

Development Management Sub Committee

Wednesday 17 February 2021

**Application for Planning Permission 20/01932/FUL
at 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington
Road, Edinburgh.**

**Demolition of existing buildings and redevelopment
comprising build to rent residential accommodation,
commercial uses, associated landscaping and infrastructure
(As Amended)**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposed development will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Bonnington regeneration area, supporting the aspirations of the Bonnington Development Brief. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Although it infringes on LDP Policy Des 5 in terms of daylight and noise impacts, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the area. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN12, LEN15, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP01, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET01, LRET06, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, LTRA10, LRS06, NSHAFF, NSOSS, HEPS, HESSET, NSGD02, DBBON,

Report

Application for Planning Permission 20/01932/FUL at 2-4, 6, 14 Bonnington Road Lane and, 200 Bonnington Road, Edinburgh.

Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (As Amended)

Recommendations

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

Background

2.1 Site description

The site is located on the east of Bonnington Road Lane and west of Anderson Place and is approximately 2.2 hectares in size.

The Water of Leith, a designated local nature conservation site, forms the site's northern boundary. The riverside edge is tree lined, and the northern portion of the site is designated open space.

The majority of the site is the former depot (storage and distribution use) for John Lewis, with a former restaurant and Council office block to Bonnington Road. All existing buildings are proposed for demolition. An area of open space is located to the north of the site and provided amenity space for the businesses.

The site wraps around the event space known as The Biscuit Factory and an existing warehouse known as the Soap Works on Anderson Place. These buildings are not included within the site.

The site is within a wider area of mixed industrial uses, which is undergoing significant change with a number of new residential developments proposed, or under construction, in the immediate vicinity.

There are no listed buildings within the site; a category B listed warehouse bond converted to residential and commercial use is opposite the site on Anderson Place (LB reference: LB27016, listed on 29 April 1998).

2.2 Site History

7 August 2008 - Bonnington Development Brief approved for the area including this site.

20 September 2018 - Application minded to grant for Planning Permission in Principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building). Currently pending decision subject to conclusion of appropriate legal agreements (application reference: 17/05742/PPP).

18 November 2019 - Proposal of Application Notice was submitted for the demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (application reference: 19/05515/PAN).

Other relevant applications in the area:

13 May 2016 - Minded to grant subject to legal agreement for the proposed development of 14 flats (as amended) at 2-4 Bonnington Road Lane (application number: 14/05146/FUL)

7 Nov 2016 - Permission granted for residential development consisting of 201 dwellings and 2no. commercial spaces with associated parking and landscape works (as amended) at 5,15,15A Bonnington Road Lane (application number: 15/05457/FUL)

23 Mar 2017 - Permission granted to construct 98 No. residential units with commercial space, ground floor frontage, associated parking, landscaping and accesses at 54 metres southeast of 20 West Bowling Green Street (application number: 16/03138/FUL)

Main report

3.1 Description of the Proposal

The application proposes the erection of a new 'build to rent' (BTR) development, comprising 453 flats, with on site concierge and communal amenity spaces including resident lounges, communal workspaces and a gymnasium. Block A comprises of 178 units, Block B comprises of 176 units and Block C comprises of 99 units. The proposed accommodation mix will comprise 17 studio flats, 208 one bedroom flats, 135 two bedroom flats and 93 three bedroom flats. The type of housing is flatted accommodation, including 14 duplexes. Within the development, 113 of the proposed flats (25%) will be delivered as affordable housing in the form of affordable build to rent units and will be tenure blind across all three blocks.

The application also comprises other commercial uses including Class 1 Retail, Class 3 Food and Drink and Class 4 Office Use with associated access roads, landscaping/public realm works. The total commercial floor space, comprising retail, food and drink uses created by the development will be 1,173sqm and located at key nodes on the ground floor.

The applicant proposes a development of three urban blocks of varied height between four and six storeys. Landscaped communal spaces will be provided between the

blocks and a new public pocket park will be created at the north west of the site adjacent to the Water of Leith, accessed by a new segregated cycleway and footway from Bonnington Road. The development will be spread over three separate blocks, divided by two streets; one existing and one proposed. Additional private open space is to be provided in the form of resident roof terraces and balconies. The external space around the blocks will form new public realm. Brick is the predominant building material.

Internal cycle parking provision is proposed which will provide 988 spaces, with 32 on-street vehicle parking spaces proposed, including three disabled spaces and six electric charging points.

Scheme One

A number of significant amendments have been made during the assessment of the proposals. Without listing all the changes, the main ones relate to:

- The unit numbers and density of the proposals have reduced from 527 to 453 representing a circa 15% reduction;
- Affordable housing to be provided throughout the three blocks;
- Block A has moved 4.8m to the east towards Anderson Place to increase the pocket park size;
- Block A has moved 2m to the south towards Block B increasing the distance from the Water of Leith and pocket park size;
- Two Internal bike stores have been added to the ground floor of Block A to provide an even distribution of bike stores across the blocks;
- The total number of bike spaces has increased to 988;
- The parking provision has decreased to 32;
- Changes to the external landscaping;
- The proposed re-built boundary stone wall along Anderson Place to be in brick, reduced in height and landscaping added to enhance active frontage;
- The new street between Blocks A and B, linking Bonnington Road Lane and Anderson Place, revised to create a pedestrian priority landscaped street;
- Partial pedestrianisation of the existing street between Block C and B;
- Height reduced to Block A fronting Water of Leith to address the profile of topographical river valley;
- Sedum roofs added;
- Roof access strategy reduced to minimise the impact to the roof scape,
- Vertical brick feature detail added to break up and enhance the brickwork façade;
- Saw toothed pitched roof relocated to Western most roof of Block A;
- Balconies added to the units facing Water of Leith to provide private amenity;
- Swift bricks added to the northern elevation of Block A;
- Trees to the south west of the pocket park retained;
- Internal bike store provision increased within Block B;
- Reduction in height of Block B and Block C to address the key view and relate better to the existing tenement townscape and listed warehouse;
- Aluminium metal cladding omitted from upper levels to simplify material palette;
- Duplex units with main door access added to the ground /first floors along Bonnington Road Lane. A two storey glazed / spandrel entrance has been added to enhance active frontage. Private gardens increased in width;
- New segregated cycle and foot way provided along the full length of Bonnington Road into the new pocket park;

- Units omitted along Bonnington Road and additional class 4 space added to enhance active frontage;
- Unit omitted at junction of Bonnington Road and Bonnington Road Lane with class 1. shop and glazing wrapping around the corner to enhance active frontage;
- Communal open space designed into the rear of Block C.

Supporting Information

The following documents were submitted in support of the application:

- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Daylight and Sunlight Report;
- Air Quality Impact Assessment;
- Noise Impact Assessment;
- Planning Statement;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement;
- Heritage Impact Assessment; and
- Townscape and Visual Impact Assessment

These documents can all be viewed on the Planning and Building Standards Online Service.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the principle of development is acceptable on this site;
- b) the proposals preserve and enhance the setting of the neighbouring listed buildings;
- c) the design, scale and layout are appropriate to the site and creates a sense of place;
- d) the proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers;
- e) there are any transport issues;
- f) any other material considerations are addressed;
- g) any impacts on equalities or human rights are acceptable and
- h) representations raised have been addressed.

a) Principle of development is acceptable

The site is in the Urban Area, as identified in the Edinburgh Local Development Plan (LDP), where housing and compatible uses are appropriate. The site is also covered by the 2008 Bonnington Development Brief (referred to hereinafter as the Brief). While the Brief was prepared over ten years ago, the objectives remain valid; to guide appropriate mix of uses (including the introduction of residential uses and flexible small business space), coordinate and connect missing links in the network of pedestrian/cycle routes and greenspaces.

Residential use

The application proposes a build to rent (BTR) scheme, which is considered a strand of mainstream housing and all relevant LDP policies and guidance apply, including those relating to housing mix, parking, open space and affordable housing.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential flats at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

LDP Policy Hou 6 sets out the requirement for affordable housing amounting to 25% of the total number of units proposed. Affordable housing will account for 25% (113) of the proposed new homes. The affordable housing would consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be pepper-potted throughout the development. This offers a representative and integrated mix of affordable homes that can be delivered on site.

Furthermore, the tenants of the affordable homes will have access to the same amenities and services as the tenants of the market rent housing. This approach is supported.

The affordable housing will be delivered by the applicant as "intermediate rent" and would be secured by a Section 75 Agreement as affordable housing for a minimum of 25 years. Rents would be restricted to Scottish Government's published Broad Rental Market Area 30th Percentile. Rents at the 30th Percentile are affordable to people within the defined client group and significantly less than average market rents.

The Council's Enabling and Partnerships section has indicated that they have no objections to the proposals with regards to the provision of affordable housing on this site. The application complies with LDP Policy Hou 6. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Commercial and business use

The site's last use was an employment use and LDP Policy Emp 9 applies. This allows for the introduction of non-employment uses that will not prejudice or inhibit the nearby activities in employment use and where the proposal is part of a comprehensive regeneration of the wider area. This policy requires sites over one hectare to include floorspace designed to provide for a range of business users.

The Economic Statement submitted with the application states that there is currently low demand for office accommodation in the Bonnington area, and this has existed for several years. However, the Brief requires all new sites for development to include a significant element of new small business space on the ground floor with residential units above. The format of the small business space should be able to accommodate a range of light industrial uses on the ground floor with residential units above, though other formats may be equally suited to a range of business types.

The application proposes 734sqm (gross) of Class 4 (office) space, 289sqm of Class 1 space (retail) and 150sqm (gross) of restricted Class 3 space (café). According to the Council's Economic Development Service, it is estimated that the proposed development would support approximately 133 FTE jobs and £6.86million of GVA per annum (2018 prices). When the impact of the existing buildings is accounted for, the projected net impact is a net fall of 23 FTE jobs but a net increase of £0.22 million of GVA per annum (2018 prices).

The proposed locations for the two ground floor Class 4 units are in visually prominent locations at Anderson Place and Bonnington Road. It is considered that this amount of Class 4 business space is sufficient to address LDP Policy Emp 9.

Retail use

As stated in LDP Policy Ret 6, there are benefits in providing small scale convenience stores (up to 250sqm gross floorspace) in locations easily accessible on foot, by cycle or public transport. The application proposes a unit on Bonnington Road with a floorspace of 212.21sqm at ground floor.

This will meet the needs of an expanding residential population and is not considered to have a significant adverse effect on the vitality and viability of the Leith Town Centre to the south and Ferry Road East and Ferry Road West Local Centres to the north. This will complement the role of these identified centres, creating a more sustainable community. The application complies with LDP Policy Ret 1 and Ret 6.

Open space

The northern part of the site is designated Open Space in the LDP. The loss of this open space is required to be assessed and justified under the criteria of LDP Policy Env 18. The application proposes to reshape the existing greenspace and define a portion of it as publicly accessible open space. The creation of a pocket park in the north west corner of the site accords with LDP Policy Env 18 and the requirements of the Brief.

In conclusion, the proposed uses comply in principle with LDP Policies Hou 1, Ret 6, Emp 9, Env 18 and the Brief.

b) Impact on the setting of the neighbouring listed buildings

A Heritage Impact Assessment was submitted which considers the impact of the proposed development upon the setting of three listed buildings located in the immediate vicinity of the site; 2 Anderson Place and 3-33 Breadalbane Street (former Bonnington Bond) (category B listed building reference: LB2701614), 138A Bonnington Road, Bonnington Primary School with play shelters, gatepiers and railings (category C listed building reference: LB2702715), and 250 Bonnington Road, Cardboard Box Works (category C listed building reference: LB2704716).

To the east of Anderson Place is the red brick B listed four to eight storey former Bonnington Bond, converted to residential use in 2004. It is the largest surviving example of a bonded warehouse in Edinburgh and an example of the industrial fabric of Leith. The proposed heights remain within the range of heights of historic neighbouring properties and continuing a frontage onto Anderson Place is considered appropriate.

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act as well as the relevant requirements of LDP policy Env 3.

(c) The design, scale and layout are appropriate to the site and creates a sense of place

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 advice given by the Edinburgh Urban Design Panel (Appendix 1) is reflected in the revised proposals. The application encourages more activity at street level, reconfigures the layout and massing of Block A into fingers of development, offers a cohesive approach to the public realm and landscaping and proposes an architectural response which reflects on the industrial heritage. The design is assessed fully under the headings below.

Height, scale and massing

LDP Policy Des 4 Development Design - Impact on Setting states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views, including (amongst other matters) height and form.

The spatial character of the area is mixed. The Brief offers guidance on the height of new development. It supports a four to five storey tenement scale development to enable the protection of city wide and local views. Although central parts of the development are six storeys in height, the introduction of some modulated, saw-tooth roof features and a stepped roof profile complement the topographic profile and visual character of the river valley. Likewise, the reduction in height of Block C to five storeys along Bonnington Road and four storeys along Anderson Place relate better to both the existing tenement townscape and the adjacent listed warehouse.

The consented West Bowling Green Street developments (application reference numbers: 16/03218/FUL and 16/00427/FUL) impacts on the key view N4b (South Fort Street to Salisbury Crags), obscuring the view of the Calton Hill monuments. Whilst the reduced height of the three blocks in Scheme Two will continue to obscure the wooden horizon line between Calton Hill and the vertical face of the Salisbury Crags, the profile of the crags is now legible within this view. By stepping down from west to east, the proposed development is responding positively to both its historic and landscape context. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, thus complying with LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features and LDP Policy Des 4.

The submitted TVIA demonstrates that the proposed buildings will be visible below the skyline and will merge with the existing buildings. Furthermore, as the proposal is below the height of the listed former Bond building, views of this landmark building will be protected. Whilst the height and scale in parts exceeds the Brief, the overall effect is a positive addition with no significant adverse effects on any long views.

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 210 dwellings per hectare, which is relatively high. This exceeds the density of many recent residential developments in the immediate area such as Tinto Place (188 dwelling per hectare) and Bonnington Road Lane (126 dwelling per hectare). However, it is similar to more historic tenement developments like Gorgie (288 dwellings per hectare). High density developments help Edinburgh be a compact and vibrant city. The density is considered appropriate to the immediate site conditions and to the neighbourhood.

As explained in later sections, it meets other Council's policies, for example in relation to open space, unit mix, daylight, sunlight, privacy, car parking and the design and site layout. This indicates that the proposed density is appropriate, providing efficient use of the site whilst also supporting the regeneration of previously developed land.

The application complies with LDP Policy Des 3, 4a) and Hou 4.

Design and materials

LDP Policy Des 1 Design Quality and Context states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area.

Whilst the elevational treatment of the blocks is relatively uniform, there are areas which benefit from increased modulation, relief and texture with balconies introduced to Block A to offset the massing and provide a more engaging elevation to the Water of Leith.

The sawtooth roof form of the western wing of Block A references Leith's industrial heritage, adding interest to the view from Bonnington Road. This roof profile moderates the impact of the other relatively flat-roofed blocks. The reduction in height of Block C better relates to the tenement scale along Bonnington Road. The application proposes large vertically proportioned windows akin to the tenements. The proposed material palette of brick across the three blocks ensures consistency between the elevations. The use of brick and choice of three colours references not only the industrial heritage of the site and the former Bond building, but also the tones and textures of Edinburgh sandstone and the neighbouring tenements. The application complies with LDP Policy Des 4d).

Community security over all footpaths, streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels. The ground floor commercial units provide activity to the street, whilst 33 ground floor residential units have direct access from a public footpath or communal open space. This accords with the Brief and LDP Policy 5d).

Relationship to the Water of Leith

LDP Policy Des 10 Waterside Development supports development adjoining a watercourse where it provides an attractive frontage to the water, maintains, provides and improves public access to and along the water's edge, maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley.

The Brief sets a requirement for the green space that forms part of this site to be re-shaped and re-defined as an area of publicly accessible open space, enabling the creation of a new active travel link between Bonnington Road and the nearby footbridge. The application proposes a new publicly accessible pocket park which responds sensitively to the topography and ecology of the river valley, whilst also enhancing the sense of place. The 24.5m distance between Block A and the Water of Leith, coupled with the reduced height fronting the river, maintains and enhances the water environment.

The design incorporates the existing broadleaf trees at the base of Bonnington Road Lane, aiding navigation to the Water of Leith in accordance with section 1.7 of the Edinburgh Design Guidance (EDG) and LDP Policy Des 3. The park provides a legible active green corridor between Bonnington Road Lane and the bank of the Water of Leith. It facilitates a future connection to the bridge via the adjacent site.

The proposed development successfully maintains the existing soft and vegetated character of the riverside, thus complying with LDP Policy Des 10.

Layout

An objective of the Brief is to integrate new development with the area as a whole and to promote improved movement through the site and to the wider city beyond.

Similarly, LDP Policy Des 7 Layout Design promotes safe and convenient access and movement in and around the development, supporting a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDs features.

In accordance with the Brief and LDP Policy Des 7, a new legible and direct route for pedestrians and cyclists from Bonnington Road to the new pocket park is proposed which will form a key part of a strategic link, with the final leg of its route being delivered by the adjacent site. By offsetting the proposed building line further away from the western site boundary, it supports the potential for effective development of the adjacent site. This complies with LDP Policy Des 2 Co-ordinated Development.

The Brief illustrates the potential for side street access from Bonnington Road Lane and Anderson Place frontages. A new street between Blocks A and B has been designed to prioritise pedestrian and cycle movement in accordance with LDP Policy Des 7. The layout of this street incorporates design features which will restrict traffic speeds to an appropriate level, thus minimising potential conflict between users. It will also ensure ease of access for future occupiers of the site and the wider area to the local centres and public transport. The existing street (Anderson Place) between Block B and C is proposed to be partially pedestrianised through the use of retractable bollards, enabling safe and convenient movement for residents between the blocks, whilst also enhancing its setted street character.

Although the layout of Block C fails to fully reflect the established urban grain for residential development by filling the entire site with building, the creation of a primary frontage onto Bonnington Road will repair a gap in the townscape. The design of Block C has taken the warehouse to the rear into account through the provision of a set back and consideration of window provision. The applicant has demonstrated that this street could be appropriately faced by smaller scale buildings, for example a row of townhouses, thereby complying with LDP Policy Des 2.

Public realm and landscaping

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole.

The landscape has been designed to provide a series of relaxed and informal social spaces for residents and visitors to the development. The planting strategy enhances the proposals sense of place and increases the site's biodiversity through the creation of new habitats. By providing a vibrant species selection, with a variety of seasonal interest, it creates a high quality, visually aesthetic environment. The concept of incorporating the old railway line tracks as a historical reference within the landscape design is positive and will help to provide a sense of identity. In accordance with the Brief, public art and the use of interpretation boards in the pocket park are proposed to reflect the industrial and medieval heritage of the area.

As assessed in the previous section, the application demonstrates how the site can facilitate a welcoming, safe and direct pedestrian and cycle link along Bonnington Road Lane and into a new and welcoming pocket park. The two streets running east-west within the development also play an important role in connecting the development together and ensuring good pedestrian circulation. The new landscaped street between Blocks A and B provides a direct connection between Bonnington Road Lane and Anderson Place. It has been designed as a central part of the landscape design, comprising of shared surfaces broken up using street trees and parking bays, with pedestrian access and crossing points being prioritised. The soft landscaped communal courtyards in Block A overlook this new street.

The courtyard to Block B has been designed to serve as a central hub and gathering space for residents. The design offers a more organic informal space. The space has been broken up into smaller segments allowing more intimate zones to gather in smaller groups, whilst also being flexible enough to accommodate social events.

The additional roof terraces provide residents with small plots to plant herbs and vegetables within raised timber planters coupled with seating elements and tables for outdoor gatherings. This layout will help create a strong space for community involvement and reinforce the development's ethos of community living.

17 ground floor units have direct access to a private front garden. In accordance with LDP Policy Des 5d), a clear distinction is made between the public and private spaces, enclosing them with clear defensible masonry walls and landscaping.

All the landscape and public realm elements have been coordinated to avoid a sense of clutter and integrate with the wider area.

The application complies with LDP Policy Des 8.

d) the proposals safeguard the amenity of existing occupiers and provide a satisfactory standard of amenity for future occupiers

Existing neighbours - daylight

The application site is near several residential properties. Representations have been made concerning the development's impact on residential amenity.

An updated Daylight and Sunlight Assessment has been submitted to reflect Scheme Two. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The model shows that 68% of windows tested meet the requirements of the EDG in relation to retention of daylight levels. Of the 286 windows assessed, 91 windows in 63 rooms did not meet the VSC standard.

As recommended in the EDG, the Average Daylight Factor (ADF) assessment was applied to these 63 rooms, which are spread across 38 properties; 7-15 Bonnington Bond, 145a Bonnington Road, 145b Bonnington Road, 147 Bonnington Road, 149 Bonnington Road, 151 Bonnington Road, 202-206 Bonnington Road, 1 Bonnington Road Lane, 6-12 Tinto Place, and 5-7 Bonnington Road Lane.

It is important to note that in 39 of these 63 rooms, existing daylight levels do not currently meet minimum EDG requirements, with 11 only marginally below standards. This is mainly a result of the window sizes being relatively small. This amounts to 62% of all rooms assessed. Any reduction in ADF will, therefore, continue to infringe on the guidance thresholds. However, some daylight loss is inevitable as a result of an existing frontage change from a boundary wall and a 1.5 storey building to a continuous frontage that is in similar scale to the surrounding townscape. The ADF assessment shows that daylight levels in all 63 rooms will be reduced by the development, with six only slightly below the required minimum level.

Although VSC modelling shows that most existing windows tested satisfy EDG daylight requirements, the ADF assessment shows that development will cause daylight to drop below EDG thresholds in some neighbouring rooms. The proposal is therefore at odds with LDP Policy Des 5. This is largely due to existing daylight levels being already lower than minimum EDG requirements. It is also a result of the existing site frontage changing from a boundary wall or low building to a continuous frontage that is similar in scale to the surrounding townscape.

The EDG states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable, and that achieving reasonable amenity needs to be balanced against achieving good townscape. Considering the relatively high density of the surrounding context and the prevailing character of the existing townscape, this infringement of policy and guidance is not considered significant enough to merit refusal of planning permission.

Future occupiers - daylight

The daylight to all the habitable rooms from ground to fifth floor levels in the proposed development have been assessed. The tests were undertaken in accordance with the methodology set out in the EDG. The daylight results show that 1,113 (92%) of the 1,212 rooms tested achieve the guideline No Skyline (NSL) values.

The results of the NSL test for Block A show that of the 496 rooms assessed, 425 (86%) would achieve the NSL guidelines as set out by the EDG. The remaining 71 rooms include 25 Living/Kitchen/Diners and 46 bedrooms located on the ground to fourth floors. However, a number of these rooms fall only marginally below the guideline values. For example, 12 of the Living/Kitchen/Diners and 15 of the bedrooms which do not meet the 50% guideline value achieve NSL values between 40% and 50%. Overall, the daylight results in Block A show good levels of adherence to the EDG.

The results of the NSL test for Block B show that of the 466 rooms assessed, 444 (95%) would achieve the NSL values set out by the EDG. The remaining 22 rooms include eight Living/Kitchen/Diners and 14 bedrooms located on the ground to fourth floors. It is worth noting that six of the Living/Kitchen/Diners and four of the bedrooms which do not meet the 50% guideline value achieve NSL values between 40% and 50%. Overall, the daylight results in Block B show very good levels of adherence to the EDG.

The results of the NSL test for Block C show that of the 250 rooms assessed, 245 (98%) would achieve NSL values as set out by the EDG. The remaining five rooms are Living/Kitchen/Diners located on the ground and first floors, four of which achieve NSL values between 40% and 50%. Overall, the daylight results in Block C show excellent levels of adherence to the EDG guidelines. There is an existing warehouse building along Anderson Place Lane which sits directly to the north of the Block C massing. The daylight levels have been assessed with the existing warehouse building in place. As there are no current development plans for the site, the impact of a potential future building on the light levels within Block C hasn't been assessed. Given the proximity to the boundary, any future massing on the site is likely to be stepped back from the boundary unlike the current massing, meaning that there may therefore be increases in daylight availability to the lower floors of Block C.

The marginal infringement to LDP Policy Des 5 Development Design - Amenity is acceptable.

Sunlight

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The assessment shows that 10 of the 13 amenity spaces exceed the guideline values, achieving two hours of sunlight to greater than 50% of their areas on the 21 March. This includes the pocket park which will achieve 92%. One of the three amenity spaces (north of Block A), which falls marginally short of the guideline values, achieves 41% and therefore, will provide the recommended sunlight levels to a large portion of its area. The amenity space to the rear of Block C will receive no sunlight and the section of private garden to the east of Block A along Anderson Place will receive only 18%. Nevertheless, if the percentage of space achieving the guideline values is considered across the entire site, the site achieves two hours of sunlight to 58% of its total amenity space and therefore exceeds the guideline value.

The sunlight assessment for the proposed amenity spaces indicate that most spaces exceed the BRE's recommended two hours of sunlight to 50% of their amenity areas. This also includes a choice of roof terraces where the percentage of sunlight is between 60% and 91%. On balance, this complies with the EDG and LDP Policy Des 5a).

Privacy

In terms of privacy and outlook, the proposed layout of the development broadly reflects the existing townscape pattern. The proposed development is located a sufficient distance away from the existing residential properties so as not to result in any significant overlooking or loss of privacy to the neighbouring dwellings. The distance from the former Bond building to Block A is between 16.89m and 17.18m, and between 12.43m and 12.51m to Block B.

The application complies with LDP Policy Des 5a).

Noise impact

The applicant has submitted a Noise Impact Assessment and updated Acoustic Statement outlining a series of mitigation options in response to concerns raised over the impact from the Biscuit Factory. Over the last few years, this building has held occasional licenced and unlicensed music events which can take place during the daytime, evening and night-time. The building, by its very nature, is not well acoustically insulated with noise breakout from the windows, roof, doors and walls being a major factor in the noise breakout experienced by neighbours. Environmental Protection and Licencing Services have had a recent history of noise complaints due to entertainment noise emanating from the Biscuit Factory. The view from Environmental Protection is that there will be many more units exposed to what will be break-out noise from this venue. It is for this reason that Environmental Protection are objecting to the application.

Unfortunately, the applicant has not been able to undertake a noise break-out measurement exercise due to COVID-19 restrictions . An event was measured in December 2019 but this was not considered the potential worst case. The applicant has confirmed that the BTR management company will be working in partnership with the Biscuit Factory to actively market their business offering to future residents, whilst also seeking to protect their amenity.

An acoustic statement has been submitted which details the acoustic enhancements that will be provided to demonstrate how the design of the proposed development mitigates the impact of noise and upholds the 'Agent of Change' principles as a result of its proximity to the Biscuit Factory. In this regard, the applicant has taken the responsibility of mitigating any detrimental noise impacts. These measures are considered reasonable to allow the development to proceed. For example, they have removed several residential units on the gable end near the Biscuit Factory building, removed and sealed some windows and introduced a recessed balcony for those units closest to the Biscuit Factory. It is recognised that the applicant has, therefore, made some efforts to reduce the potential exposure, whilst also ensuring a high-quality scheme, in accordance with the EDG and LDP Policy Des 5a).

There is currently an active planning application for the Biscuit Factory (4-6 Anderson Place)(application reference number: 20/03841/FUL) to diversify and formalise operations, with an application currently being considered for the change of use of Class 5 General Industrial to a mixed-use development incorporating artisan workshops, events space, office space, gymnasium and business space. Although it is likely that this application will be required to incorporate appropriate mitigation measures, limited weight can be attached to this as planning permission has not been granted or implemented.

As it has not been possible to quantify the level of noise break-out during a typical event, the application does not fully comply with LDP Policy Des 5a). However, the introduction of residential use on the site contributes to the vibrancy and regeneration of the area, justifying an exception in this case.

Dual and single aspect

The application proposes a long corridor on each floor level with access taken directly from this. In this regard, where a flat is classed as dual aspect, the alternative aspect is generally located within the same elevation. The proposals provide 40% dual aspect flats. This is only marginally under the 50% standard and is justified by the open plan layouts and tall windows, which allows light to penetrate more deeply into the flats. This complies with the EDG, which justifies a limited increase in single aspect units for Build to Rent developments.

Housing mix and size

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes to meet a range of housing needs, including those of families, older people and having regard to the character of the surrounding area and its accessibility. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The EDG states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, a minimum internal floor area of 91 square metres, have good levels of storage and have direct access to private gardens or safe play areas for children.

The proposal comprises a mix of studio (3.8%), one bed (45.9%), two bed (29.8%) and three bed flats (20.5%) which includes 14 duplex flats. In this regard, the proposal achieves a good mix of house types and sizes, including 20% family housing. 15 of the 93 three bed flats have direct ground level access to private or communal open space and 24 of the three bed flats are located at first floor level. This equates to 42% of all the family units having ground or first floor access to an area of private or communal open space. Furthermore, 30% of the three bed flats have direct access to private balconies and 26% of the three bed flats are located on the same level or the level below a communal roof terrace. It is important to note that all the units have access to a lift, allowing for convenient access to any of the open space being provided. Therefore, although not all the three bed units have direct access to a private garden from either ground or first floor level, as specified in the EDG, their internal size, storage and convenient access to a variety of open space complies with the requirements of LDP Policy Hou 2.

Section 2.12 of the EDG includes a section on 'Purpose built homes for rent', where it acknowledges that there tends to be key differences in the design of Build to Rent developments which may justify a more flexible approach to the Council's design standards. In particular, the EDG allows for flexibility in unit sizes for BTR under exceptional circumstances and only if fully justified. This specifically relates to the standards for minimum internal floorspace.

The scheme proposes the following flat sizes:

- Studio: 33sqm
- One bed: 48sqm to 56sqm
- Two bed: 63sqm to 73sqm
- Three bed: 90sqm
- Three bed plus with enhanced storage designed for growing families: 96sqm

Although the unit sizes proposed for the studios, one bed and two bed flats are in some cases marginally below the minimum internal floor areas set out in the EDG, the development achieves efficiency in floor area by removing circulation, increasing storage, and producing a plan that allows light deeper into the units. There is also the additional provision of 945sqm of internal communal facilities, for example a concierge, ground floor level facilities including workspaces, bike café, gymnasium and games room. It is considered that the proposed units are of sufficient size to provide an acceptable standard of accommodation, complying with LDP Policy Hou 2.

Open space

All residents will have access to a variety of amenity spaces across the site. Private garden spaces, balconies, secure communal courtyards and an ecological quiet zone adjacent to the river are provided.

Block A provides 2,844sqm of communal greenspace, of which 1,874sqm is a riverside ecological zone and 970sqm is communal courtyards; Block B provides 1,780sqm of communal greenspace; and Block C provides 154sqm of open space. Although Block C has a limited amount of dedicated communal open space, it also provides an additional 132sqm roof terrace.

Given that the development will be operated and owned as one Build to Rent site, residents can move freely across all amenity areas, made more convenient by the provision of two pedestrian priority streets. In this regard, the entire site has been assessed as a whole in terms of open space provision. The total area of communal open space equates to 4,778sqm; this is shared between the 453 residents and accessed directly from 33 ground floor flats. This results in an open space provision of 10.5 square metres per flat and 22% of the total site area. However, in addition to this, the development also provides 315sqm of private front gardens for 17 units, 108sqm of private balconies and 582sqm of roof terraces. In this regard, the overall provision exceeds the requirements of LDP Policy Hou 3. Furthermore, the site delivers high quality public greenspace in the form of a new pocket park to the north west of Block A.

In addition to external spaces, the development also proposes 945sqm of communal internal amenity space for use by all the residents.

In terms of the operational aspects of all private and public open space, the development will benefit from an on-site management team 24 hours a day, seven days a week. The role of the management team includes managing the operational aspects of the private and public open space.

The overall provision of private amenity space, public realm and internal amenity space will create a high-quality living environment which also contributes to the amenity of the wider area. In this regard, the application complies fully with LDP Policy Hou 3.

e) Transport issues

The site has good accessibility, located within 400m of bus stops for two services (Lothian buses number 11 and 36) and within approximately 900m from Leith Walk where further bus services are available. The site connects into the Core Path Network (CEC 18) and the Water of Leith Walkway via Anderson Place. The proposals include a segregated cycleway on Bonnington Road Lane as per the Brief. This is designed in line with the Edinburgh Street Design Guidance Fact Sheet C4 - Segregated Cycle Tracks. This is a future proofed active travel connection between the Water of Leith Walkway and the proposals related to Leith and City Centre (East) Cycle Route (LDP Action Programme - February 2020). Also included as part of the active travel improvements are "continuous footway" crossing points which indicate priority to pedestrians and cyclists across junctions. These have been designed in line with Edinburgh Street Design Guidance Fact Sheet G7- Priority Junctions Side Street Crossings.

A minimum of 988 cycle parking spaces are required. The application proposes 988 secure internal cycle spaces distributed throughout the site, easily accessible by residents in all three buildings. Block A provides 178 spaces in two stores, Block B provides 566 spaces in five stores and Block C provides 244 spaces in two stores. The cycle parking comprises of high density two tier racks with level access provided. The cycle parking provision and format complies with the required minimum set out in the current parking standards.

A maximum of 470 car parking spaces are required. The application proposes 32 on-street parking spaces between Blocks A and B and along Bonnington Road Lane, three of which are disabled spaces and six with electric vehicle charging points. This complies with the EDG. The low provision of car parking is justified. The applicant has provided a breakdown of car parking provision from the other sites that they operate, showing an average provision of 31% and a 10% usage. The applicant has drawn comparisons to their Exeter site due to the good public transport accessibility. It is important to note that a Controlled Parking Zone is to be implemented in this area by the end of 2021 to address an existing parking issue. This further aids the justification for the lower level of proposed car parking.

A minimum of 18 motor-cycle spaces are required under the EDG. The application proposes no motor-cycle spaces. This is acceptable given that the application does not propose a dedicated car parking area to accommodate such provision.

The new street between Blocks A and B is now proposed as a two-way street with integrated chicanes to enable speed reduction and facilitate pedestrian priority.

The western section of Anderson Place to the rear of Block C is proposed to be pedestrianised with access restricted to service and emergency vehicles. This will allow safer and more convenient pedestrian movement between Blocks C and B.

In accordance with LDP Policy Del 1 and Tra 8, a transport assessment was submitted. Several actions are identified in the LDP Action Programme that are relevant for this site. These are detailed in section 3.3f) and will be secured via a suitable legal agreement.

The Roads Authority raise no objections.

f) Other material considerations

Trees

A Tree Survey was carried out for the site. Of the 59 trees (and hedges) surveyed, 37 trees and two hedges are being removed and 20 are being retained. All except one are category B or lower, and all are being removed for reasons of safety, condition or they are non-native. The application proposes the planting of 80 new trees, resulting in a net increase of 41. In this regard, the replacement of appropriate species and numbers will offset any loss to amenity.

The application complies with LDP Policy Env 12.

Ecology

The site's northern boundary is the Water of Leith, which is identified under LDP Policy Env 15 as a Local Nature Conservation Site. The key issue is the maintenance of this important green network. In accordance with LDP Policy Des 10 and EDG, this application maintains and enhances the water environment, its nature conservation and landscape interest including its margins and river valley by providing at least a 15m setback between the river and the building line, extending to 24m in parts. The application also proposes a linear greenspace along the site's northern edge.

A transient overshadowing assessment to the Water of Leith has been carried out and shows no significant change in the extent or amount of time that a shadow would be cast upon the watercourse or the associated riparian habitat. In this regard, there is unlikely to be any notable effect on flora or fauna within the area.

The application proposes four green sedum roofs and three roof terraces which include opportunities for biodiversity. Bug hotels, for example, will also be proposed for the roof terraces. Likewise, 15 swift bricks are to be installed in five locations in clusters of three on the northern elevation of Block A adjacent to the river and out of direct sunlight. They will all be located at eaves height away from windows so as not to be disturbed by human activity.

Bat and bird roosting surveys were all undertaken prior to demolition.

The application complies with LDP Policies Env 15 and 16.

Flooding

Scottish Water raise no objection to the planning application. 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 downpipes and permeable roofs, permeable paving and gullies with roof flows being routed through bioretention areas and rain gardens designed within the landscaping, prior to final discharge to the Water of Leith. Restricted flow is being attenuated within a detention basin or cellular storage structure. Flood Planning have raised no objections.

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. The applicant has submitted two options which Flood Planning support in principle, subject to the necessary agreement by Scottish Water. In this regard, a condition has been included which enables the applicant to provide details of the finalised drainage arrangement for approval by the Planning Authority in consultation with Scottish Water.

The application complies with LDP Policy Env 21.

Waste management

The bin stores have been integrated into each of the buildings so as not to impact on external amenity space. The presentation points for the bins and bin store information has been agreed by the Waste and Cleansing Service. Within each bin store, is a variety of bin types for recycling and general waste. All calculations for waste and recycling provision have been based on the Council's Waste Management Guidance.

The Waste and Cleansing Service has confirmed that all the information provided in relation to waste provision is acceptable.

Air quality

An Air Quality Impact Assessment was undertaken. Due to the relatively low number of anticipated vehicle trips associated with the proposals, road traffic exhaust impacts were predicted to be negligible. Nevertheless, several mitigation measures have been included within the proposals to encourage the use of sustainable transport modes, manage vehicle flow and reduce pollution around the site. The application does not raise any significant issues in relation to air quality.

The application complies with LDP Env 22.

Ground contamination

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

Archaeology

The site has been identified as occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. Accordingly, this application must be considered under terms of LDP policies Env 8 and Env 9. 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.

A condition is recommended to secure the programme of archaeological works.

Sustainability

The applicant has submitted a sustainability statement in support of the application. Part A of the standards is met through the provision of a Combined Heat and Power system. The proposal is a major development and has been assessed against Part B of the standards.

The points achieved against the essential criteria are set out in the table below:

Essential criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the 'desirable elements' sections. Additional measures include the installation of a combined heat and power plant, the inclusion of green sedum roofs, of car club spaces and electric car charging points. The application complies with LDP Policy Des 6.

Developer contributions

Education

The site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. The assessment is based on 228 flats (225 one bedroom/studio flats are excluded).

In line with Circular 3/2012 and LDP Policy Del 1, the proposed development is required to contribute £195,168 towards the delivery of those actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

Transport

The applicant will be required to:

- Contribute the sum of £238,279 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;
- Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment; and
- In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for seven GP practices and it is anticipated that the additional patients can be absorbed in existing practices and no new actions are required. In this regard, no contribution is required at this time.

g) Any impacts on equalities or human rights are acceptable

The proposal has been considered in terms of equalities and no adverse effects have been identified. The applicant will be required to comply with the provisions of the Equality Act 2010 and Building Standards. The site is accessible for those with mobility issues and could create an environment where public spaces can be used safely. The proposed development will provide good access to new high-quality open space. The proposed development has also been assessed against the LDP which is compatible with the Human Rights Act.

h) Representations raised have been addressed

Thirty-three representations were received in relation to Scheme One. Of these, 27 were in objection, three in support and three raised neutral comments. 47 representations were received in relation to Scheme Two. Of these, 39 were in objection, three in support and five were neither supporting or objecting.

Material representations - objection

- Insufficient provision of open space - This is addressed in section 3.3d);
- Loss of daylight and sunlight to neighbouring properties - This is addressed in section 3.3d);
- Excessive height and density - This is addressed in section 3.3c);
- Excessive provision of car parking spaces - This is addressed in section 3.3e);
- Insufficient provision of car parking spaces, including disabled parking spaces - This is addressed in section 3.3e);
- Negative impact on neighbouring air quality - This is addressed in section 3.3f);
- Construction and operational noise impact from future occupiers and noise impact from the existing businesses on future occupiers - This is addressed in section 3.3d);
- Affordable housing provision should not be located within a single block and should be distributed throughout the development - This is addressed in Scheme Two and assessed in section 3.3a);
- Loss of privacy and overlooking from future occupiers of the proposed development - This is addressed in section 3.3d);
- Adverse impact on the setting of the listed buildings - This is addressed in section 3.3b);
- Inappropriate existing road surface conditions and infrastructure for cyclists - This is addressed in section 3.3c), d) and e);
- The scale of the proposed 'Pocket Park' fails to deliver the aims of the Bonnington Development Brief - This is addressed in Scheme Two and assessed in section 3.3c) and d);
- Loss of trees - This is addressed in Scheme Two and assessed in section 3.3f);
- Adverse impact on the city skyline - This is addressed in section 3.3c);
- Insufficient provision of new small business space to meet the requirements of the Bonnington Development Brief - This is addressed in section 3.3a);
- Over provision of proposed one-bedroom flats and insufficient family accommodation - This is addressed in Scheme Two and assessed in section 3.3d);
- Impact on healthcare and education infrastructure - This is addressed in section 3.3f);
- Impact on coordinated development of adjacent sites - This is addressed in section 3.3c);
- Increase in local traffic movements and congestion - This is addressed in section 3.3e);
- Inappropriate location of bin and bicycle stores - This is addressed in section 3.3f);
- The proposed new through road should be walking/cycling only and space given to increased open space provision - This is addressed in section 3.3c) and d);
- Closure of Anderson Place - Anderson Place is not proposed to be closed to traffic. The western end of the Anderson Place side street between Blocks B and C (also known as Anderson Place) will be partially pedestrianised via retractable bollards. This is addressed in section 3.3c) and e);
- Inappropriate design for its context - This is addressed in Section 3.3c);
- There is a need for more affordable housing - This is addressed in Section 3.3a);

- Impact on neighbouring amenity during the construction period due to noise and dust - An informative is included which requires a Construction Environment Management Plan to be submitted;
- Different housing types should be provided - Scheme Two introduced duplex flats. This is addressed in Section 3.3d);
- Requests that a new 5m wide pedestrian link should be created from Anderson Place to the Water of Leith walkway - This is addressed in Section 3.3c). A new street will be created between Blocks A and B which links into the new pedestrian and cycleway link to the Water of Leith on the west side of the site;
- Considers that the new cycleway and pedestrian link to the pocket park should be wider (10m) - This is addressed in Section 3.3c) and e). The new cycleway meets the minimum standards and for the most part exceeds them.

Material representations - general comment

- Swift bricks should be included - This is addressed in section 3.3f).

Material representations - support

- Supportive of the walking/cycling focus of the development - This is addressed in section 3.3c) and e);
- Scheme Two looks like a more attractive scheme - This is addressed in section 3.3c);
- Support the choice of materials and brick finishes - This is addressed in section 3.3c).

Non-material comments

- Loss in value of neighbouring properties - This is not a material planning matter;
- Lack of clarity and inaccuracies over mutual boundaries - This is not a material planning matter;
- Loss of existing private views from residential properties - This is not a material planning matter;
- Anderson Place is not currently cycle friendly with double parked cars meaning the road isn't of sufficient standard to meet the Council "8-80" goal - This is not a material planning matter;
- Insufficient details of how the EV points will be funded by future occupiers - This is not a material planning matter;
- The surrounding streets should be brought into the control of the Peripheral Controlled Parking Zones - This is not a material planning matter;
- Existing poor broadband provision in the local area - This is not a material planning matter - This is not a material planning matter;
- Increase in vermin from proposed bin stores - This is not a material planning matter;
- Structural impacts on neighbouring existing buildings - This is not a material planning matter;
- Impacts of social distancing on ability to use narrow footpaths - This is not a material planning matter;

- Loss of existing community hub for disabled adults with no replacement - This is not a material planning matter. The site is identified as a development site in the Bonnington Development Brief. The proposed mix of uses is appropriate;
- Loss of historic railway tracks on Anderson Place - This is not a material planning matter.

Conclusion

The proposed development will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Bonnington regeneration area, supporting the aspirations of the Bonnington Development Brief. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Although it infringes on LDP Policy Des 5 in terms of daylight and noise impacts, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the area. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.

3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority.
5. No development shall take place until a scheme for protecting the residential development (hereby approved) from noise from the road and commercial/entertainment/plant noise ('Biscuit Factory') has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.
6. Within six months of the commencement of development, the applicant shall submit and gain approval from the Planning Authority for the public interpretation boards/signage within the new public pocket park.
7. By first occupation of any part of the accommodation, the approved public interpretation boards/signage shall be completed on site.
8. The agreed public realm design, furniture, planting, landscaping and materials in all of the private, communal and public areas, including the new pocket park, shall be completed prior to first occupation of any part of the development.
9. The agreed layout and design of the new segregated cycleway connecting Bonnington Road with the new pocket park shall be completed prior to first occupation of any part of the development.
10. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
11. Prior to construction, the applicant shall provide details of the finalised drainage arrangement for approval by the Planning Authority in consultation with Scottish Water.
12. The approved drainage arrangement shall be implemented prior to first occupation.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. To comply with the Bonnington Development Brief
8. To comply with the Bonnington Development Brief
9. To comply with the Bonnington Development Brief
10. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
11. Confirmation that Scottish Water will allow surface water to discharge at a reduced rate into the combined sewer system has been delayed due to covid restrictions
12. To ensure the required infrastructure is in place

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to transport, education and affordable housing, as set out below:

Transport infrastructure:

The proposed development is required to:

- Contribute the sum of £238,279 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;
- Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
- Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

- Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment; and
- In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area.

A number of TROs may be required under the provisions of the Roads (Scotland) Act 1984:

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

Education infrastructure:

- The proposed development is required to contribute £195,168 towards the delivery of those actions in the Drummond Education Contribution Zone.

Affordable housing:

- The proposed development is required to deliver 113 affordable units

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. 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.

4. 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.
5. 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.
6. A Quality Audit, as set out in Designing Streets, is to be submitted prior to the grant of Road Construction Consent.
7. 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.
8. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment
9. The works to carry out footway widening and improvements to adopted roads must be carried out under permit and in accordance with the Council's specifications.
10. Any proposed signage will be subject to advertisement consent.
11. The contractor must contact the Waste and Cleansing Service a minimum of 12 weeks prior to any occupation to allow time to arrange a site visit and for ordering the required bins.
12. The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.
13. All car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015)
14. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
15. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

16. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
17. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
18. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
19. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
20. This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
21. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
22. 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.
23. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application. As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 30 October 2019. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

A Proposal of Application Notice was submitted and registered in November 2019. Copies of the Notice were also issued to local Councillors and a number of community groups.

Community consultation events were held in December 2019. 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

Neighbours were notified of the planning application on 12 May 2020 and the application was advertised on 22 May 2020, with 21 days allowed for comments. The application also appeared in the Weekly List on 18 May 2020.

The proposals that formed scheme one received 33 representations. Of these, 27 were objections to the proposals, three were in support, and three made general comments to the proposals.

All neighbours were re-notified on 31 December 2020, with 21 days allowed for comments. Scheme two was also re-advertised on 31 December 2020, with 21 days allowed for comments. Two additional days were added onto the period for comments to take account of the two public holidays. Scheme Two received 47 representations; 39 were objections, three were in support and five were providing general comments. Leith Central Community Council, as statutory consultee, submitted comments to Scheme Two, which can be found in Appendix 1.

All of the comments received have been considered in the assessment of the application. An assessment of these representations can be found in the main report in section 3.3h).

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 lies within the Urban Area and Open Space as defined in the adopted Edinburgh Local Development Plan (LDP).
Date registered	8 May 2020
Drawing numbers/Scheme	01A,02A,03B,04A,05A,06A,07B,08B,09A,10B,11B,12A,13A,14B,15B,16B,17A,18A,19B,20B,21B,22B,23B,24A,25B,26A,27A,28B,29B,30B,33B,34A,35B,36B,37A,38A,39A,41B,42B,43A,44A,45A,46A,47A,49A,,50,51A,

David R. Leslie
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer
 E-mail:emma.fitzgerald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

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

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

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

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

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

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

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

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

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

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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

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

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

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

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

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

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

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

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

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.

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.

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

Appendix 1

Application for Planning Permission 20/01932/FUL At 2-4, 6, 14 Bonnington Road Lane And, 200 Bonnington Road, Edinburgh Demolition of existing buildings and redevelopment comprising build to rent residential accommodation, commercial uses, associated landscaping and infrastructure (As Amended)

Consultations

Edinburgh Urban Design Panel Report - 30 October 2019

1 Recommendations

The Panel welcomed the opportunity of commenting on this proposal at an early stage in the design process.

In progressing proposals, the Panel recommends the following issues should be addressed:

- o encourage as much activity as possible at street level and break of the mass of the buildings to mitigate against large mono use;*
- o consider alternative layout and massing of the northern block to allow fingers of development ;*
- o place Anderson Place at the heart of the development;*
- o a cohesive approach to the public realm and landscape with respect to the wider brief area;*
- o an architectural response which reflects on the industrial heritage;*

2 Planning Context

The application will be for the demolition of existing buildings and redevelopment comprising build to rent accommodation, commercial uses and associated landscaping and infrastructure.

A previous proposal for a smaller part of this site, excluding the existing buildings fronting Bonnington Road, was reviewed by the Panel in 2017.

Site description:

The site is located on the east of Bonnington Road Lane and west of Anderson Place. The Water of Leith, a designated local nature conservation site, forms the site's northern boundary. The riverside edge is tree lined. The majority of the site is the former depot (storage and distribution use) for John Lewis, with a former restaurant and Council office block to Bonnington Road. All existing buildings are proposed for

demolition. The site sits within a wider area of mixed industrial uses which is undergoing significant change with a number of new residential developments proposed, or under construction in the immediate vicinity.

There are no listed buildings within the site; a category B listed warehouse bond converted to residential and commercial use is opposite the site on Anderson Place.

Planning Policy:

The site is located in the Urban Area in the Local Development Plan (LDP). Mixed use developments appropriate to the location and character of the area are supported provided they accord with other relevant local plan policies.

The site lies within the area designated under the Bonnington Development Brief (2008). Specific to this site, the Brief seeks to extend Bonnington Road Lane north towards the river; maintain the existing character of the riverside which is predominantly soft and vegetated; and redesign the existing area of green space in the site as an area of publicly accessible open space. The brief advises that all new development will be required to include a significant element of new small business space which can accommodate a range of light industrial uses.

The existing site is mainly in employment use. The loss of an employment use needs to be assessed against LDP policy Emp 9 (Employment sites and premises). This policy permits the loss of an employment site when a proposal contributes to the comprehensive regeneration and improvement of the wider area and the provision of floorspace designed to provide for a range of users. The proposal should be accompanied by a Planning Statement to justify the proposals in this location.

Views across the site to landmark features are also protected, with the site included in Skyline Key View N4. There are a number of mature trees along the Water of Leith boundary which contribute to the character, biodiversity, amenity and green networks in the area. The proposals should not have a damaging impact on trees worthy of retention.

General

No declarations of interest were noted by Panel members.

This report should be read in conjunction with the pre-meeting papers.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations represented at the Panel forming a differing view at the proposals at a later stage.

3 Panel Comments

The Panel's detailed comments are as follows:

Design Concept

The Panel were generally supportive of the design concept to deliver a 'Build to Rent' housing use for the site. However, the Panel encouraged as much activity as possible at street level and breaking of the mass of the buildings as much as possible to mitigate large mono use.

It was also noted that the development brief encourages the retention of some business use in the area.

The Panel supported the approach of hard landscape to the south moving to a more soft and green landscape towards the Water of Leith.

Boundary Strategy

Anderson Place (eastern boundary):

The Panel supported the approach on Anderson Place (eastern boundary) which recognises and maintains the primacy of the Listed bonded warehouse on this street.

Water of Leith (northern boundary):

The Panel noted that a tree survey is still to be carried out which may affect the building line on this edge. This survey should be the starting point of the design of this edge.

The Panel supported the design concept to this boundary of gable ends, addressing this sensitive edge with landscape between the buildings. However, the Panel were not convinced that these finger blocks should be linked on their southern boundary. The height, mass and scale of the southern boundary, addressing the new east west street could restrict daylight and sunlight to the landscape areas between the blocks, potentially the Water of Leith corridor and the building to the south. Therefore, the Panel suggested that there needed further consideration and that the finger blocks could remain open on their southern boundary.

Anderson Place (east west street):

The Panel welcomed that the proposals have recognised and are trying to integrate the Biscuit Factory and its community use into the proposal. The Panel encouraged the design team to place Anderson Place at the heart of their development, by using this street to provide amenity and act as a hub /main entrance to the development. This cobbled street with the Biscuit Factory could be used to enhance the heritage aspect of the proposal.

Bonnington Road (south street):

The Panel generally welcomed the loss of the existing City of Edinburgh Council building located on this street as it does not contribute to the character of the area. An increased building height on this street frontage will be a positive contribution to the street scape.

Urban Form

The Panel as noted above advocated that the urban form addressing the new east-west street should be broken to allow fingers of development, a visual connection to the Water of Leith and landscape area and will assist in providing daylight and sunlight to both the landscape areas and buildings to the south of this new east-west street. Further design development and assessment with sectional drawings will be helpful in understanding and developing the setting of the building to the Water of Leith.

Ground Floor Uses and Street Activation

The Panel noted concern that the configuration of the residential access arrangements with communal reception areas could result in very dead street frontage. The Panel advocated that where possible the street frontage should be activated with uses to support the residents and wider community.

Vehicular strategy

The Panel noted that the proposals included 12% parking. It was noted that this is still a large number of cars given the proposed density of development. This level was generally supported providing all of the parking can be accommodated and integrated into an appropriate street design.

Amenity

The Panel noted that the plan form what will be primarily single aspect units accessed off a central corridor. Achieving good levels of daylight will therefore be very important. The Panel noted that this could be another reason to break the southern linkages of the finger blocks to allow more daylight to the lower floors of accommodation.

Noise from the activities in the adjacent Biscuit Factory will require to be considered as part of the planning application in the context of the 'agent of change' principle.

Permeability

The Panel supported the increased east-west permeability across the site and forming of new streets.

Public Realm and Landscape

The Panel advocated a cohesive approach to the public realm and landscape with respect to the wider brief area and noted a good example of such an approach in the Holyrood North site in the Old Town.

The opportunity to create an urban area for wider community use next to the Biscuit Factory should be explored.

Architectural Character

The Panel welcomed the typologies study and encouraged an architectural response which reflects on the industrial heritage of the areas.

Communities and Families response to the revised scheme - received January 2021

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:
228 Flats (225 one bedroom/studio flats excluded)*

This site falls within Sub-Area D-1 of the 'Drummond Education Contribution Zone'.

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

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

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

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

*Total infrastructure contribution required:
£195,168*

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.

Economic Development response to the revised scheme - received January 2021

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/01932/FUL for a mixed-use development at 2-4, 6, 14 Bonnington Road Lane and 200 Bonnington Road, Edinburgh.

Commentary on existing uses

The application relates to a 2.22-hectare site bound by the Water of Leith to the north, Anderson Place to the east, Bonnington Road to the south, and Bonnington Road Lane to the west. The existing site is made up of the following elements:

14 Bonnington Road Lane, a 5,386 sqm (net) 1940s warehouse. This building was most recently occupied by the John Lewis Partnership as a depot, supporting 78 jobs. Based on the average GVA per employee for the transport and storage sector in Edinburgh (£62,535 in 2018 prices), the building could be expected to support £4.88 million of GVA per annum if fully occupied (£62,535 × 78). In principle this impact could be increased if the buildings were used for higher value activities (such as manufacturing), but it is recognised that its advanced age is likely to mean it is unsuited to these activities.

200 Bonnington Road, a 938 sqm (net) 1970s office building most recently used for Health and Social Care. Based on the average employment density for a public sector office (one FTE employee per 12 sqm), the building could be expected to support 78 FTE jobs if fully occupied (938 ÷ 12). Based on the average GVA per employee for education, human health and social work activities in Edinburgh (£22,528 in 2018 prices), the building could be expected to support £1.76 million of GVA per annum if fully occupied (£22,528 × 78).

It is therefore estimated that the existing site could be expected to support approximately 156 FTE employees (78 + 78) and £6.64 million of GVA per annum (2018 prices) (£4.88 million + £1.76 million) if fully occupied.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age and not well suited by design or location to modern industrial uses.

As the site is over one hectare in area, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires that any redevelopment incorporate (among other things) "floorspace designed to provide for a range of business users".

Commentary on proposed uses

The application proposes the comprehensive redevelopment of the existing site, delivering three blocks of flats with commercial space on the ground and basement floors of blocks B and C.

Class 1 - Shops

The development as proposed would deliver 190 sqm (net) of class 1 space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that shops support on average one full-time equivalent employee per

17.5 sqm. This suggests that the retail space could be expected to directly support approximately 11 FTE jobs if fully occupied ($190 \div 17.5$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the retail sector in Edinburgh is £21,046 per employee (2018 prices). This suggests that the retail space could be expected to directly add approximately £0.23 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ($£21,046 \times 11$).

Class 3 - Food and Drink

The development as proposed would deliver 133 sqm (gross) of class 3 space. It is estimated that this would translate to 120 sqm of net space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that restaurants and cafés support on average one full-time equivalent employee per 17.5 sqm. This suggests that the food and drink space could be expected to directly support approximately 7 FTE jobs if fully occupied ($120 \div 17.5$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the food and beverage service sector in Edinburgh is £17,634 per employee (2018 prices). This suggests that the food and drink space could be expected to directly add approximately £0.12 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ($£17,634 \times 7$).

Class 4 - Office

The development as proposed would deliver 633 sqm (gross) of class 4 space. It is estimated that this would translate to 522 sqm of net space. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that offices occupied by technology companies (the single largest source of office demand in Edinburgh) support on average one full-time equivalent employee per 11 sqm. This suggests that the office space could be expected to directly support approximately 47 FTE jobs if fully occupied ($522 \div 11$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the information and communication sector in Edinburgh is £88,324 per employee (2018 prices). This suggests that the office space could be expected to directly add approximately £4.15 million of gross value added to the economy of Edinburgh per annum (2018 prices) if fully occupied ($£88,324 \times 47$).

Sui generis (flats)

The development as proposed would deliver 527 new flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 527 flats could be expected to collectively spend approximately £13.92 million per annum. Of this £13.92 million, it is estimated that approximately £7.12 million could reasonably be expected to primarily be made within Edinburgh. This £7.12 million of expenditure could be expected to directly support approximately 68 FTE jobs and £2.36 million of GVA per annum (2018 prices), primarily in the hospitality and retail sectors. It is noted that some of this economic impact would be expected to be absorbed by the retail and food and drink units on the site.

Overall economic impact

The development as proposed would be expected to directly support 65 FTE jobs (11 + 7 + 47) plus a further 68 FTE jobs via the impact of residents' expenditure, representing a total projected impact of 133 FTE jobs (65 + 68). The development as proposed would also be expected to directly support £4.50 million of GVA (2018 prices) (£0.23 million + £0.12 million + £4.15 million) plus a further £2.36 million of GVA (2018 prices) via the impact of residents' expenditure, representing a total impact of £6.86 million of GVA per annum (2018 prices) (£4.50 million + £2.36 million).

As set out above, it is estimated that the existing buildings could be expected to support approximately 156 FTE jobs and £6.64 million of GVA per annum (2018 prices). This suggests that the development would have a negative net impact of approximately 23 FTE jobs (156 - 133) but a positive net impact of £0.22 million of GVA per annum (2018 prices) (£6.86 million - £6.64 million).

Other considerations

The development surrounds two existing class 4 properties: 10 Bonnington Road Lane, an 878 sqm (net) 1970s warehouse, and 4-6 Anderson Place, a 1,587 sqm (net) 1960s warehouse. Policy EMP 9 of the Edinburgh Local Development Plan therefore applies. This requires that the redevelopment "not prejudice or inhibit the activities" of these existing industrial uses.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 133 FTE jobs and £6.86 million of GVA per annum (2018 prices). When the impact of the existing buildings is accounted for, the projected net impact is a net fall of 23 FTE jobs but a net increase of £0.22 million of GVA per annum (2018 prices).

Archaeology response to the revised scheme - received January 2021

Reconsulted on this application. I've attached my response to Karen issued back in May. Since this date parts of the required programme of works have been undertaken by CFA archaeology to an agreed brief namely the Historic building survey and phase one of the excavation namely evaluation. The evaluation was undertaken just before Christmas last year and I've yet to get the results. However I did visit the site and although most of the area has been significantly affected by recent developments there are I believe isolated areas requiring targeted further excavation.

As such my earlier recommendations still remain true i.e. a condition should be attached requiring a programme of works though this now does not require the undertaking of the building recording element now.

Environmental Protection response to the revised scheme - received January 2021

The applicant has submitted an updated noise impacts assessment looking at further mitigation options. The noise consultant has not been able to undertake a noise break-out measurement exercise due to COVID-19 restrictions at the Biscuit factory. The consultant also made the point that prior to the lockdown arrangements events at the Biscuit Factory were very irregular (as an example the next advertised event at the time of the original survey was circa 6 months forth). The consultant is of the opinion that the Biscuit Factory therefore does not produce high levels of noise each and every weekend only when certain events are in progress. The noise consultant continues to reiterate that given the infrequency of current events (even pre-COVID-19), it is clear that the likelihood of disturbance is not a weekly occurrence, and based on previous events equates to circa 1 event per month as acknowledged in the EP comments dated 27/10/2020. Therefore, consideration of the appropriateness of the mitigation needs to be cognisant of the frequency of these events. The events that have caused disturbance have been investigated by the Councils Licensing Standard Officers as the events have all had temporary Licenses for each event. Environmental Protection have now received information from Licensing that confirms the number of Licensed event is significant and does exceed 1 per month.

We cannot rely on Licencing to control the noise outbreak now or in the future, at this Planning stage we are also looking to protect amenity which is a higher level of protection.

The applicants noise consultant has highlighted that an open window approach will be difficult to achieve and raised concerns with the suitability of the site being developed out for residential use if open window assessment remained a requirement. Environmental Protection would agree with this and cannot support the use of mechanical ventilation as a form of noise mitigation. Windows will remain openable and tenants will open them especially on warm nights. If complaints are made by future residents to either Licensing or Environmental Health then an assessment of the impact through either Licensing legislation or the Environmental Protection Act (Nuisance) would be done allowing for the tenant to have their window open.

The consultant has pointed out that if the proposed development was erected it would provide an acoustic barrier for the existing complainants. This is true but is not a position we can fully support as the proposal will introduce more receptors much closer and creates a courtyard type setting with the Biscuit Factory in the middle. This has been discussed in more detail in our previous response

The noise consultant has raised the fact that there is an active Planning Application for Biscuit Factory (4-6 Anderson Place) (20/03841/FUL) to diversify operations, with an application currently being considered for the change of use of Class 5 factory building to proposed mixed-use development incorporating artisan workshops, events space, office space, gymnasium and business space. The consultant states that most importantly, they (The Biscuit Factory) no longer intend to hold the late night events for which the EP Team has managed complaints for in the past. It should be noted that the Biscuit Factory have advised that this is not the case and late night event will continue and are part of their long-term plans.

We can't base a decision on an assumption on what the noise from the Biscuit Factory might be or what the Biscuit Factory may become. Its use seems to be established with

confirmation on frequency and level of disturbance confirmed through licencing applications and complaints being submitted.

It is recognised that the applicant has made some efforts to reduce the potential exposure by sealing some windows, however there are still many units exposed to what will be noise from this venue.

Therefore Environmental Protection continue to have concerns and recommend the application is refused.

Affordable Housing response to the revised scheme - received January 2021

1. Introduction

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

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

o 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.

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

o 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

This application is for a Build To Rent (BTR) development, and this subsequent revision of the scheme now consists of up to 453 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (113) homes of approved affordable tenures.

The applicant entered into dialogue with the Council on the design, mix and location of the affordable housing from an early stage, and this is welcomed. The applicant has stated that the affordable housing will account for 113 (25%) of the new homes.

On 29 January 2020 Planning Committee noted the report "Support for Build To Rent", which had been approved by Housing, Homelessness and Fair Work Committee on 20 January 2020. This report set out that BTR developments can bring institutional investment and placemaking as well as delivering housing at a scale and pace which is rarely matched by traditional housing for sale providers.

The affordable housing within this development would consist of flatted apartments of a range of sizes from one to three bedrooms, and these will be pepper-potted throughout the development. This offers a representative and integrated mix of affordable homes that can be delivered on site. Furthermore, the tenants of the affordable homes will have access to the same amenities and services as the tenants of the market rent housing. This approach this is welcomed by the Housing Service.

The affordable housing will be delivered by the applicant as "intermediate rent" and will be secured as affordable housing for a minimum of 25 years. The applicant has agreed that the affordable homes would not include any studio flats and are providing an increased number of affordable one bedroom properties instead, which is welcomed. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile.

BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £910 and £4,470 less per annum, depending on house size. Institutional investment in this development means that the affordable homes can be delivered without grant subsidy; the grant freed up by BTR can be channelled into delivery of social rented homes.

The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Rents at the 30th Percentile are affordable to people within the defined client group, and significantly less than average market rents.

The affordable homes are required to be tenure blind and fully compliant with latest building regulations. They are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing as intermediate rent, which will be managed by the applicant and requires no grant subsidy. This department welcomes this approach which will assist in the delivery of a mixed sustainable community:

- o The applicant will deliver 113 affordable homes (25% affordable housing) as "intermediate rent" for a minimum of 25 years.*
- o The affordable housing includes a variety of sizes to reflect the provision of homes across the wider site.*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units, the homes will be pepperpotted throughout the development and the tenants of the affordable housing will be able to access the same amenities as the tenants of the market housing.*
- o There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.*

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

This department is supportive of this application for the reasons set out above.

Roads Authority Issues response to the revised scheme - received January 2021

Further to the memorandum dated the 31st of July 2020 and the subsequent amendments made transport have 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 £238,279 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;*
 - b. Contribute the sum of £89,241 to the Leith and City Centre (East) Cycle Route as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - c. Contribute the sum of £62,061 to the Water of Leith Path - Commercial Street to Warriston as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - d. Contribute the sum of £70,668 to the Bonnington Road - Great Junction Street junction improvements as per the LDP Action Programme (February 2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - e. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - f. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - g. 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. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £29,000 (£1,500 per order plus £5,500 per car) towards the provision of 5 car club vehicles in the area;*
- 3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

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

5. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;

6. 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;

7. 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;

8. 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;

9. 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:

1. The application has been assessed under the current parking standards (updated January 2020). These permit the following:

a. A maximum of 470 car parking spaces (1 space per residential unit, 1 space per 385m² of class 4 use, 1 space per 50m² of class 1 use and 1 space per 14m² of class 3 use) A total of 32 car parking spaces are proposed;

b. A minimum of 988 cycle parking spaces are required (1 space per 1 room residential unit, 2 spaces per 2/3 room residential unit, 3 spaces per 4+ room residential units. 1 space per 150m² of Class 4. 1 space per 250m² of class 1. 1 space per 75m² of class 3) 988 cycle parking space are proposed;

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

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

e. A minimum of 18 motorcycle parking spaces (1 space per 25 units). 0 dedicated cycle parking spaces are proposed;

II. In justification for the proposed level of car parking the Applicant has provided data related to car parking provision and uptake at other Build to Rent (BTR) sites that they manage this is as follows:

	Bedford	Bracknell	Crawley	Exeter	Stevenage
Residential Units	154	87 185	92 90		
Parking Provision (Spaces)	73	123 138	30 71		
Average Usage (%)	43%	44% 32%	13% 37%		

This data demonstrates that car parking uptake at other BTR sites is generally quite low, particularly the Exeter site in which the Applicant has drawn comparisons to in terms of location to and public transport accessibility whereas the other sites noted above tend to be on the "outskirts" where access to public transport is lacking. The Applicant has also highlighted that the demographic of BTR residents generally fall into groups that tend to have lower car ownership. It should also be noted that the Bonnington area is earmarked for a Controlled Parking Zone as per the Strategic Parking Review Implementation Plan (September 2019) and is currently target for implementation towards the end of 2021. The proposed level of car parking complies with the current parking standards and based on the justification provided is considered acceptable;

III. The cycle parking is proposed over a number of internal stores across the development blocks, this is as follows:

- a. Block A (2 stores) = 178 spaces
- b. Block B (5 stores) = 566 spaces
- c. Block C (2 stores) = 244 spaces

The cycle parking is made up of high-density two-tier racks and all the stores have level access provided. The cycle parking provision complies with the required minimum set out in the current parking standards and the proposed style and format of the cycle parking stores is considered acceptable;

IV. The proposals include a segregated cycle track on Bonnington Road Lane as per the Place Brief. This is designed in line with the Edinburgh Street Design Guidance Fact Sheet C4 - Segregated Cycle Tracks. This is a future proofed active travel connection between the Water of Leith Walkway and the proposals related to Leith and City Centre (East) Cycle Route (LDP Action Programme - February 2020);

V. Also included as part of the active travel improvements are "continuous footway" crossing points which indicate priority to pedestrians and cyclists across junctions, these have been designed in line with Edinburgh Street Design Guidance Fact Sheet G7- Priority Junctions Side Street Crossings;

VI. It is considered that the pedestrianisation of the section of Anderson Place (Biscuit Factory) will have a negligible impact in terms of vehicular traffic and will provide a bit more benefit to pedestrians and cyclist moving through this area;

VII. In order to determine a trip rate for this the development the Applicant has utilised the trip generation assessment that was developed as part of the 2017 PPP application (220 resi units). This proposed that a development of this size and nature would generate 1,119 person trips per day and applying a factor based on the increase of the residential units to give an indication on the person trips. This estimates that the person trips generated by this development (as per previous proposals of 527 residential units) will be 2,680 person trips per day. Applying 2011 census data related to mode share, this anticipates that 23.5% is car driver, meaning this development can be estimated to generate 630 vehicle trips per day. The applicant also provided the trip generation for the existing use that was set out in the 2017 PPP application, which estimates the existing use (Depot) generates 265 vehicle trips, of which 120 are HGV movements. Transport has some concerns regarding the method of determining the trip generation related to this development and the utilisation of data used for an application submitted in 2017. However, the proposed trip rate does appear to be of a reasonable amount and taking into consideration the low level of car parking proposed this could be considered an accurate reflection of a "worst case" scenario in terms of car trips. It should also be noted that improvements have recently been made to the Bonnington Road - Pilrig Street Junction and the Great Junction Street - Bonnington Road Junction is earmarked for improvements as per the LDP Action Programme (February 2020)

VIII. The Tram contribution is calculated as a Net contribution, which takes into consideration the level of contribution generated by the existing use. The application site is within zone 3 of the tram contribution zone (625m walking distance from the proposed stop/halt on Balfour Street), the proposed use consisting of the following:

- a. 453 residential units
- b. 664m² of class 4 (Business);
- c. 212m² of class 1 (retail);
- d. 150m² of class 3 (bike café);

This generates a contribution level of £359,892. The existing use of 6,000m² of Depot/Warehousing use and 1,650m² of office use generates a contribution level of £121,613. Net Contribution = Proposed use - Existing use = £359,892 - £121,613 = £238,279;

IX. Transport contributions have been calculated by firstly identifying the relevant actions within the LDP Action Programme (February 2020) that are considered to mitigate the transport impact of this development. These are as follows (total action cost is included):

- a. Leith and City Centre (East) Cycle Route (£918750);
- b. The Water of Leith Path - Commercial Street to Warriston (£637,000);
- c. Bonnington Road / Junction Street Improvement (£245,000);

To determine a reasonable level of contribution a per residential unit rate was determined for each action by dividing by the housing capacities of the surrounding development sites identified in the LDP and the Land Housing Audit. These are as follows:

d. Central Leith Waterfront Area (LDP) - 2,720 units

LHA:

e. Proposed capacity of this site - 453 units

f. Bonnington (Miller homes) - 201 units

g. Bonnington (Ashley Place) - 58 units

h. Newhaven Road - 52 units

i. West Bowling Green St - 198 units

j. Shrubhill - 376 units

k. Powderhall (Waste Facility) - 378

l. Steads Place - 227

m. Total LHA - 1,943

Calculations are as follows:

n. Leith and City Centre (East) Cycle Route = £918,750 / (2720+1,943) = £197 per resi unit x 453 = £89,241 (40.2%)

o. The Water of Leith Path - Commercial Street to Warriston = £637,000 / (2720+1,943) = £137 per resi unit x 453 = £62,061 (28%)

p. Bonnington Road / Junction Street Improvement = £245,000 / (LHA - Shrubhill) 1567 = £156 per resi unit = £70,668 (31.8%)

Percentages provided for the purpose of the legal agreement.

Leith Community Council response to the revised scheme - received January 2021

From our point of view, the planning progress for this application was characterised by very early engagement with the developer in the form of an initial briefing on site (OCT19) which allowed us to point out to the developer important aspects and constraints of the site, as well as to indicate general community aspirations that we have been articulating (not always successfully) for other planning applications in the vicinity on either side of the Water of Leith. This was followed by a PAN presentation (JAN20) at a regular LCCC meeting where - in response to the developer's PAC presentation - our aspirations for the site were further developed and communicated.

The subsequent lockdown (MAR20 to date) did hamper LCCC's further engagement with the application considerably in terms of democratic accountability (in the absence of properly constituted meetings or the means of conducting these "online"), as well as the possibility to study full size drawings at a presentation to LCCC (which would have been our normal method of engagement for such a major application). We are therefore extremely grateful to you, as the Case Officer, for filling this void and taking many of our views on board, as you steered the application to evolve substantially, culminating in the present Scheme 2 (DEC20), presumably informed by the minutes of LCCC's JAN20 meeting (item 5).

This was followed by an online briefing on Scheme 2 by the developer to a number of LCCC members (JAN21) and a subsequent very helpful call with yourself and Lesley Carus to confirm and clarify a number of points.

Less positive: that a significant number of application documents with revisions appeared on the planning portal on 22 January 2021, one day before the deadline for comments.

We note the following positive changes in the evolution of the application:

- o reduced height*
- o increased set back from Water of Leith and public circulation space, producing a new walking/cycle route to the south side of site to Water of Leith (disappointingly, previous local applications upstream and downstream along Water of Leith did not benefit from the same in-depth engagement from CEC planning - perhaps reflecting resource issues already evident during pre-lockdown times).*
- o reduction of total number of units (453), of which 25% to be "affordable" and pepper-potted throughout the development*
- o several "green" roofs and a number of roof terraces and one sawtooth roof (acknowledging the site's industrial past)*
- o more trees and green borders around the site, which together with less (surface-only) car parking (now c. 8%) and 1000 indoor bike parking spaces will declutter the human experience of walking inside and past the site*
- o the development is expected to be on site DEC 21 and will be delivered within 30 months in a single-phase (before occupation) thus allowing maximising productivity while minimising site noise and traffic impacting on neighbours*
- o a credible modelling of key view across and to and from the site*

Altogether we are broadly supportive of the present scheme, but would like the following considerations adequately reflected in planning conditions and legal agreements and firm commitments by CEC:

1. CPZ timing: the low car parking ratio (and current inadequate public transport provision in the area given the explosive increase in population density) and has been justified by both the developers and CEC planners with a forthcoming CPZ. It is essential, in our view, that this is in place contemporaneously with the completion of the Platform development to shape habits from the very beginning. There is - in our view - an excellent case for asking for a developer contribution to achieve this (to allow this CPZ to be brought forward without delaying other crucial local CPZs in the workstream).

2. Transparency of affordable element: to achieve sufficient transparency and public accountability, we would like to see a carefully worded S75 agreement regulating provision and accountability of the 25% of "affordable units" managed by Platform; while there are a small number developments in Edinburgh using the relatively new Build-to-Rent concept, we understand that the S75 template regulating affordability has not been "stress-tested" yet and would therefore urge that this is closely monitored and their success (or otherwise) is reported regularly to relevant CEC committees

3. Day-Lighting: while the present scheme may meet Edinburgh Design Guidelines, we urge the upgrading to BRE recommendations, especially for single-aspect ground floor flats to improve the long-term health and well-being of residents (the ongoing lockdown has demonstrated the importance of such "technical details")

4. Public accessibility: it is not clear to us if there will be a pedestrian route from Anderson Place to Bonnington Road Land along the Water of Leith. This should be a sine-qua-non for all developments along the Water of Leith.

Environmental Protection response - received October 2020

Environmental Protection have provided comments on part of this site before for an application for planning permission in principle (17/05742/PPP) for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, 14 Bonnington Road Lane. That PPP application was consented even though Environmental Protection raised concerns due to the juxtaposition of the Biscuit Factory. This detailed application now extends into the neighbouring Bonnington Centre, with the Biscuit Factory now located in what would appear to be a new courtyard type setting.

This extension allows the density to increase significantly from what was consented under the PPP. This detailed application proposes demolition of existing buildings prior to development of 527 residential units, 341m² of retail use, 633m² of business use and 133m² for a bike café. Parking consists of a total of fifty-seven car parking spaces with ten Electric Vehicle (EV) charging points and provisions for cycle storage.

It was recognised at the PPP stage the development site is located within a mixed use residential and commercial/industrial area that is undergoing significant redevelopment towards more residential lead accommodation. A major problem for Environmental Protection is noise from The Biscuit Factory. If this proposal is built out the venue will be surrounded by high buildings containing mainly residential units with bedrooms and living-rooms with a direct line of sight into the Biscuit Factory.

The venue has occasional licenced and unlicensed loud music events (in the region of once a month pre-COVID) which can take place during the daytime, evening and night-time. Environmental Health and Licencing have a recent history of noise complaints due to entertainment noise emanating from this venue and affecting existing neighbouring residents as far away as Tinto Place. The level of activity at the venue has decreased due to the COVID restrictions.

Environmental Protection have continually raised serious concerns regarding the suitability of this site being developed out for residential use. Noise impacts from the Biscuit Factory were a cause for concern at the pre-planning and PPP stage but are now an even bigger concern. As stated, this new layout now including the neighbouring site will wrap around the Biscuit Factory and will trap noise inside the what appears to be a courtyard type area. The number of future residents that will be exposed has increased significant from 220 (PPP) to 527 (this detailed application) residents. The Biscuit Factory site is outside the applicants site boundary so no conditions can be imposed on them. There are no conditions restricting the hours of use in the Biscuit Factory.

The applicant has submitted various supporting noise impact assessments, which have assessed the possible entertainment/plant noise impacts. The latest noise impact assessment only managed to assess a smaller event being held at the Biscuit Factory and the applicant has recognised that this is not a worse case scenario assessment. However due to the COVID restrictions it has not been possible to assess a larger noisier event and this is something we have taking into account. The applicant has advised that further noise assessments will be required in the future. As this is a detailed planning application it will not be possible to recommend such a condition requiring a future noise impact assessment especially when is likely going to flag up issues that cannot be mitigated by the applicant. The applicant has recommended that

the internal noise levels will meet the British Standard criteria levels for internal noise with a closed window standard. They have conducted a ventilation study and state that tenants will only need to open the windows for 2 hours each year.

Environmental Protection cannot support this for several reasons. We require this type of noise to be inaudible in new developments. We also require this type of noise to be assessed with an open window. The levels of noise recorded already are a cause of concern as an open window will not be able to even abate the noise levels to that stipulated in the British Standards. We also don't believe that all residents will only allow for windows to be open for 2 hours each year. It should be noted that if a complaint is received that Environmental Health or Licencing Standard Officers would assess the noise inside a habitable room allowing for the windows to be open.

This latest application is going to be exposing an increased number of residents to the noise from the Biscuit Factory. There are bedrooms and living-rooms with a direct line of sight onto the Biscuit Factory. The numbers have significantly increased now the neighbouring site has been included in this detailed application. The layout and design with the Biscuit Factory set in almost a courtyard will mean any noise will reverberate around this area.

The applicants noise impact assessments have modelled that noise levels across the site will require acoustic attenuation measures in order to reduce the exposure of future residential occupants to the potentially harmful effects of music noise in the immediate proximity of the site boundaries. If consented a further detailed noise impact assessment will be required further assess this and provide detailed information on mitigation measures. The applicant has not provided specific details on the required glazing units or on the proposed ventilation strategy. So it's not even possible to provide a condition on the glazing and ventilation.

The Biscuit Factory does operate non- licenced events that can have music. This type of event has generated complaints. The variety of events operating in the Biscuit Factory make it difficult to ensure that the worst-case scenarios have been fully considered as different musicians will use their own equipment. The Biscuit Factory building is not well acoustically insulated with noise breakout from the windows, roof, doors and walls a major factor in the noise breakout experienced.

Due to this, it is possible that elevated noise levels were incurred during the most recent noise survey. As such the impact of the Biscuit Factory has been assessed based on best available survey data and information know to the applicant and Environmental Health. There are some doubts on the validity of the noise impact assessment and it should be highlighted that a further noise impact assessment would be required and there may be parts of the site that may not be possible to develop, for example there shall be units developed that would have a direct line of site into the Biscuit Factory. This was highlighted at the PPP stage but now the applicant has increased the number of units that will be affected by the noise.

The applicants PPP noise impact assessment had identified some possible noise mitigation measures. Environmental and building design noise control methods have been suggested for protecting outdoor living areas and the internal noise environment of noise-sensitive premises built in areas with high noise exposure. The line of site must be broken by either careful design and layout of the proposed residential units

and the location of commercial units to act as an acoustic barrier and/or the introduction of a specific acoustic barrier. None of this has been done and the mitigation measures now being suggested by the applicant are that as the proposal will initially be a Build to Rent facility that will give the building managers controls over their residents. Environmental Protection understand that tenants will have protection under the lease and have a right to contact licencing or Environmental Health if they are affected by noise. The units may not always remain under the management of the factor or management company.

The latest noise impact assessment has further considered external noise levels, the proposed residential dwellings will also be required to meet the internal noise criteria set out in British Standard 8233:2014 within living rooms and bedrooms during daytime hours and in bedrooms during the night-time period. The latest levels are lower than that previously measured for the PPP application. It is thought that this may be due to the latest measurements being conducted when traffic levels were less due to COVID restrictions. Further consideration of detailed façade/layout design of the units were meant to be provided at the detailed design stage. No information has been provided on the glazing specifications only the required sound reduction levels. Outdoor amenity space has not been highlighted with details showing that they will be able to meet the required noise criteria. This mostly concerns traffic noise.

According to the noise impact assessments the noise from the Biscuit Factory indicate that several the proposed residencies will require a passive attenuated ventilation strategy in combination with appropriate glazing package. It should be noted that Environmental Protection had highlighted at the pre-planning and the PPP stage that we only accept a closed window standard for transport noise. All other noise sources must meet the internal noise levels with an open window assessment.

The applicants detailed noise impact assessment was meant to advise on how external noise can be further reduced through careful consideration to internal room layout (i.e. orientating bedrooms away from the noise sources), maximise screening from site layout and intervening buildings, and maximise distance by setting-back the build-line from the Biscuit Factory. Environmental Protection required that there shall be no line of site between any proposed residential development onto the Biscuit Factory. This was meant to be demonstrated in the detailed plans when submitted in the form of a noise impact assessment. The applicant has significantly increased the number of people that will be exposed to the noise from when events are held at the biscuit factory, they have also created a design that will trap any noise.

The applicants noise impact assessment states that based on the findings of this report, it is recommended that the site may be suitable for residential development, subject to suitable mitigation measures alongside management of the development and its residents. Liaison between the development and the Biscuit Factory site will be of critical importance in ensuring the protection of future residents and to protect the continued use of the Biscuit Factory events space.

If this proposal is consented then it will put considerable pressure on the Biscuit Factory and the type of events, they normally host will no longer be possible, due to the likely noise impacts it will have on the future tenants. The applicant has highlighted the 'Agent of Change' as a form of protection but this is not something we can support.

Environmental Protection recognise that there has been an increase in the number of residential units in the area and the removal of the John Lewis and Partners depot could be considered a planning gain on its own merits. However, Environmental Protection have serious concerns regarding noise impacts from the Biscuit Factory.

As mentioned above the proposed development has significantly increased in density since the PPP application. However, it is welcomed that the number of car parking spaces (57) has reduced significantly too. The applicant has also provided drawing highlight where the EV charging points will be located. Environmental Protection would recommend that the provision of EV chargers is increased to include all other parking spaces to future proof the development.

The scale of the development would be significant, and the likelihood of disturbance being caused during the construction phase is high. The applicant will be requested to submit a Construction Environment Management Plan (CEMP) that will be conditioned. This will stipulate control measures on the construction to limit noise and dust exposure. We would recommend that the hours of construction noise are limited through this CEMP to Monday to Friday 0800 to 1800 and on Saturdays 0900 to 1700 with no noisy work on Sundays permitted.

We would also recommend that the applicant ensure that they maximise the use of renewable energy. They should maximise the use of solar/PV Panels and ground/air sourced heat pumps linked to energy storage. The use of fossil fuels including gas should not be considered. Edinburgh is signed up to the Climate Change Emergency and Zero Carbon initiatives.

The application form mentions that that Class 3 use is being included, however the drawings and plans don't show a specific Class 3 use or the required commercial ventilation system that is needed to facilitate a full class 3 use. There is a café on the drawings that could be conditioned to restrict the use within a class 3, this would limit the cooking in this unit.

Contaminated Land

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

Therefore, Environmental Protection has serious concerns with regards to noise impacts the Biscuit Factory will have on future tenants' general conditions are provided below;

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

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. No development shall take place until a scheme for protecting the residential development hereby approved from noise from the road noise and commercial/entertainment/plant noise ('Biscuit Factory') has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.

3. All car parking spaces shall be installed with a fully operational 7Kw (Type 2) electric vehicle charging point prior to occupation.

4. The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.

5. Class 3 use - Cooking, heating and reheating operations on the premises shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority and no odours shall be exhausted into any neighbouring premises.

Informative

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

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

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

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

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

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

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

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

9. No bonfires shall be permitted.

SEPA response - received June 2020

Advice for the planning authority

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Risk Management Authority.

1. Flood risk

1.1 We previously commented on a similar application on this site in June 2018 (PCS159702, 17/05742/PPP) and did not object as the site was sufficiently elevated above the Water of Leith. We would note that the previous application was for up to 220 residential units and this application is for 527 residential units. The site is downstream of the Water of Leith Flood Protection Scheme.

1.2 Review of the drawings submitted with the current application, the water's edge on day of survey was approximately 3.88metres Above Ordnance Datum (mAOD), the site boundary is a minimum of 6mAOD, development is taking place on ground levels of 9.5mAOD and above, and finished floor levels are a minimum of 9.748mAOD. As such, we do not object to the development, but would note that a study along the Water of Leith is on-going and may better inform flood levels along this reach once completed.

1.3 We would like to clarify that the information submitted in the Flood Risk Assessment regarding fluvial flood levels is not correct and therefore we do not accept the FRA in its current form. Section 3.7.2 mentions "In their previous response, SEPA have confirmed an approximate 1 in 200-year flood water level for the area of 3.98 mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method." While this value is correct, it is not for use within river systems. This value relates to still-water coastal flood levels only. To be clear, the water's edge on the day of survey is only 100mm below this level therefore it is not the 1:200 year level at the site.

1.4 The applicant may wish to consider potential erosion issues along the banks as they are identified as being relatively steep along this reach.

Scottish Water response - received May 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 PFI 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.

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.

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:

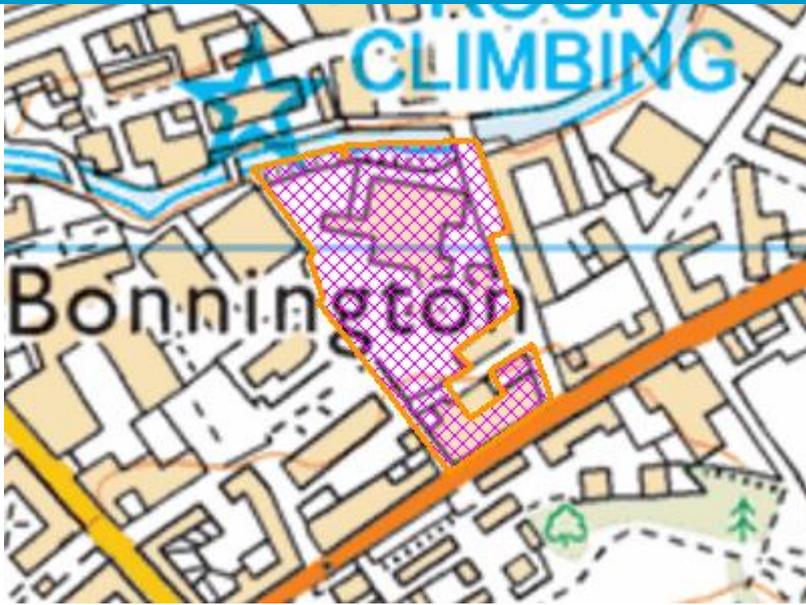
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large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

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.

Location Plan



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