

Development Management Sub Committee

Wednesday 17 August 2022

Report for forthcoming application by

Forth Ports Limited. for Proposal of Application Notice

22/02855/PAN

at land 240 metres northwest of 26, Bath Road, North Leith. Mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for a mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non-Residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicant submitted a Proposal of Application Notice on 26th May 2022 (22/02855/PAN).

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site comprises some 9.1 hectares of port operational land consisting of large areas of vacant quayside that were previously used as part of shipping operations at Leith Docks. The site also includes the northern part of Bath Road.

The site boundary extends up to and includes lengths of masonry walls of the wet docks of both Edinburgh Dock and Albert Dock. An industrial estate, including First Stage Studios, bounds the site to the east. A combination of industrial estate hardstanding, Edinburgh Car Pound and businesses at Tower Street, bound the site to the south. The land comprising the Edinburgh Car Pound is the subject of a detailed planning permission (application reference: 20/01313/FUL) for 212 flatted residences. A combination of Ocean Way, which adjoins Ocean Drive, and the car park of the building previously occupied by the Genting Casino, bound the site to the west.

The western extremity of the site lies within Leith Conservation Area.

The site contains the following listed buildings:

- Edinburgh Dock And Swing Bridge (Category B listed).- Reference: LB27606. Included within the listing is the Victorian rectilinear pitched roofed warehouse building, flagged and sett quayside, railway tracks, mooring bollards and cast-iron swing bridge.
- Edinburgh Dry Dock Pumping House (Category B listed - Reference: LB27615.
- Edinburgh Dry Dock (Category B listed) - Reference: LB27611.

The site is adjacent to the following listed buildings:

- Imperial Dock Grain Elevator (Category B listed) - Reference: LB27619.
- Leith Docks, Albert Dock with Swing Bridge and 3 travelling cranes (Category B listed) - Reference: LB27590.

The site is located near to the coast, which has the following designations: (i) the Firth of Forth Special Protection Area (SPA), (ii) a Site of Special Scientific Interest (SSSI), and (iii) a Ramsar Site.

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Neighbouring Sites

14 October 2021 - Screening Opinion adopted under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017) that EIA was not required for the following proposed works at the north western part of Leith Docks: Improvements to a berth located outside of the lock gates to be used primarily by the offshore renewables industry (120m), and to reconfigure a section of port land (of 15 hectares) to provide laydown and storage areas for the components associated with, e.g., offshore windfarms (such as nacelles, towers, blades, and foundations). (Application reference: 21/06126/SCR).

18 December 2020 - Planning permission granted for proposed residential development and associated landscaping, roads and infrastructure at 57 Tower Street & 1 Bath Road, Edinburgh, EH6 7BB. (Application reference: 20/01313/FUL)

3 February 2017 - Appeal allowed against refusal of planning permission for residential development consisting of 57 flats and associated infrastructure at land 96 metres south of 2 Ocean Drive, Edinburgh. (Application reference: 14/05127/FUL) - Planning permission now lapsed

Main report

3.1 Description of the Proposal

An application for planning permission in principle will be submitted for a mixed use development including Residential (Class 9) and sui generis Flats, Retail (Class 1), Financial, Professional and other services (Class 2), Food and Drink (Class 3), Business (Class 4), Industrial (Class 5), Storage and Distribution (Class 6), Hotel (Class 7), Non Residential Institutions (Class 10), Assembly and Leisure (Class 11), sui generis car park /mobility hub, public realm works and all associated infrastructure.

3.2 Key Issues

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

a) The proposed development will have a detriment impact on the setting of any listed buildings and structures or the character and appearance of the conservation area;

There are a number of listed buildings both within the site and near to the site, which are identified in the site description section of this report. The western extremity of the site is within Leith Conservation Area.

The impact of the proposed development on the character, appearance and setting of the identified listed buildings will be considered in relation to Sections 14 and 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The impact of the proposed development on the character or appearance of Leith Conservation Area will be considered in relation to Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against the relevant policies in the Edinburgh Local Development Plan.

b) The principle of the development is acceptable in this location;

The northern part of the site is located within sub area EW 1e of the Edinburgh Waterfront, Northern and Eastern Docks area as defined in the Edinburgh Local Development Plan. This area comprises general industrial, storage and business development and port-related uses and is identified in table 2 of the LDP as a Special Economic Area. In respect of sub area EW 1e, Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for industrial and port-related development and compatible uses provided it complies with other relevant policies in the plan. Development should accord with the Leith Waterfront Development Principles. Also applicable to this area is LDP Policy Emp 8 (Business and Industry).

Policy Emp 8 Business and Industry Area states that planning permission will be granted for business, industry or storage development on sites identified on the Proposals Map as part of a Business and Industry Area Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas.

The southern part of the site is located within sub area EW 1b of the Central Leith Waterfront area as defined in the Edinburgh Local Development Plan. In respect of that sub area, Policy Del 3 states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront. A key development principle of this sub area is that new housing should be designed to mitigate any significant adverse impacts on residential amenity from existing or new industrial development. LDP Policy Hou 1 (Housing Development) supports housing on sub area EW 1b as part of mixed-use regeneration proposals at Edinburgh Waterfront. Also applicable to this sub area is Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) which supports high quality, well designed arts, leisure and entertainment facilities and visitor attractions at Leith.

The entire site's current use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered. The loss of an employment use requires to be assessed against LDP Policy Emp 9 (Employment sites and premises). This policy permits the introduction of non-employment uses on the proviso that they will not prejudice or inhibit the activities of any nearby employment use; and the proposal contributes to the comprehensive regeneration and improvement of the wider area.

The entire site is part of a larger area covered by the Leith Docks Development Framework, approved February 2005, the aim of which is to create a mixed and balanced community which exemplifies the principles of sustainability in terms of use, mix, accessibility and design.

A future application for planning permission in principle should be accompanied by a Planning Statement to justify the proposals in this location.

c) Quantum of development and mix of uses, scale, massing, height and position of buildings and relationship of buildings to spaces and movement routes etc. are acceptable within the character of the area;

A key consideration is ensuring that these are acceptable within the character of the area, integrate with the existing townscape from key views and approaches and also contribute to a sense of place. The proposal should comply with the Edinburgh Design Guidance. The proposal will be considered against the provisions of the Edinburgh Local Development Plan and Edinburgh Design Guidance. A Design and Access Statement will be required to accompany the application.

d) The amenity of neighbouring developments is not adversely affected and the future occupiers/users of the proposed uses have acceptable levels of amenity in relation to noise, daylight, sunlight privacy and immediate outlook;

The proposal will be assessed against relevant design policies and residential amenity policies in the Edinburgh Local Development Plan and non-statutory guidance and in terms of neighbouring residential amenity.

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

Pedestrian and cyclist permeability and connectivity through the site and beyond are key considerations. The proposal should have regard to the Council's parking standards, transport policies in the Edinburgh Local Development Plan and the requirements of the Edinburgh Street Design Guidance. Consideration should be given to the impact on traffic flows on local roads and access to public transport, including trams which will operate on the tram line located nearby to the west of the site, which is under construction. Transport information will be required to support the application to assess the effects of the proposal on local infrastructure and the accessibility of the site.

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

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable impact on the environment. In order to support the application, the following documents will be submitted:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;

- Transport Information;
- Sustainability Statement;
- Cultural Heritage impact Statement;
- Townscape and Visual Impact Assessment;
- Topographical information;
- Archaeological Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Drainage Impact Assessment;
- Site Investigation Report; and,
- Ecology report.

The application will be required to be screened for an Environmental Impact Assessment (EIA).

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions are taking place on this proposal.

8.2 Publicity summary of representations and Community Council comments

Public engagement will be undertaken via a bespoke webpage. Details of the proposal, including exhibition boards, will be uploaded onto the website for the public to view.

An online public consultation event was held on 23rd June 2022 between 15:00 and 19:00, which allowed members of the public to ask questions and make comments. Following the event the prospective applicant/their agent provided the opportunity for members of the public to ask further questions by email. A second public event is proposed late summer/early autumn, details of which will be confirmed to the Council in due course.

A feedback form will be posted on the webpage for people to provide their comments which will be taken into consideration as proposals develop.

Publicity - An advertisement of the online event was placed in the Edinburgh Evening News at least 7 days prior to 23rd June 2022.

The prospective applicant/their agent will liaise with the Community Councils to make further arrangements to meet them in due course if they wish. Leaflets/posters advertising the events have been/will be displayed in public areas and distributed to neighbouring properties.

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

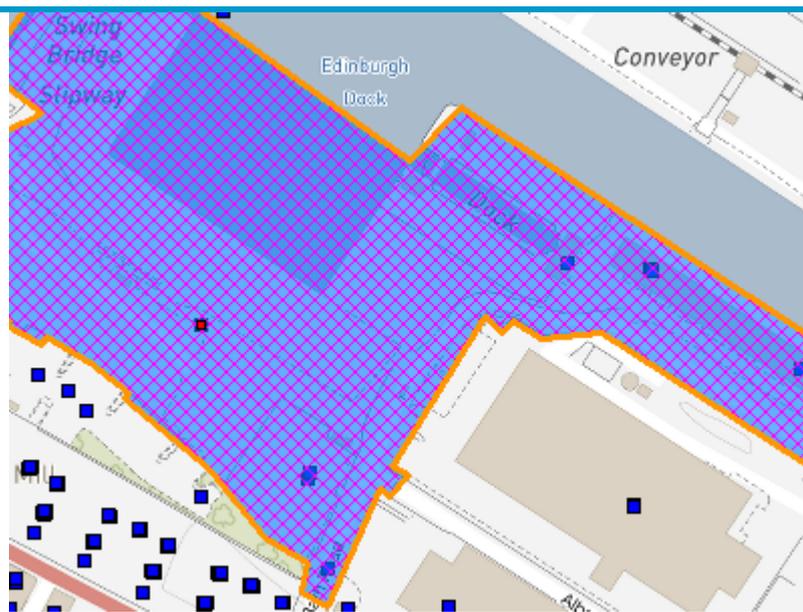
Background reading/external references

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

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Location Plan



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