructure is considered acceptable;

VIII. The tram contribution is a net contribution that takes the existing use into consideration when calculated. The proposed site is within zone 1 of the tram contribution zone which for the proposed use of 102 residential units would generate a contribution of £180,353. The existing use of a car pound which is considered as warehousing and storage generates a contribution of £123,151. Net contribution = Proposed use - Existing Use = £180,353 - £123,151 = £57,202

IX. The transport contributions were calculated by firstly identifying the relevant actions within the LDP Action Programme 2020 as well as the total action costs, which are as follows **superseded**:

- Bernard St/Salamander St Active Travel and Public Realm Project - £6,125,000
- Ocean Drive Eastward Extension - £12,678,750
- Leith Links to Bath Road - £367,500

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- Salamander St to Foot of the Walk - £441,000
- Henderson Street - The Shore - Commercial Street (Bus Priority) - £209,856
- Bernard St - The Shore Junction - £133,458

The estimated housing capacity of relevant LDP areas:

- Leith Waterfront (Western Harbour) = 3,000
- Central Leith Waterfront = 2,720
- Leith Waterfront (Salamander Place) = 1,500

Dividing these action costs by the relevant capacity of these LDP areas will provide a per unit cost, then multiplying by the proposed number of units will provide a contribution to each action:

- Bernard St/Salamander = £6,125,000 / 7,220 (LW(WH) + CLW + LW(SP)) = £848 per unit x 102 units = £86,496 (28%)
- Ocean Drive Eastward Extension - £12,678,750 / 7220 (LW(WH) + CLW + LW(SP)) = £1,756 per unit x 102 units = £179,112 (58%)
- Leith Links to Bath Road = £367,500 / 1500 (LW(SP)) = £245 per unit x 102 units = £24,990 (8%)
- Salamander St to Foot of the Walk = £441,000 / 4220 (CLW + LW(SP)) = £105 per unit x 102 units = £10,710 (3.5%)
- Henderson Street - The Shore - Commercial Street (Bus Priority) - £209,856 / 4500 (CLW + LW(SP)) = £47 per unit x 102 units = £4,794 (1.5%)
- Bernard St - The Shore Junction - £133,458 / 4500 (CLW + LW(SP)) = £30 per unit x 102 units = £3,060 (1%)

Total Transport Contributions = £309,162 (Percentages provided for the benefit of the legal agreement)

Roads Authority - 09/12/2020 - second and final consultation response

Based on 95 units (revised scheme) the transportation contribution would be:

Tram = £47,578

Ocean Drive Eastwards Extension = £166,820

Bernard Street/Salamander St AT & PR Project = £80,560

Leith Links to Bath Road = £23,275

Salamander St to Foot of Leith Walk = £9,975

Henderson St/the Shore/Commercial St (Bus Priority) = £4,794

Bernard St/the Shore junction = £2,850

Transportation (Flooding Prevention) - response date 09 April 2020

The following should be addressed by the applicant:

1. The Flood Risk Assessment has been reviewed and is accepted. Could the applicant please confirm that the recommended 50m³ of compensatory storage is included in the development proposals?
2. Could the applicant please confirm the finished floor levels of the proposed developments?
3. I have reviewed the Drainage Layout drawing. This seems promising and looks to have addressed many of the concerns raised during a pre-application meeting. Is there a supporting SWMP report? Apologies if I have missed it on the portal.

4. In addition to the SWMP report, could the applicant provide a SWMP checklist and the required declaration certificates covering the surface water management proposals?.

Affordable Housing - response dated 22 December 2020

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

Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

25% of the total number of units proposed should be affordable housing.

The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

The applicant has submitted a revised scheme. The application is now for a development comprising 95 flats and colonies. There is an AHP requirement for the development to include provision for affordable housing amounting to 25% of the total number of units proposed (23 units).

The applicant has confirmed that 23 affordable homes will be provided on-site as required by the AHP and will be secured through a Section 75 agreement. Three will have three-bedrooms, 17 will have two-bedrooms and three will have one bedroom. The affordable homes are well integrated in several parts of the site and "tenure blind".

20 of the affordable homes will be delivered by a Registered Social Landlord (RSL) and three will be sold as Golden Share (a form of low cost home ownership where properties are sold at 80% of market value). It should be noted that the applicant has not confirmed how many of the homes to be delivered by a RSL will be for social rent, the highest priority tenure. This must be agreed with the Council in advance of any works. The expectation is that a minimum of 70% (16) of the affordable homes are delivered as social rent.

Housing Management and Development could not support the original scheme on the basis that it did not comply with the Council's planning guidance on 'Affordable Housing' as the proportion of three-bedroom homes within the affordable element was significantly below the proportion that was to be provided on the rest of the site and a representative mix of house sizes would not be delivered.

The applicant has made significant improvements to the proposed affordable housing provision in the amended scheme:

- The number of three-bedroom affordable homes has increased from one to three, one of which will be on the ground floor so particularly suited to larger families;
- The range of affordable housing types now includes three colony units;
- The proportion of affordable homes expected to be delivered by a RSL has increased from 80% to 87% (20 units). This means that a high proportion of the affordable homes will be delivered as either social or mid-market rent, the two highest priority tenures.

However, the amended scheme still falls short of what is expected by the planning guidance as 13% (3) of the affordable homes have three or more bedrooms in comparison to 27% (26) across the site as a whole. The applicant has submitted an updated Affordable Housing Statement which explains that efforts were made to include more three-bedroom affordable units, but the current scheme was proposed as it maximises the number of homes to be delivered by a RSL

The developer is yet to engage with a RSL to deliver the affordable housing. This is disappointing as early engagement ensures that a scheme meets their design standards and requirements. However, the applicant has consolidated units within a contained stairwell in order that RSL delivery can be achieved. The affordable homes should be fully compliant with latest building regulations and informed by guidance such as Housing for Varying Needs.

Overall assessment

The amended scheme does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided.

However, the mix of affordable housing sizes and types in the amended scheme is a significant improvement on the original proposal.

The proposed mix of affordable housing tenures includes a high proportion to be delivered by a RSL as social or mid-market rent, the two highest priority tenures to meet local housing needs.

On balance, the provision of affordable housing proposed in the amended scheme is acceptable to Housing Management and Development.

3. Summary

The applicant is proposing to deliver 23 (25%) on-site affordable homes as required by LDP Policy Hou 6, to be secured through a S75 legal agreement.

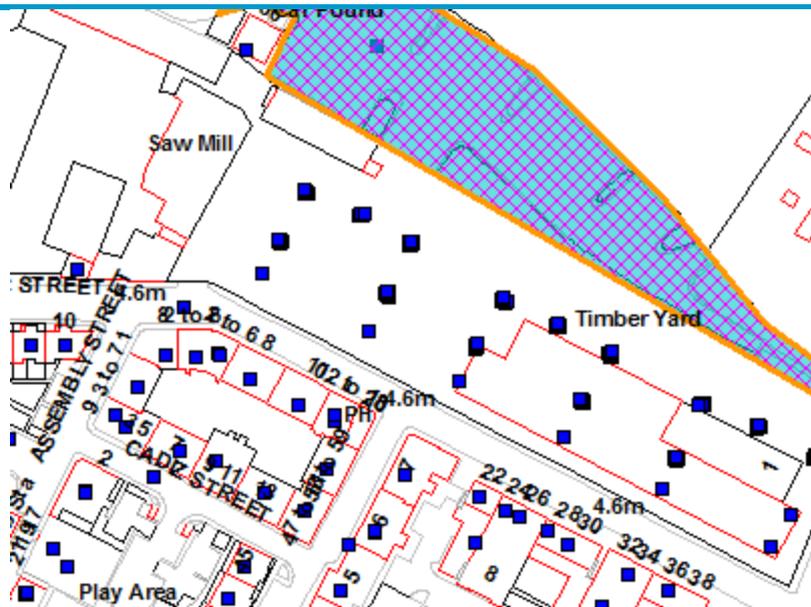
The amended scheme does not comply with all aspects of the Council's guidance on 'Affordable Housing' as a representative mix of affordable housing sizes will not be provided.

However, the mix of affordable housing sizes and types in the amended scheme is a significant improvement on the original proposal.

The proposed mix of affordable housing tenures includes a high proportion to be delivered by a RSL as social or mid-market rent, the two highest priority tenures to meet local housing needs.

On balance, the provision of affordable housing proposed in the amended scheme is acceptable to Housing Management and Development.

Location Plan



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END