

# Development Management Sub-Committee Report

**Wednesday 26 October 2022**

**Application for Approval of Matters Specified in Conds  
Western Harbour, Western Harbour Drive, Edinburgh.**

**Proposal: Approval of matters specified in condition 3 of planning permission 20/03225/PPP for residential and commercial development providing for use classes 1, 2, 3 and 4 and associated infrastructure.**

**Item – Other Item at Committee  
Application Number – 22/01633/AMC  
Ward – B13 - Leith**

## **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest as it is associated with a large-scale development.

### **Recommendation**

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

### **Summary**

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1, 2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

## **SECTION A – Application Background**

### **Site Description**

The site covers approximately 4.5 hectares and is located within the wider Western Harbour development area. It sits on reclaimed land, which predominantly contains areas of scrubland and unmanaged vegetation. The site boundary covers a central area of the harbour area stretching from Sandpiper Road at the south towards Western Harbour Drive at the north. The application site covers what are referred to as Plots O, N, K and I.

To the south and the west of the site are further development plots and also the recently completed primary school, further south are existing residential schemes. To the west is an area of land which is proposed to be for park use and further west are the large flatted development blocks located on Western Harbour Drive. To the south-east is the Asda supermarket and associated filling station and parking. Also east of the site is vacant land for future phases of development. Further east of the site are the docks and associated uses including Chancelot Mill. To the north of the site is vacant land.

### **Description of the Proposal**

The proposal seeks to deal with the approval matters specified in condition 3 of Planning Permission in Principle. The proposal also deals with conditions 1 (site boundary), 2 (maximum unit numbers) and 5 (phasing).

The proposal is for a residential-led mixed use development comprising 615 residential units and four commercial units for class 1, 2, 3 or 4 use, with a total floor space area of 336sqm.

The proposed development is split into four perimeter blocks, which are set around communal garden areas. Overall, there are 43 x studio flats, 118 x one bedroom units, 322 x two bedroom units and 132 x three bedroom units. The design, height and elevation treatments of the blocks varies depending on the location within the site.

The configuration of the streets generally follows that of the previous masterplan, Revised Design Framework and previous approvals. Plot O at the south of the site responds to the layout approved for adjacent Plots P1 and P2 and is located to the east of the primary school site.

The northern Plots of N, K and I are formed between the proposed Central Street, which is a continuation of Sandpiper Drive, and the proposed Park Crescent. The Central Street will link through to the existing West Harbour Drive to the north. The blocks are divided by smaller shared streets, which are broken up by interventions such as planting. The proposal contains a cycle path along the western side of the proposed Central Street which will also link into the park to the west.

The site has been broken into three zones; Central Street, Park Crescent and Shared Streets, and these zones have differing designs.

The Central Street - this contains a series of brick blocks that are broken vertically by variations in the brick colours to reference traditional feu plots. The corner sections have a raised parapet and brick soldier coursing to emphasise the corner building. The windows are generally set in uniform manner with a mixture of balconies and Juliet balconies proposed. The height varies from four to six storeys.

The Park Crescent - this takes a uniform approach to the design, with the blocks being five and six storeys high. There is ordered fenestration throughout the blocks. Varying buff/blonde bricks are proposed with rusticated brickwork proposed at the ground level. Pre-cast surrounds are proposed at the second to fourth storeys and a number of balconies are introduced. The top floor generally has areas of brass panelling. Pitched rooflines are proposed at key corner areas.

Shared Streets - as secondary streets the design of buildings is more varied in terms of materials and roof forms. A wider range of brick tones are proposed alongside coloured profiled metal cladding. The heights are also generally lower, consisting of three and four storeys with pitched roofs.

The application contains 115 car parking spaces which are being provided on street, including 11 accessible spaces. One in six of the spaces will have electric vehicle charging provision will be provided on street. The spaces are proposed along the edge of the park and also along the central street. Cycle parking is provided for each of the blocks with a total of 1367 secure cycle spaces proposed.

### **Supporting Information**

- Design and Access Statement;
- Sustainability Statement;
- Daylight and Sunlight Report;
- Transport Statement;
- Ground Gas Assessment and Remediation Reports;
- Flood Risk Assessment;
- Drainage Strategy and
- Air Source Heat Pump Acoustic Information.

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

### **Relevant Site History**

01/03229/OUT  
Western Harbour  
Leith Docks  
Edinburgh  
EH6 6NX

Mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements (as amended)

Granted  
1 July 2002

09/00165/OUT

Land Adjacent to Western Harbour  
Edinburgh

Application to extend the period of time for the approval of reserved matters, applied under condition 1 of the Western Harbour Masterplan (REF, 01/03229/OUT)

Granted

3 March 2009

19/00986/AMC

Western Harbour  
Western Harbour Drive  
Edinburgh

Approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure

Approved

22 June 2020

20/03225/PPP

Western Harbour  
Western Harbour Drive  
Edinburgh

Section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made.

Granted

21 April 2021

21/02203/AMC

Western Harbour  
Western Harbour Drive  
Edinburgh

Approval of matters specified in condition 3 of planning permission 20/03225/PPP for residential and commercial development providing for use classes 1, 2, 3 and 4 and associated infrastructure.

Approved

10 September 2021

### **Other Relevant Site History**

10 October 2018 - Committee approved a new Revised Design Framework for the land at Western Harbour within Forth Ports Ltd ownership. This replaced the previously approved masterplan and design brief (linked to application reference: 09/00165/OUT).

### **Pre-Application process**

Pre-application discussions took place on this application.

## Consultation Engagement

Transportation Planning

Archaeology Officer

Flood Prevention

Waste Services

Scottish Water

Nature Scot

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 1 April 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 8 April 2022;

**Site Notices Date(s):** Not Applicable;

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

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

Do the proposals comply with the development plan?

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

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

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) **Compliance with the Development Plan and the Planning Permission in Principle**

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Strategy policies Del 3.
- LDP Design policies Des 1 - Des 8 and Des 10.
- LDP Environment policies Env 16, Env 21 and Env 22.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4.
- LDP Shopping and Leisure policies Ret 6 and Ret 11.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

The non-statutory Edinburgh Design Guidance (EDG) is a material consideration that is relevant when considering the proposals. The Revised Design Framework (RDF) that covers the site is also a material consideration.

The relevant conditions of 20/03225/PPP are listed below:

1. No permission is granted for any development out with the red line boundary area shown on approved plan (02).
2. The maximum number of residential units to be constructed within the site shown in approved plan 02 shall not exceed 938.
3. Before any work on each phase of the site is commenced, details of the undernoted matters being submitted to, and approved by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping and car parking) and detailed plans, sections and elevations of the buildings and all other structures.

Matters:

- (a) Siting, design and height of development, including design of all external features and glazing specifications, (including acoustic capabilities), design and configuration of public and open spaces, all external materials and finishes, including their colour;
  - (b) Car ((including electric vehicle charging points) and Cycle Parking, access, road layouts and alignment, servicing areas;
  - (c) Footpaths and cycle routes;
  - (d) Boundary treatments;
  - (e) Hard and soft landscaping details, which shall include:
    - i) existing and finished ground levels in relation to Ordnance Datum;
    - ii) layout and design, including walls, fences and gates;
    - iii) existing and proposed services;
    - iv) other artefacts and structures such as street furniture, play equipment;
    - v) programme of completion and subsequent maintenance;
    - vi) the location of new trees, shrubs, hedges, grasses and wetland areas;
    - vii) a schedule of plants to comprise species, plant size and proposed number/density;
    - viii) programme of completion and subsequent maintenance;
  - (f) Surface Water arrangements for the attenuation and discharge of surface water.
- Prior to the submission of any reserved matters or detailed application the following actions shall be undertaken:

- a) a site survey, including the formation of a conceptual site model, intrusive site investigation and monitoring programme to enable an assessment of the presence and concentration of landfill gases from the infill.
  - b) A site specific risk assessment.
  - c) A detailed scheme of any required remedial measures and/or gas protective measures, including details of any necessary on-going gas monitoring, shall be submitted to and approved in writing by the head of planning.
- Prior to the commencement of work on site,
- a) a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and
  - b) a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the Head of Planning.
5. Each phase of landscaping will be in place and available for use prior to the occupation of any buildings within that phase of development.

Condition 1 - redline boundary, Condition 2 - unit numbers and the Principle of Development

Condition 1 sets out that no permission is granted for any development out with the red line boundary area shown on approved plan (02). The redline boundary of this AMC submission conforms with condition 1.

Condition 2 states that the maximum number of residential units to be constructed within the site shown in approved plan 02 shall not exceed 938.

The 615 units proposed in this application when added to the 118 units on Plot P1 approved under 19/00986/AMC/VARY linked to 09/00165/PPP and the 205 units on Plot P1 approved under 21/02203/AMC linked to 20/03225/PPP equates to 938 units. The proposal complies with condition 2.

The Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed-use development. It is identified as Proposal EW1a in the LDP. The LDP sets out a number of Development Principles including completing the approved street layout and perimeter block urban form and complete the partly implemented local centre.

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission for development which will contribute towards the creation of new urban quarters at Leith Waterfront. This requires (amongst other matters) comprehensively designed proposals which maximise the development potential of the area, the provision of a series of mixed-use sustainable neighbourhoods, proposals for a mix of house types, sizes and affordability and the provision of local retail facilities.

Housing use on the site is supported by the LDP and has been established by the planning permission in principle.

The four commercial units that have been proposed for class 1, 2, 3 or 4 use, cover a total floor space area of 336sqm.

Three have been located adjacent to the park area and one is along the central street. They are relatively small in size and allow for the opportunity for additional uses to come forward which would add diversity to the proposed housing. This is in line with a housing-led mixed-use development anticipated on the site. The size and location of the units does not impinge on the thrust of Policies Ret 6 (Out-of-Centre Development) and Ret 11 (Food and Drink Establishments) and class 4 uses by their definition are ones that can be carried out without detriment to the amenity of any residential area.

The site is part of a longstanding regeneration area, and the proposed development will deliver housing and other uses on this part of the site. The principle of development accords with the Local Development Plan, the planning permission in principle and the RDF.

### Condition 3a - Siting, design and height of development

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.

#### Layout:

LDP Policies Des 4 (Development Design - Impact on Setting) and Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The proposal establishes a perimeter block urban form, as set out in the LDP development principles and then refined further in the Revised Design Framework. Residential developments to the south are either completed or have permissions in place and the layout is dictated by pattern of the roads for the southern part of the site. The proposed development links in with these streets.

The hierarchy of streets allows for primary and secondary frontages to be formed. The proposed Central Street forms the primary route through the site with a secondary route proposed along the Park Crescent. The use of shared streets will allow for a series of pedestrian and cycle friendly connections through the site. Linkages are also established through to the adjacent park and future connections to the waterfront. This complies with LDP Policy Des 7 (Layout Design).

The layout forms part of a co-ordinated regeneration of the site that will allow for other phases of development to dovetail with the proposal. The application complies with LDP Policy Des 2 (Co-ordinated Development).

The proposed layout is acceptable.

#### Design and Materials:

The proposal has been designed in line with the parameters set out in the Revised Design Framework. It sets out three-character zones and the design of the buildings are dependent on their location.

Central Street - the elevations are simple with ordered fenestration with recycled uPVC windows that are generally grey in colour. A number of brick colours are proposed with a mixture of red, brown, grey and buff tones used to break up the elevations vertically whilst the use of brick detailing, either with recessed bays or the use of soldier courses, provides subtle variation. Corten panels are used at the entrance points as a reference to the port heritage.

Park Crescent - the elevations contain a different pattern of ordered fenestration from the central street. The bricks proposed are buff in colour and create a coherent elevation when viewed across the park. Different brick tones are proposed to create subtle variation along the street and distinguish the blocks from one another. Details such as rusticated brickwork at the ground level, use of pre-cast wind surrounds and pitched rooflines on the corner blocks all add interest and variance to the elevational design.

Shared Streets - along the narrower, secondary shared streets the proposals introduce a greater variety of designs and styles. Alongside the use of brick, the shared streets also use a mix of brick and profiled metal cladding as external materials in various colours. This will give the shared streets their own character and aid in the legibility of the area.

There is a variety of materials within the area, with flatted schemes near to the site using stone cladding and render, whilst the larger flatted blocks on West Harbour Drive use a wide range of materials. The proposed use of brick as the primary material ties the building styles throughout the development together. Brick is reflective of a number of buildings within the dock area and echoes the historical uses.

The materials proposed are to be robust and durable. They are appropriate for a modern development at this location and are reflective of the approach advocated within the RDF. The proposed materials and detailing comply with Policy Des 4 (Development Design - Impact on Setting).

In terms of housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical.

The proposal contains a range of house/flat types and sizes. The Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms. The proposal contains 21% three-bedroom units.

The unit sizes meet the minimum internal floorspace requirements as set out in the EDG.

The Edinburgh Design Guidance recommends that no more than 50% of the total units should be single aspect. The proposal contains 338 of the total 615 flats are dual or triple aspect. This equates to 55% dual aspect and meets the Council's guidance.

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest.

Height, Scale and Density:

The LDP sets out, amongst other matters, that development at Edinburgh Waterfront should create distinctive, high density urban quarters.

The RDF sets out that the central blocks should have range of between four and six storeys and the more southern block a range between three and six storeys.

The height of the proposed development is largely in line with what was anticipated when the RDF was prepared. The northern three blocks (N, K and I) contain five and six storeys on the outer elevations around the central street and park crescent with the five storey elements at the southern end. The secondary streets are generally four storeys in height which helps break up the massing of the blocks. Block O is also a mixture of heights with the six storey elements fronting the park and central street. In terms of roofscape, there is some variance achieved through the changes in height and inclusion of pitched roof elements. The more visible Park Crescent elevations include a change in the pitched rooflines on key corners to indicated public spaces and routes through the site.

The height of the proposals generally complies with those set out in the RDF.

The RDF considered the potential impact of development on key views within the vicinity of Western Harbour - key views C16b, N12a and N12b. This concluded that the development would not have an impact on these views.

The submitted Design and Access Statement has carried out a review of the proposed heights against those contained within the RDF and shows limited overall change from the local viewpoints from Ocean Terminal and Chancelot Mill.

The height complies with Policy Des 4 (Development Design - Impact on Setting) as the scale and proportion of the building are appropriate for the location and it will not have a negative impact on views.

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services. The density of the proposal is 143 dwellings per hectare (dph). This is similar to the density estimated for this phase as part of the RDF, which anticipated 134 dwellings per hectare.

The height, scale and density are acceptable.

#### Amenity:

LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

#### Privacy:

There are generally good separation distances between the proposed blocks within the development, with a range of 16 to 23 metres provided. The internal shared streets are varied in width and narrow to approximately 12 metres in some sections, which is an acceptable distance and serves to keep the streets at a more human scale. There are some narrower elements where the block design closes in on itself, but these are generally where there are gable ends. For the rear elevations of the blocks the distances across the shared courtyards are generous.

#### Daylighting:

A Daylight and Sunlight Assessment has been submitted.

Utilising the Vertical Sky Component (VSC) method this indicates that the proposed development blocks will not be an impact on the adjacent already approved residential plots to the south.

The impact on the daylighting to the proposed buildings has been assessed using the No Skyline methodology which relates to skylight penetrating at least halfway into a room. Forty of the 1678 rooms assessed using this methodology failed. This relates to 18 bedrooms on ground and first floor locations spread across the blocks and 22 open plan kitchen/living rooms across the blocks. Overall, 97% of the rooms pass this methodology and across 615 units on a brownfield site this is an acceptable level.

#### Noise and Odour:

The units proposed for potential class 3 use have been designed to include designated space at rooftop for future plant equipment which may be required following tenant fit out. In addition, all class 3 units are provided with an internally routed flue which discharges at roof level.

There is a general condition that applies to the PPP (condition 4) that will need to be complied with in this regard.

#### Sustainability:

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

The applicant has submitted the sustainability statement and form. The standards are to be met through the provision of air source heat pumps. The proposal has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including waste recycling and the use of sustainable timber.

The proposal meets the current standards set out in the sustainability form.

In summary, the proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. These elements of the proposal comply with the PPP and the RDF.

#### Condition 3b - Car and cycle parking, access, road layouts and alignment, servicing areas

Access to the site is from the existing road network taken from the A901 Lindsay Road / Sandpiper Drive signalised junction. Access to the development and Central Street will then be gained via the Sandpiper Drive / Asda access crossroads.

The principle of development has already been established on the site. As considered previously, the site layout follows the perimeter block style established in the previous masterplan, LDP and RDF.

The main Central Street forms the primary route through the site and has been designed to be 7.5 metres wide to allow for buses, with raised tables and crossings to manage traffic speeds. It also accommodates areas for bus stops which will allow for buses to loop round Western Harbour. The street also accommodates a cycle path with buffer and pedestrian paths.

Park Crescent is proposed to be six metres wide with end-on parking introduced along its length. Raised tables will be introduced at each junction to manage traffic speeds.

Taking access from the Central Street will be shared use streets which are proposed to have a single flush surface. These streets are to prioritise pedestrian and cyclists and contain planting with rain gardens and street furniture to discourage car usage.

The Roads Authority does not object to the planning application but does raise concern with the proposed road adoption plan which creates private roads (along the shared streets), a private access and also leaves the car parking along the Park Crescent unadopted. The Roads Authority states that these areas should form part of the adoptable road, and this should be pursued through the Road Construction Consent (RCC) process.

The road layout proposed is acceptable in planning terms and meets the requirements of the condition.

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance. The supporting text sets out that a purpose of the policy is to generally fulfil the wider strategy of encouraging sustainable, non-car modes.

The parking standards contain no minimum level and allow for a maximum of one car parking space per unit. Within this application a total of 115 parking spaces are proposed.

The area the western side of the Park Crescent contains 59 end-on spaces split into 41 general spaces, 10 electric vehicle charging spaces (two of which are accessible) and eight accessible spaces.

Along the eastern boundary of Central Street and around Plot O and on the north shared use street contains 56 parallel spaces split into 41 general spaces, 12 electric vehicle charging spaces and three accessible spaces

A total of 25 motorcycle spaces will be provided throughout the development.

The parking levels proposed are within the Council's standards and the site is in an accessible location with good access to public transport with the tram line proposed to terminate at Newhaven. Furthermore, there is a separate planning permission in principle for what is referred to as a Go Green Hub with 109 car parking spaces near to the site and the tram line will terminate at Newhaven. The Roads Authority does not object to the application in terms of parking numbers.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

The 1367 secure cycle parking spaces proposed are spread out across the blocks with a combination of two-tier racks, semi-vertical racks and 29% Sheffield stands to accommodate non-standard bikes. The cycle parking complies with the Council's standards.

Waste:

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

The proposals have been designed in line with the Council's Waste Services guidance and there has been an ongoing dialogue between Waste Services and the applicant. Communal refuse storage is provided within the blocks. Swept path analysis has been provided to demonstrate that adequate refuse vehicle access can be made. The stores have been located on the primary routes meaning that service vehicles will not need to enter the side streets.

Transport associated matters have been adequately dealt with and comply with the RDF and the relevant transport policies.

### Condition 3c - Footpath and cycle routes

There are existing cycle paths within the Western Harbour area, along Sandpiper Road, linking through to Newhaven Place and Western Harbour Drive. The application will include an improvement to the cycle path at Sandpiper Drive on the western side.

This will then link through to the segregated cycle way that runs along the western edge of the Central Street. This has been designed in accordance with continuous footways at side street junctions, floating bus stops and cycle friendly crossing points.

The proposal will link to the park through the use of the shared streets. Whilst there will be opportunity for linkages through to future phases of development. The application does not cover part of the site that abuts the water's edge. Therefore, delivery of promenade is not through this AMC, but later phases as shown in the RDF.

This reserved matter is adequately dealt with.

#### Condition 3d - boundary treatments and Condition 3e - hard and soft landscaping details

LDP Policy Hou 3 (Private Green Space) sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided.

All the units are flatted with each block having a rear courtyard area. A benefit over the previously approved scheme is that parking decks have been removed meaning that the open space is at the ground floor level.

The level of open space provided, taking into account those units with either access to a private garden or a balcony, meets the Council's minimum open space requirements. The proposal is also in close proximity to the new forthcoming 4.7-hectare park.

The communal courtyard gardens have been designed for a range of uses including recreation, socialising, areas of seating and growing spaces. Trees and plants are proposed to provide structure to the spaces. Patios are proposed for the units with direct access to the communal area, these are divided from the wider space by the use of buffer planting.

Sun path analysis during the 21st of March (Spring Equinox) has been provided. This demonstrates that the existing neighbouring garden spaces will not be detrimentally affected by the proposals. Generally, over 50% of direct sunlight is achieved across the site.

The PPP specifies that hard and soft landscaping details should be provided. Detailed landscape plans and a maintenance schedule have been provided as part of the application.

Tree planning is proposed at regular intervals along the Park Crescent, along the shared streets and also along sections of the Central Street. There is also planting in the public realm area created adjacent to the park. The tree planting consists of a mixture variety such as Field Maples, Swedish Whitebeam, Quaking Aspen, Austrian Pine and Rowans.

Within the development there are small areas described as pocket parks which are created within the breaks between the blocks. These spaces have been designed to break up the streets and provide varied landscaping or seating.

A range of boundary treatments are proposed to separate the private and public realm. These relate to the main street types with pre-cast concrete coping with or without railings generally proposed. This will provide sufficient divisions and by using similar styles it will provide a unified approach.

Information on site levels and servicing has also been provided as part of the application package and it is acceptable.

In relation to potential ecology impacts, Nature Scot has no comments to make on the proposal.

Overall, the design and quantity open space, the landscaping and proposed boundaries adequately deal with the relevant reserved matters and will form a positive aspect of the development.

### Condition 3f - Surface Water arrangements

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impede the flow of flood water or prejudice existing or planning flood defence systems.

A Flood Risk Assessment and a Drainage Strategy Review (supplementing previous studies) has been provided alongside the associated checklists and certificates required for this scale of development.

Flood Prevention has reviewed the information and has confirmed its acceptability.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and wastewater capacity.

### Condition 3 Ground Conditions

Various Ground Gas Assessment and Remediation Reports have been submitted in relation to application site and there has been previous dialogue has taken place with the Contaminated Land Officer with regards to the approach to the site. As per the condition, further remediation verification reports will be required as the development progresses to ensure the work is carried out to a satisfactory standard.

### Condition 5 Phasing

Condition 5 of the PPP relates to phasing. A phasing plan has been provided indicating that the site will be developed out from south to north. The surrounding infrastructure and landscaping will be put in place to facilitate this phasing.

## Archaeology

The Archaeology Officer raises no concerns with the proposal.

### **Conclusion in relation to the Development Plan**

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1,2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP, particularly in terms of supporting good design, making efficient use of land and delivering housing.

#### Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Level access is provided to all flats, either via direct street level entrances or via lifts within communal cores. Commercial units have level access direct from the street.

Consideration has been given to human rights. Accessible parking provided within the site. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

One representation has been received. The points raised are summarised below:

### *material considerations*

- street alignment along Sandpiper and Windrush Drive and that the view of the bridges should be retained - the proposals aligns with the previously approved street layout.

### *non-material considerations*

- Query regarding proposed park proposals - the park does not form part of this application and has a separate planning approval (ref 19/01040/AMC).

## **Conclusion in relation to identified material considerations**

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

## **Overall conclusion**

The proposals are in accordance with the Development Plan and comply with the approval matters set out in condition 3 and also the more general requirements of condition 1 ,2 and 5 of planning permission in principle 20/03225/PPP.

The proposals provide an acceptable perimeter block layout that will link in with the wider area. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions: -**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this approval of matters specified in condition is granted. If development has not begun at the expiration of this period, the approval of matters specified in condition lapses.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

3. Prior to any Class 3 Food and Drink use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be installed.
4. The development shall be carried out in accordance with the approved landscaping scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced 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.

**Reasons: -**

1. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to protect the amenity of the occupiers of the development.
4. In order to ensure that the approved landscaping works are properly established on site.

**Informatives**

It should be noted that:

1. A Remediation Verification Report shall be submitted detailing the completion of all approved remedial / gas preclusion measures with respect to land contamination / ground gas for each plot or plots.
2. The applicant is aware that 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 applicant should particularly note that the proposed extent of adoption is not considered acceptable as it potentially constitutes as 'gated' community and is also likely to have unacceptable impacts on drainage, lighting and servicing. The applicant should note in particular:
  - a. the accesses shown on drawings as 'private roads' clearly serve a public purpose and are expected to form part of the adoptable roads;
  - b. the on-end parking areas on the crescent are expected to form part of the adoptable roads. The applicant must note that any such 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.

3. The applicant should note that all proposed roads in this area are expected to be limited to 20mph. An order will be required to introduce a 20pmh speed limit within the development and all necessary signs and markings will be required as part of the road construction consent and 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.
4. The applicant should be required to provide a minimum of 3 car club vehicles. A contribution of £1,500 per order plus £5,500 per vehicle would be required;
5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
6. A Quality Audit, as set out in Designing Streets, will be required prior to the grant of Road Construction Consent.
7. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
8. The applicant should note that new road names will be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 30 March 2022**

### **Drawing Numbers/Scheme**

01A, 02A, 03A, 05A, 06A, 07A, 08, 09, 10, 11B, 12, 13, 14A,15 - 20, 21A, 22-27, 28A, 29-34, 35A, 36-55, 56B, 57A,58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66-69.

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Kenneth Bowes, Senior Planning officer  
E-mail:kenneth.bowes@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Transportation Planning

COMMENT: No objections subject to appropriate conditions and informatives. Note the proposed extent of adoption is not considered acceptable. The proposed 115 car parking spaces for the 615 units (approximately 19% provision) and 1,367 cycle parking spaces are considered acceptable.

DATE: 26 August 2022

NAME: Archaeology Officer

COMMENT: It is concluded that there are no, known, archaeological implications regarding this AMC application.

DATE: 5 April 2022

NAME: Flood Prevention

COMMENT: The updated information and responses to our previous consultation comments is accepted. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 21 July 2022

NAME: Waste Services

COMMENT: Waste Strategy Agreed.

Confirm that the applicants have provided the information for the waste collections and these are shown to be in line with our instruction for architects guidance and that the developments waste and recycling requirements have been fully considered for the purpose of the planning stage of this development.

DATE: 27 June 2022

NAME: Scottish Water

COMMENT: No objection. The full response contains a number of points for the applicant to be made aware of including information in relation water capacity, waste water capacity, assets within the proximity of the site and surface water connections.

DATE: 3 May 2022

NAME: NatureScot

COMMENT: We have no comments to make on this proposal.

DATE: 20 April 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

# Location Plan



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