

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 7 June 2023

Present:

Councillors Osler (Convener), Booth, Cameron, Dalglish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat, O'Neill (items 4.2,4.3,4.5 and 6.4-6.5) and Ross (items 4.1, 4.4 and 6.1-6.4) (substituting for Councillor Beal).

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in sections 4 and 6 of the agenda for this meeting.

Requests for a Presentation:

Councillor Booth requested a presentation in respect of Items 4.2 and 4.3 – 27 Arthur Street, Edinburgh, EH6 5DA - application nos. 22/06119/FUL and 23/00174/CON.

Councillor Booth requested a presentation in respect of Item 4.5 – 117-145 Pitt Street and 9 Trafalgar Lane, Edinburgh - application no. 21/05861/FUL.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

2. Bonnington Mains Quarry (Land 177 Metres West of) Cliftonhall Road, Newbridge

The Chief Planning Officer had identified two applications to be dealt with by means of a hearing: 1) planning permission for the Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL at Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - application no. 22/02514/FUL; 2) planning permission for the development of field for ancillary quarrying operations at Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02513/FUL.

(a) (i) Report by the Chief Planning Officer - application no. 22/02514/FUL

The application was made under section 42 of the Town and Country Planning (Scotland) Act 1997 and sought to continue quarrying and ancillary operations at the site

without compliance with a number of conditions outlined in planning application 17/05930/FUL.

Proposed changes relate to conditions:

Condition 2- Changes to the placement of the environmental bund/overburden along the western boundary of the quarry site.

Condition 13- Hours of operation where the asphalt plant was to include night-time working (24 hour working).

Condition 15- Noise levels from nominal operations increased to a uniform 55dB(A)LAeq at noise sensitive properties and the introduction of a 42dB(A)LAeq during night-time operations (out with hours (i.e., all hours out with Monday-Friday: 07:00-19:00; Saturday: 07:00-19:00 and Sunday: 10:00-14:00).

Condition 16- Changes to the site access involving the introduction of a dual entry weighbridge/office and internal circle/roundabout.

18. Site restoration conditions whereby within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site should be submitted and approved by the Planning Authority.

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

Supporting Information

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan

- Sections

(ii) Report by Chief Planning Officer - application no. 22/02513/FUL

The proposal was for ancillary quarrying operations, mainly in the northern portion of the field immediately west of the existing site. This included a site office and associated car parking, water attenuation and settlement ponds, aggregate processing, and storage, including aggregate storage sheds and an asphalt plant (previously approved to be developed within the existing quarry boundary). Primary crushing and some stockpiling would continue to be undertaken within the quarry void, whilst secondary crushing, screening, and stockpiling would be undertaken within the Field Extension Area. No mineral extraction was proposed within the western field. In addition, it was proposed to develop a workshop and aggregate storage sheds within the existing quarry boundary alongside the concrete plant. Furthermore, it was proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. No change had been proposed to the extraction limit of 375,000 tonnes per annum (as outlined in Condition 17 of the 2017 application).

Supporting information

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

Supporting Information

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Ratho and District Community Council

Judy Wightman addressed the Development Management Sub-Committee on behalf of the Ratho and District Community Council. Ms Wightman indicated that she would speak for both applications. She represented the views of over 300 local objectors. The application 22/02513/FUL was for the development of the field for ancillary quarrying operations at this site which was in land classified as a countryside policy area. Despite reductions in height, the plant would still be excessively high, compared to the previous application, which was agreed but not built, was taller than the barn to the west, and it would be possible to see the plant from a great distance. The supposed mitigating effect of tree planting would be irrelevant in winter and the proposed trees would take many years of growth to provide a screen. There were concerns about dust, noise and pollution, the environmental documents used to assess these were inaccurate as the main winds from the southwest would cause dust clouds for Ratho. Since 2018, there had been 58 complaints regarding dust and there were enforcement enquiries, but they were apparently ineffectual. There was greater concern regarding the process of the Asphalt Pavement, in respect of quantities, storage and toxicity. The supposedly acceptable noise levels ignored the rural aspect of the site and the design of the exit to the quarry meant that numerous lorries would travel close to local residents. Regarding the change to condition 13, this application would facilitate nighttime working and this would cause light pollution for local houses. Condition 15 related to noise affecting local residents, but this was only to properties only with receptors, not to wider residents, including Bonnington Village. The current condition 18 specified closure of the site by 2050, but circumstances might have changed by then. The applicant wanted to submit a condition for approval by the council as planning authority, which would remove any democratic control over the use of the site. The recreational triangle was referred to, which clustered round quarry and this would be affected as well the local residents. The members should refuse this application due to its excessive size, domination of the rural landscape, 24-hour working and proposed changes to conditions 13 and 18.

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(c) Martin Dalziel

Martin Dalziel addressed the Development Management Sub-Committee as a resident of Craig Park impacted by the proposals. Mr Dalziel stated that in respect of the 22/02513/FUL application, there had been over 350 objections and only 4 letters of support in Ratho. This was a stand-alone application and was not conjoined with the other application in the Section 42 application. This proposal did not comply with Env 10 of the LDP as the Asphalt Plant was excessively high, extremely visible and the proposed tree screen would not mitigate this. This land was not insignificant and provided a good green buffer. Due to the land topography, the site this could not be

hidden, therefore, the proposals did not comply with LDP Policy Des 4. Nor did the proposals comply with minerals policy contained in LDP and NPF4, as it was said to be for mineral extraction, but this was not the case as this plant could be located anywhere. Additionally, the plant relied on the inward transportation of materials. The proposed plant was significantly larger and on virgin land, compared with the 2017 application. The plant was intended to operate on a 24/7 basis, but when the quarry was originally consented, time limits had been put in place. Due to building, the community at Ratho had moved closer to the quarry which meant that the quarry should not be allowed to work longer hours. The existing quarry was supposed to stop operating by 2050, however, there was no condition to limit the operation of the plant site to the same period as the quarry. This application should not be approved, but if it was, then conditions regarding its hours of operation and duration should be imposed. Even so, the applicant could challenge this condition and the Authority should consider this omission.

Regarding the Section 42 application, there were over 300 local representations, of which only 3 were in support. This applicant wanted to alter conditions that were meant to protect the environment and the community of Ratho. To alter them it should be ensured that there was no detriment to Ratho. This was protected under LDP Policy Env 10. This was a quarry, not an asphalt operation and the LDP Policy RS 5 and NPF4 30 (d) did in fact apply. The quarry was operating at present and alterations to the conditions were probably not required. It was a positive step that the Council did not agree to increase noise criteria, as requested by the applicant. There were concerns regarding dust, noise and air quality and there should be tighter monitoring. It was proposed to extend the hours of working to 24/7. However, since the quarry was originally consented, the community of Ratho had expanded, therefore, any extension of working hours would adversely affect the community. Therefore, condition 13 should not be altered to increase the hours of operation. Similarly, condition 18 regarding remediation should not be changed. This was recommended to be changed to “shall be submitted for approval by the Council as planning authority”. The Authority should not cede control to the applicant on such an important point which was in place to protect the community and the environment.

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(d) Ward Councillor Jenkinson

Council Jenkinson addressed the Sub-Committee, indicating that his ward included this site. He wanted to speak about the proposal for the Asphalt Plant and how this might affect the Ratho Community. He was usually pro-business, but it had to be the right business in the right area. The slide previously referred to, included the recreational triangle at Ratho and he was concerned about how this development might impact on the economic investment of the recreational triangle. Regarding the surrounding land, he thought that the Ratho area should be an area of residential and recreational use and not heavy industrial use. This could cause problems in future, regarding development. He was happy to represent the objectors from the area and supported the Community

Council. He had listened to the previous deputations and noted that the elected members had concerns regarding the 24-hour working of the plant. There were obvious concerns regarding light, dust and odour and noise pollution. The noise pollution would emanate both from the plant and from the increase in heavy traffic in this largely rural part of the city. It was important to consider the long-term viability of the site itself. Consideration should be given to quarries when they finished their operations and whether this land could be reclaimed for Ratho and for the city for future development. There should be positive developments for the more rural aspects of the city. The members should reject this proposal because it was very important to maintain rural Ratho going forward.

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(e) Applicants and Applicant's Agent

Donald Wilkins from Breedon Trading Ltd was heard in support of the application.

Mr Wilkins indicated that he represented the applicant Breedon Trading Ltd who were a market leading construction materials supplier in the UK and Ireland. Within Scotland, they operated a network of quarries, asphalt plants, ready mixed concrete plants and employed in the region of 800 people. They were one of the largest suppliers of construction materials in Scotland and the UK.

The minerals extraction industry was an essential element of the building and construction industry. and the wider economy. All forms of construction activities were reliant on construction aggregates. This included housebuilding, road construction, schools, hospitals, commercial and also leisure facilities, which had been discussed this morning. A typical home, for example, took over 200 tons of aggregates to construct it. The Edinburgh City Plan identified the construction of 37,000 new homes between 2021 and 2033, that would bring the construction aggregates for those homes to be 7.8 million tonnes. So, there was a clear need for continued mineral extraction.

A key outcome of Policy 33 of NPF4 was that sufficient resources were available to meet industry demands, making an essential contribution to the Scottish economy. The word "essential" within NPF4 demonstrated the importance the Scottish Government placed on construction aggregates. NPF4 required local development plans to support a landbank of construction aggregates of at least 10 years, in all market areas. This was to ensure that sufficient, unconstrained mineral reserves were permitted and were available to meet industry demands.

Of all regions in Scotland, the south-east region actually imported the greatest proportion of minerals, equating to about half a million tonnes per annum. In order to minimise the impact of unnecessary transportation of minerals within the region, it was important to maintain a network of quarries close to the market areas.

Minerals could only be worked where they were found. It was not possible to open a quarry where there were no minerals, so, the location of quarries was dictated by geology above all else. The main economically viable deposits of minerals within Edinburgh were concentrated in the western side of the City. Referring to the

presentation, it was possible to see Hillwood Quarry, which was operational, the Edinburgh International Climbing Arena, which was located in the old Ratho Quarry, the former Craig Park Quarry, and Bonnington Mains Quarry. There was also Ravelrig sitting to the south and referring to the plan, there were economically viable deposits of minerals, and it could be seen, this was quite constrained in terms of the geographical footprint.

Policy RS 5 of the adopted Local Development Plan stated that planning permission would be granted for development to extract minerals from quarries identified on the map of the proposals. The LDP specifically identified Bonnington Mains, Hillwood, Ravelrig, and Craigiehall quarries. All four were located on the Western Side of the City. These quarries were regionally important resources and ensured that Edinburgh was served by a local source of construction aggregate. Without them, Edinburgh would be increasingly reliant on imported minerals from elsewhere within the country.

Policy RS5 also stated that development, which would prevent or significantly constrain the potential to extract minerals from sites with economically viable mineral deposits, would not be allowed. Policy RS5 was also reflected verbatim within the relevant policy of the emerging City Plan. The principle of continued mineral extraction at Bonnington Mains was therefore clearly supported by the adopted and the emerging Local Development Plan.

Planning permission for quarrying at Bonnington Mains, including the construction of the asphalt and concrete plants, was initially granted in 1990 and the development commenced shortly thereafter. The quarry currently produced between 300 to 350,000 tonnes of aggregates per annum. It could be seen on this plan, the concrete plant which was constructed in 2021 and that the plant sat approximately 16 metres in height.

Space within the corridors had become limited, to the point where it was becoming a constraint to the ongoing operations. The remaining mineral was located under the overburden which could be seen from the presentation, and also within the base of the quarry under the stocking and processing activities. These constraints were required to be relocated to allow continuing quarrying at the site.

As illustrated in the presentation, the location of the permitted asphalt plant was close to the water treatment lagoons, located where the offices were currently situated. Again, there was insufficient space within the site to develop that aspect of the permitted development. So, the field immediately adjacent to the quarry, south of the access road, was considered to be the optimal location for the relocation of the overburden, which would be within the landscaped bund to the south stocking activities and also the permitted Asphalt Plant.

The proposal would allow the quarry to be developed and for the full reserve to be extracted. Obviously, whilst there were two planning applications, effectively it was one proposal as far as the applicant was concerned. If they were not to develop the field, it was unlikely they would make the changes within the quarry, that were proposed within the Section 42 application.

The planning application for the development of the core, therefore, consisted of one of a number of elements. These were the creation of the landscaped bund, which would screen operations and provide capacity for the excess overcrowding that currently existed, the formation of a processing and stocking yard, freeing up space to develop the base of the quarry and also the construction of the Asphalt Plant. The design of the

plant had changed since the submission in 2017 and this was principally to allow the applicant to utilise reclaimed asphalt, or pavement or wrap, which was a waste material generated from road planing. It was desirable for two reasons, which were it help increase recycling and the sustainability of asphalt products, and also to minimise the requirement for virgin aggregates coming from the quarry.

The Section 42 application principally sought consequential amendments to the layout of the plant site as a result of the field development. New maintenance workshop aggregate storage sheds were shown. A roundabout was also proposed to improve the safe management of all vehicles.

The proposed development before the Sub-Committee had been comprehensively assessed within the planning documentation. The EIA report assessed the development in the context of a variety of environmental considerations, as listed in the presentation, and reference would be made to a number of these.

A landscape and visual impact assessment had been completed by a trained landscape architect and that had been reviewed by the Council's landscape architect. The initial Asphalt Plant Design, following discussions with the Planning Department, had reduced in height from 29.5 metres down to 20.9 metres, so that was a 9-metre reduction. The proposed plant would sit approximately 5 metres taller than the existing concrete plant on site. The site was well screened from local roads, by localised bunding and mature planting. The presentation showing views from Cliftonhall Road and Wilkinson Road as could be seen, were taken during the winter, with limited foliage on the trees.

Where open views existed into the field, bunding and planting were proposed to screen the development and the height of the bund had been designed to screen all of the lower elements of the development, but the applicant acknowledged that the upper elements of the Asphalt Plant would be visible from certain locations. Reference was made to a photograph which was also displayed earlier, which was taken from Winstone Place, and below it was a wireframe of what would be seen if and when the development was to be constructed.

In the foreground, it was possible to see the former Craig Park Quarry which had been partially infilled, this was now the site of the Wave Garden Development which was currently under construction, and it could be seen that there were some blocks and these represented the buildings that would be constructed as part of the Wave Garden Development.

The lower elements of the proposed development were obscured from view by intervening topography and vegetation. The upper elements of the Asphalt Plant were visible within the presentation. It was worth noting, however, that these elements would not break the skyline and sat below the ridge of the barn that sat to the other side of Clifton Hall Road. It was noted that the planning officer's report concluded that the development complied with LDP Policy Des 4 and would not overly impact on the pre-existing landscape character or nearby Identified receptors.

In terms of biodiversity and sustainability, however, the site comprised of arable grassland, quarry workings and broadleaf plantation woodland, which had been planted as part of the quarry development. They had undertaken a comprehensive suite of surveys looking for bats, badgers, otters, water voles, newts, reptiles and birds. The broadleaf plantation woodland, habitat has got the greatest ecological value and extended currently to 2.4 hectares. It was planted in the 1990's as part of the original

quarry mitigation and would be supplemented by 1.3 hectares of additional broadleaf planting, which were contained within this proposal. The arable grassland provided limited opportunities for ecological interests and no significant impacts on ecological receptors had been identified.

Breedon Trading Ltd continued to enhance the biodiversity on their sites where they could, in 2022 put in a variety of bird and bat boxes, including a kestrel box and in 2023, they planted a new hedgerow, 260 metres long, and also additional planting on the southern boundary of the site where gaps in the planting was identified.

Another example of Breedon's work on sustainability was the enhanced rock, weathering, mineral-rich crushed rock which had been spread on agricultural land. This would fertilise the soil, but importantly it could also capture CO₂ from the atmosphere. The CO₂ was captured by rainwater and then carbonised within the mineral, which was spread on the fields and could lock in approximately 0.6 tonnes per every ton of dust that was spread on fields.

Noise had obviously been a topic of conversation at this meeting. The applicant had undertaken a detailed noise impact assessments and these assessments had been subject to discussion and review with Environmental Protection. They initially proposed to amend their noise limits to a standard of 55 at all properties, which, they believed was in compliance with PAN 50 advice.

However, following discussions, they had agreed that they would retain their limits and they had also demonstrated that they could continue to meet those limits. They also demonstrated that they could meet the NR 25 limit which was recommended within a British Standard Note. They acknowledged that objectors had raised noise as a concern, however, their modelling and discussions with Environmental Protection did not support those concerns.

In terms of traffic and transportation, there was no change in terms of the existing access arrangements, and there was no increase in vehicle movements as a result of the proposal, they had permission to operate a plant on the site already and that was assessed in 2017. They operated a right-hand turn only junction, which forced HGV's to turn and travel north towards Newbridge, and the Roads Department had raised no objections.

In conclusion, construction aggregates made an essential contribution to the local and national economies and without them no other development which passed through this committee could be realised. Minerals could only be worked where they were found. Economically viable mineral deposits within the City of Edinburgh were fairly limited and these deposits needed to be worked close to demand, to minimise the environmental impact, associated with haulage. Additional space was required to allow the permitted deposit at the Bonnington Mains Quarry to be worked and for the Asphalt Plant to be constructed.

Permission for the Asphalt Plant at the quarry already existed. The new design increased separation distance from residential properties of Winstone Place and the revised design allowed recycled aggregates to be utilised.

Finally, the EIA report had not identified any significant environmental impacts as a result of the proposed development and the planning officer's report had found the proposal to comply with the Development Plan Policy. No material considerations had

been identified that merited refusal of planning permission. As such planning permission should be granted.

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Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02514/FUL.

Decision 1

Motion

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18.
 - (b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 11.00pm.
 - (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."
- moved by Councillor Osler, seconded by Councillor Ross.

Amendment

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18 (condition 18 as originally worded).
 - (b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 8.00pm.
 - (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."
- moved by Councillor Gardiner, seconded by Councillor Booth.

Voting

For the motion: - 7 votes

For the amendment: - 3 votes

(For the motion: Councillors Cameron, Dalgliesh, Jones, McNeese-Mechan, Mowat, Osler, Ross.

For the amendment: Councillors Booth, Gardiner and Hyslop.)

Decision

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18.
- (b) To amend condition 13 to indicate that the hours of operation shall be restricted from 7.00am to 11.00pm.
- (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."

Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02513/FUL.

Decision 2

Motion

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) An additional condition that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations.
- 3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site.
- 4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policies Env 10 and Des 4(a).

- moved by Councillor Gardiner, seconded by Councillor Osler.

Voting

For the motion: - 6 votes

For the amendment: - 4 votes

(For the motion: Councillors Booth, Cameron, Jones, McNeese-Mechan, Mowat and Ross.

For the amendment: Councillors Dalglish, Hyslop and Gardiner Osler.)

Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) An additional condition that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations.
- 3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site.
- 4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am.

(Reference – the report by the Chief Planning Officer, submitted.)

3. Salamander Street/Bath Road, Edinburgh

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 was under consideration but not finalised. As the legal agreement had taken slightly longer to conclude, the application was required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement again. If Committee accepted the recommendation, then a further three months was 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 had been adopted by Scottish Ministers on 13 February 2023; it therefore was now part of the development plan against which these development proposals should be assessed.

NPF4 designated Edinburgh Waterfront as a National Development in which this site sits. It stated that this national development supported the regeneration of strategic sites along the Forth Waterfront in Edinburgh and was a strategic asset that contributed to the city's character and sense of place and included significant opportunities for a wide range of future developments. It continued that development would include high-quality mixed-use proposals that optimised 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 required to be considered by a pre-determination hearing.

The application was for planning permission in principle for the 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 at Salamander Street/Bath Road, Edinburgh - application no. 21/01163/PPP.

(a) Report by the Chief Planning Officer

The proposal was for an application for Planning permission in principle (PPP) for residential development with commercial space and associated works. It comprised the demolition of the existing buildings and the redevelopment of the site for a mixed use development for mainly residential purposes of approximately 247 units and some commercial uses which include classes 2, 3 and 4, with associated car parking and landscaping.

The applicant was applying to have the following matters considered and approved in detail:

- Maximum extent of building lines of the proposed blocks including positioning of blocks and internal spaces between buildings;
- Internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout;
- Surface water and drainage arrangements;
- Landscaping/soft landscaping layout and design;
- Maximum building heights;
- Proposed ground site levels and finished floor levels and
- The proposed uses (including location) to include mainly residential, with some classes 2, 3 (restricted - no cooking of hot food on the premises) and 4.

Detailed drawings had been submitted, some of which were indicative, to demonstrate how the proposals would fit onto the site. These showed the development as comprising of eight blocks, separated by landscaped courtyards. The blocks would range from three storeys to six storeys in height. The proposal was shown to be developed over three phases.

The proposed commercial uses of class 2 and 3, and 4, would give a total of 1,828sqm of commercial space.

The proposed vehicular accesses to the site are from Salamander Street to the south and Bath Road to the west. The main vehicular route within the site is along the north and east boundaries which provided access for resident parking, emergency vehicles and waste services.

The proposals had been designed to accommodate a dedicated cycle route along Salamander Street to meet the council's aspirations for a dedicated cycle route connection between Leith and Seafield.

A total of 59 car parking spaces were proposed. This would be provided in underdeck parking with 14 spaces under block A and B, 22 spaces under block E, and 23 under block H. Of these, six would be accessible, and ten would have provision for electric vehicle charging points. A total of six motorcycle parking spaces were proposed. The proposal would make provision for approximately 530 cycle parking spaces throughout the site.

Amenity space was to be provided in the form of decked amenity areas, raised courtyard areas and ground level spaces. These areas comprised three areas of block paving with bioretention/rain garden planting, and two blocks had grassed areas in addition to planting. Private gardens surrounded the raised landscaped courtyards giving ground floor apartments defensible space with their own gardens. Duplex private gardens faced the northern lane.

No detailed elevational design has been submitted at this stage.

The following documents have been submitted in support of the application:

- Air Quality Assessment and Air Quality Note;
- Affordable Housing Strategy;
- Daylight, sunlighting analysis report;
- Flood risk assessment;
- Landscape strategy;
- Part 1 ecological appraisal;
- Letter of support from Port of Leith;
- Lighting assessment;
- S1 Sustainability form;
- Surface Water Management Plan;
- Transportation Statement;
- Bat survey;
- Tree report;
- Desk top study and ground investigation report;
- Noise Impact assessment;
- Design and Access Statement;
- Drainage/ SUDS/ SWMP report;
- Existing utility report;
- Heritage Statement;
- PAC report;
- Letter of support of Port of Leith Housing Association;
- Preliminary archaeological appraisal; and

- Flood risk certificate and independent flood check certificate.

Scheme 2

The following changes had been made to the initial submission:

- The linear buildings fronting on to Salamander Street had been reduced from four to three storeys;
- The area of the building adjacent to the existing tenement on Salamander Street had been reduced from four to three storeys;
- The seven storey height had been retained at the two courtyard buildings but been set back from the south façade on to Salamander Street;
- The central massing onto Salamander Street had also been reduced to from the three/four storeys to two storeys;
- The courtyard building was connected to the north to resemble a 'U-shape' with a greater opening to the south;
- Removal of the vehicular access in the middle of the site which was now a pedestrian/cycle route with landscaping;
- Removal of some on-street car parking for other pedestrian routes and more landscaping;
- Increase in amenity space;
- The Salamander Street frontage included landscaping and
- Reduction in car parking from 112 to 91 spaces.

Scheme 3

The scheme had been revised further with the following revisions:

- Seven storey elements removed and overall reduction in unit numbers (from 285 to 247)
- Residential apartments added facing the northern lane giving it more of a domestic street character and an element of security.
- Direct access to these apartments is proposed off the northern lane.
- Increase in private gardens and number of residential entrances along the northern lane.
- The range of residential typologies is increased with the addition of duplex units.
- Increased number of family units.
- Increased number of apartments, and now duplex, with private gardens.
- Levels across the centre of the site lifted to accommodate new residential use results in more shared landscaped amenity space.
- Overall amount of public and private landscaped space across the site increased.
- Extent of active frontages increased.
- All apartments, duplex and shared landscaped amenity spaces are accessible.

- Relationship with the existing tenement improved.
- Parking numbers reduced, and undercroft parking removed and
- Commercial space along the full Salamander Street frontage with returns at Bath Road and the eastern return lane.

The increase in levels across the site was proposed to satisfy the objections from SEPA who require finished floor levels of proposed residential accommodation to be above 5.6m AOD.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Leith Harbour and Newhaven Community Council

Jennifer Marlborough addressed the Development Management Sub-Committee on behalf of Leith Harbour and Newhaven Community Council. They had been looking at this development for over 2 years. This application had been approved in December and they thought it was concluded, but they only very recently heard about the application being considered. They stood by many of the comments that they made when they originally objected to the application. Also, they were involved in the consultation in 2021. Their greatest concern related to aspects of the development in relation to NPF4. There were proposals for having windows closed permanently, with some ventilation, but this was not a good idea. This was because of the noise that was emanating from outside. There was also the close location of Seafield Plant, with odours and a considerable amount of ongoing industrial work. This development was quite claustrophobic and unsuitable for families. The other area of concern was the cycle path, which was going to be located on Salamander Street, where it was hoped to have low emissions, but this was a major traffic route. There was a large amount of heavy transport, consequently, any apartments on that site would have to deal with noise, traffic emissions and would not be able to open windows. This development should not be in this location. The pavement had been narrowed to accommodate a cycle path. But there was also Leith Connections developing a phase 3 and they would also have a cycle path on the other side of the road. If the cycle paths were diverted, rather than having them on a main road, that would be beneficial. However, she was unsure if this would come under this remit.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillor Faccenda

Councillor Faccenda addressed the Sub-Committee, indicating that she was fully in support of both the local Community Councils. She had read the reports, especially in the context of NPF4, and did not think that this created a better place to live. This was a newly designated area of the Waterfront, however, this proposal created physical barriers to the Waterfront and removed the sense of Edinburgh being in proximity to the water. The principles of NPF4 should be applied. There were other developments that

brought high density housing, there was little sense of place or community and although building on greenbelt land should be avoided, could existing buildings not be re-purposed? The proposals were inconsistent with Policy 14 in NPF4, on livable places. There should be welcoming places with space being connected to wellbeing. With over 200 units in 1.4 hectares, there would be an even denser development than the ones which already existed. Also, with an increased number of family units, there would be children crossing a busy road to get to local schools. It was unacceptable to build family homes where the air quality was poor and there was noise pollution, in this area, which was hard to measure. Developments such as this showed the inequality of how planning regulations could be applied and how the multi layers of different development plans could make priorities quite complex. Promises of greening of Leith had resulted in drawings of tree filled boulevards, which did not reflect reality. In the context of formal industrial areas, high density housing was not the solution. There was already disquiet in the community about tall buildings. She would like to see more alternatives to building barriers that detached the community from the coastline.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Being unable to attend the meeting, a statement was submitted by the agent (Ryden LLP) on behalf of the Applicant, John G Russell Transport Ltd in support of the application.

The Applicant had considered the content and recommendations set out in the Report to Committee and was content to rest on that support for this application. This proposal had of course been before Members already (7th December 2022) when the Committee unanimously supported the recommendation from the Chief Planning Officer and moved to grant permission subject to completion of a S75 Agreement. The current report again recommended this application be approved, subject to conditions and the completion of a S75 Agreement.

We could confirm the Applicant's agreement to coordinate with the council to complete the S75 Agreement as proposed and took no issue with the provisions therein.

The current Report to Committee updated from the previous assessment by providing a review against the provisions of NPF4. It concluded that the proposal broadly complied with that part of the development plan and where there were perceived opportunities to enhance that compliance, those measures would be better addressed through the detailed planning process.

The site was brought forward by way of PPIp application against the background of the allocation within the adopted LDP 2016. That same allocation was maintained through the current City Plan 2030 – Proposed Plan, which was now at Examination. The Applicant followed this particular planning process as a means of providing some parameters and clarity to inform a future marketing process. They were not a developer and as such did not feel it was appropriate to seek to deliver the details which would be required before development could be realised at this site.

The application was originally lodged some 2 plus years ago and long before NPF4 was a material consideration. Nevertheless, it was always intended that this site could deliver an exemplar of sustainable placemaking and design and where the planning authority or Members feel there was room to further enhance those credentials that would be appropriately addressed through the subsequent detailed planning process.

To reaffirm and considering the opportunity from a sustainability perspective, a range of passive measures were proposed to reduce the demand for energy including Heat Recovery Technology. This specific measure would also improve air quality for occupants whilst recovering heat from the extract ventilation system. Reduced energy consumption was proposed including an electric air source heat pump system, 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) were also proposed and perhaps most importantly, the proposal had been designed with maximum flexibility to allow for future changes in technology, enabling a district heating scheme, or connection to a larger city-wide scheme.

There was a limited element of car parking provided at this stage and that it envisaged to primarily cater for EV and car club spaces. The cycle parking was currently provided at circa 200% of LDP policy/guidance requirements.

A new cycle connection was designed into the scheme along the Salamander Street frontage and the design accommodated a number of pedestrian routes through the site.

The non-residential spaces at ground floor were considered to provide a suitable mix to encourage local business/commerce and potentially, community use. This activated all frontages at ground floor and contributes to community wealth building.

In essence, this application sought to agree the principle of residential-led, mixed use development at a site designated for such uses in both adopted and emerging LDPs. In doing so, the design team had sought to demonstrate how such a development might be realised.

NPF4 became part of the development plan in February this year. The current proposal accorded with the provisions of that policy document. Whilst it was acknowledged that this proposal was conceived and evolved prior to NPF4 becoming a material consideration, any perceived opportunities to further enhance the proposal's credentials against that document would be advanced at the detailed planning stage.

Against this background, the Applicant urged the committee to support this application in line with the assessment and recommendations of the Chief Planning Officer.

Decision

To **GRANT** planning permission in principle subject to:

- 1) The conditions and reasons as set out in section C of the report by the Chief Planning Officer.
- 2) The following informatives:
 - (a) The developer gave consideration to a whole building environmental system for the apartments facing Salamander Street.

- (b) The eastern elevation treatment respected the significance of the route between Leith Links and North Leith sands which formed part of Leith Urban Side Framework.
- (c) The developer gave consideration to the retention of the large warehouse for business usage.

(References – the Development Management Sub-Committee of 7 December 2022 (item 2); report by the Chief Planning Officer, submitted.)

4. 27 Arthur Street, Edinburgh

Details were provided of an application for the demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking at 27 Arthur Street, Edinburgh - application nos. 22/06119/FUL and 23/00174/CON.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Motion

- 1) To **GRANT** planning permission subject:
 - (a) To the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
 - (b) An additional condition that prior to the commencement of works on site, further details of the cycle parking should be provided for approval by the planning authority, for the avoidance of doubt, the cycle parking should be in accordance with the councils approved cycle fact sheet C7 and installed thereafter.
- 2) To **GRANT** conservation area consent subject to:
 - (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
 - (b) An additional condition that prior to the commencement of works on site, further details of the cycle parking should be provided for approval by the planning authority, for the avoidance of doubt, the cycle parking should be in accordance with the councils approved cycle fact sheet C7 and installed thereafter.

- moved by Councillor Osler, seconded by Councillor Jones

Amendment

- 1) To **REFUSE** planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.
- 2) To **REFUSE** conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.

- moved by Councillor Booth, seconded by Councillor Dalgleish

Voting

For the motion: - 4 votes

For the amendment: - 6 votes

(For the motion: Councillors Cameron, Jones, Mowat and Osler.

For the amendment: Councillors Booth, Dalgleish, Gardiner, Hyslop, O'Neill, and McNeese-Mechan.)

Decision

- 1) To **REFUSE** planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.
- 2) To **REFUSE** conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.

(Reference – report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by Vita Group for Proposal of Application Notice At Land East of Sibbald Walk, Edinburgh</p>	<p>Erection of mixed-use development comprising student accommodation, affordable housing and commercial/community uses with associated landscaping, infrastructure, and access arrangements - application no. 23/01777/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – 27 Arthur Street, Edinburgh, EH6 5DA</p>	<p>The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 22/06119/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.</p> <p>(On a division)</p>
<p>4.3 – 27 Arthur Street, Edinburgh, EH6 5DA</p>	<p>The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 23/00174/CON</p>	<p>To REFUSE conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.</p> <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.4 – 17 George IV Bridge, Edinburgh, EH1 1EE</p>	<p>Change of use from Class 4 office to aparthotel (serviced apartments only) to be operated and managed as one business. Internal alterations 55 - 66 Development Management Sub-Committee - 7 June 2023 Page 4 of 7 include removal of internal walls /partitions erection of new walls /mezzanine floors insertion of roof lights, dormer windows, roof terrace refurbishment of external features including windows, doors, commemorative plaques (as amended) - application no. 22/05285/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p> <p>Note: the legal agreement for the tram contribution was not required as per the note from the Chief Planning Officer.</p>
<p>4.5 - 117 - 145 Pitt Street & 9 Trafalgar Lane, Edinburgh, EH6 4DE</p>	<p>Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use- application no. 21/05861/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. 2) An additional informative that the applicant should engage with the planning authority as to the suitable location of the provision and delivery of car club spaces and vehicles within the area and that transport officers would meet the relevant transport officers and decide on the appropriate location.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.1 - Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - application nos – 22/02514/FUL and 22-02513/FUL</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge</p>	<p>Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application no. 22/02514/FUL</p>	<p>To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:</p> <p>(a) To accept conditions 2, 15 and 18.</p> <p>(b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 11.00pm.</p> <p>(c) To amend condition 16 to: “Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road.”</p> <p>(On a division.)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.3 - Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge</p>	<p>Development of field for ancillary quarrying operations - application no. 22/02513/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> (1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. (2) An additional condition that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations. (3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site. (4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am. <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.4 - Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ - application no. 21/01163/PPP</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.5 - Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ</p>	<p>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 - application no. 21/01163/PPP</p>	<p>To GRANT planning permission in principle subject to:</p> <ol style="list-style-type: none"> 1) The conditions and reasons as set out in section C of the report by the Chief Planning Officer. (2) The following informatives: <ol style="list-style-type: none"> (a) The developer gave consideration to a whole building environmental system for the apartments facing Salamander Street. (b) The eastern elevation treatment respected the significance of the route between Leith Links and North Leith sands which formed part of Leith Urban Side Framework. (c) The developer gave consideration to the retention of the large warehouse for business usage.