

# Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 7 June 2023**

**Application for Planning Permission in Principle  
Salamander Street/Bath Road, Edinburgh, EH6 7JZ**

**Proposal: Demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended scheme 3)**

**Item – Committee Decision  
Application Number – 21/01163/PPP  
Ward – B13 - Leith**

## **Report Returning to Committee**

This application was approved at the Development Management Sub-Committee on 7th December 2022 subject to a Legal Agreement to secure the provision of affordable housing, and financial contributions for transport actions, tram, education, and health infrastructure as well as planning conditions and informatives. The legal agreement is under consideration but not finalised. As the legal agreement has taken slightly longer to conclude, the application is required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement again. If Committee accept the recommendation, then a further three months is required to conclude the Section 75 Agreement and enable the planning permission to be released.

Since the application was considered by the Development Management Sub Committee in December 2022, NPF4 has been adopted by Scottish Ministers on 13 February 2023; it therefore is now part of the development plan against which these development proposals should be assessed.

NPF4 designates Edinburgh Waterfront as a National Development in which this site sits. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh and is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. It continues that development will include high-quality mixed-use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for offshore energy relating to port uses.

Due to the designation as a National Development the application requires to be considered by a pre-determination hearing.

## **Recommendations**

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

## **SECTION A – Assessment**

### **National Planning Framework 4**

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policies 1, 2, 3, 4, 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23 and 25 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure, and historic assets.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

The applicant has submitted a statement in relation to NPF4 in support of the application.

### **Principle of development**

NPF4 policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. NPF4 policy 9 supports the sustainable reuse of brownfield land and takes into account biodiversity value of the land. The development proposal is for demolition of existing industrial/commercial buildings and construction of a new residential led development providing homes and facilities for the local area. NPF4 policy 9 regards demolition as the least preferred option. The existing buildings are useable and are not derelict. However, they comprise large warehouse style buildings and these types of structures would not lend themselves to re-use for residential purposes. NPF4 policy 12 seeks to reduce waste. The existing buildings will be demolished; the applicant states that sourcing of new materials will be done with environmental credentials in mind.

NPF4 policy 19 supports development proposals for buildings that are designed to promote sustainable temperature management, for example natural or passive solutions. The applicant has set out that the proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation. A range of passive measures are proposed to reduce the demand for energy including Heat Recovery Technology in line with net zero carbon standards. This will improve air quality for occupants whilst recovering heat from the extract ventilation system. Reduced energy consumption is proposed including an electric air source heat pump system to provide an efficient and low carbon method of supplying heating and hot water, the use of energy efficient LED lighting, controls for external lighting linked to daylight sensor, provision of energy meters, use of waste-water heat recovery units on showers or baths. Photovoltaics (PV) are proposed. The applicant states that flexibility to allow for future changes in technology would enable the development to accommodate a district heating scheme, or connection to a larger city-wide scheme. Full details of sustainable and reduced energy measures will be considered at detailed application stage. In general, the proposals accord with NPF4 policy 19.

NPF4 policy 11(d) states that development impacting on national designated sites will be assessed in relation to NPF policy 4. This sets out in part a) that development proposals which by virtue of type, location or scale which have an unacceptable impact on the natural environment will not be supported. The current biodiversity value of the site is low; there is a requirement for updated bat surveys and updated ecological reports. The proposal is acceptable in relation to NPF4 policies 4 and 11.

It is considered that the proposal is in line with the above policies and therefore the principle of the development is still acceptable.

### **Local Living, Quality Homes, and Infrastructure**

NPF4 policy 13 states that support will be given to proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs. This proposal will enable the provision of a new cycle/ pedestrian link along Salamander Street to the front of the site. In addition, it should be demonstrated at detailed application stage how suitable pedestrian links can be provided through the site. Financial contributions are sought for public transport and active travel infrastructure. The proposal is acceptable in relation to NPF 4 policy 13.

NPF4 policy 14 requires that development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on industrial and contaminated land; it is in close proximity to retail units/ Leith centre, has access to areas of open space in the local area and access to good public transport links. The proposal would decontaminate the site and regenerate the area bringing it into mainly residential use. The proposal would contribute to the improvement of the streetscape and will increase permeability through the site to the local and wider area. The proposal includes elements of classes 2, 3, and 4. It is considered that the proposal would improve the quality of this area in compliance with NPF4 policy 14.

Policy 15 of NPF4 (Local Living and 20-minute neighbourhoods) is relevant. The proposals contribute to the creation of place and a 20-minute neighbourhood; they therefore contribute to local living and demonstrates compliance with NPF4 policy 15.

In line with NPF4 policy 16 b) a Statement of Community Benefit will be required at the detailed AMC stage to highlight the provision of affordable homes, local infrastructure, facilities and services and improvements to the residential amenity of the surrounding area. This is required under condition 3. The requirements of 25% affordable housing and financial contributions for education, tram, transport, and health infrastructure are to be finalised at PPP application stage and the preparation of the s75 relating to these is in preparation. Details of accessibility, range of house types etc. will be dealt with at detailed AMC submission stage. The proposal is acceptable in relation to NPF4 policy 16.

This site is consistent with the spatial strategy within the Local Development Plan as it delivers new housing within the urban area and within the area and is therefore acceptable. The proposals lie within Edinburgh Waterfront where housing led development is supported. The application includes a phasing plan, and the legal agreement will set out payments required in relation to the phasing and delivery of the development. The infrastructure requirements comply with NPF4 policy 18 and will be secured through the conclusion of the legal agreement.

NPF4 policy 21 Play, Recreation and Sport requires proposals which include family housing will be supported where they incorporate well designed, good quality provision for play, recreation, and that new streets and public realm should be inclusive and enable children and young people to play and move around safely and independently. Full details of this can be considered at detailed application stage.

Development proposals which are likely to have a significant adverse effect on health will not be supported. Details are set out in NPF4 policy 23. The impact of the proposal in terms of air quality, noise, lighting, and odour have already been assessed and found to be acceptable in relation to LDP policies. LDP policy ENV 22 is still relevant.

NPF4 policy 25 requires development proposals to contribute to local community wealth building strategies and those which are consistent with local economic priorities will be supported. The proposals include elements of class 2, 3 and 4 which will assist in contributing to the provision of small-scale business uses and uses which will contribute to the local community.

In terms of local Living, quality homes and infrastructure, the proposals are acceptable.

### **Biodiversity and blue/green infrastructure**

The planning permission in principle includes conditions requiring further ecology assessment with mitigation measures. It is noted that the proposals will involve changing the existing levels across the site. A flood risk assessment and drainage strategy will be required for the next stages of detailed design as secured by condition.

NPF4 policy 3 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Greening some areas of the site around the proposed buildings with trees and planting will enhance biodiversity and be an improvement on the current situation on site, where it currently consists of buildings and tarmac. The proposal will contribute to and enhance biodiversity on the site.

Policy 20 supports the incorporation or enhancement of blue/green infrastructure as an integral design element responding to local circumstances. Full details of SUDs features are required by condition including how these will be integrated into the landscape. Policy 22 requires development proposals to manage all rain and surface water through Suds which should form part of and integrate with the proposed and existing blue green infrastructure and highlights that creating, expanding, or enhancing opportunities for natural flood risk management including blue/green infrastructure will be supported. An updated Flood Risk Assessment of the detailed design will be required at detailed submission stage. Information including a study of highlighting how the layout, finished floor levels, landscaping and SUDs have been designed in relation to the Flood Risk is required. SUDs features should be located above ground.

The proposals are acceptable in relation to NPF4 policies 3, 20 and 22.

## **Historic assets**

NPF4 policy 7 requires non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. A condition will ensure archaeological remains are fully assessed and dealt with appropriately.

## **Conclusion in relation to NPF4 part of the Development Plan**

Assessment against the NPF4 policies has required amendments to include the requirement to provide a statement of community benefit and to include energy improvement details. The NPF4 policies on flooding, SUDS, climate resilience and biodiversity will be dealt with in detail in future detailed applications. In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4.

## **Other Material Considerations**

### **Infrastructure requirements**

#### *Education*

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in April 2023. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment.

In November 2022, Finance and Resources Committee (Sustainable Capital Budget Strategy 2022-33) accepted the recommendation that the Council can no longer underwrite capital projects for education infrastructure to support LDP learning estate projects and also accepted an increase of 30% for construction project costs as a reasonable uplift on costs. This recommendation was also accepted by the Full Council in February 2023.

The updated Action Program was approved by Planning Committee in April 2023. The latest pupil generation rates (PGR) were used to assess the cumulative impact of housing developments across the learning estate. Latest school roll projections and housing output assumptions from the Housing Land Audit and some City Plan sites also formed part of the assessment. The sites in the proposed City Plan could come forward as a suitable urban area site under the existing LDP, in addition to other urban area sites that have not previously been assessed.

Children and Families require the following per unit infrastructure contribution: Primary Infrastructure: additional primary school capacity comprising a new Primary School affecting Broughton, Leith, and Trinity Primary Schools' catchment areas, a four-class extension to Broughton Primary School, a four-class extension to Leith Primary School, and a two-class extension to Holy Cross RC Primary School with a requirement of £5,372 per flat. Secondary infrastructure of additional secondary places (Leith Academy, Holy Rood RC high School) with a requirement of £4,914 per flat. This, based on an estimated 165 flats with more than one bedroom, and would result in the requirement of £886,380 for primary school infrastructure and £810,810 for secondary school infrastructure, resulting in an estimated total of £1,621,620. This overall figure is reduced from that previously approved at Development Management Subcommittee which were based on financial contribution requirements of primary infrastructure of £7,420 per flat and secondary Infrastructure of £3,262 per flat.

The Council requires the level of contribution indicated in order to deliver the education infrastructure across the wider area, and to address the capacity issues arising from the cumulative impact of all developments coming forward within the area.

It is recommended that developer contributions for educational infrastructure should be sought on the basis of the consultation response from Communities and Families and that financial contributions will be sought for Primary School Infrastructure: New 12 Class Primary School of £5,372 per flat per flat and Secondary School Infrastructure: Additional places (Leith Academy, Holy Rood RC High School) of £4,914 per flat per flat. The draft s75 legal agreement should be revised accordingly.

### *Transport*

The application site lies within zone 2 of the tram contribution zone (395m from Constitution Street) Tram Contribution Zone. In terms of transport infrastructure, the applicant will be required to make a financial contribution of £1,129.32 per residential unit, and £118.86 per sqm of class 2, 3 or 4 uses towards tram infrastructure. In addition, a contribution of £5,500 per car towards the provision of car club vehicles in the area is required. These remain unchanged from the previous approval by DM Sub Committee in December 2022.

Transport actions have been identified from the LDP Action Programme. The estimated housing capacities of the surrounding areas as outlined in the LDP has been used to calculate a cost per unit rate to apply for each action. The Transport Action 'Salamander Street to Foot of the Walk (NELOC 22)' has been removed from the updated Action Program 2023. The legal agreement will therefore need to be revised accordingly and this contribution deleted.

In terms of financial contributions towards LDP transport actions the following would be required:

- £848 per residential unit towards the Bernard St/Salamander St Active Travel and Public Realm Project; and
- £245 per residential unit towards the Leith Links to Bath Road link.

### *Health and affordable housing*

The requirements for financial contributions for Health infrastructure and affordable housing provision remain as previously approved at DM Sub Committee in December 2022.

The above financial requirements would be secured by legal agreement. The proposal complies with LDP policy Del 1 and NPF4 policy 16.

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

The proposals do not raise any issues in relation to other material considerations identified.

#### **Overall conclusion**

The proposal complies with the relevant policies contained within the National Planning Framework 4, the Local Development Plan and associated guidance. There are no material considerations that outweigh this conclusion.

It is recommended that the application is granted and that a further three months is agreed to conclude the Section 75 Agreement and enable the planning permission to be released.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

Or [Council Papers online](#)

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

Contact: Karen Robertson, Senior planning officer  
E-mail: karen.robertson@edinburgh.gov.uk