

# Development Management Sub Committee

**Wednesday 25 September 2019**

## **Application for Approval of Matters Specified in Conditions 19/00986/AMC**

**At 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**

**Item number**

**Report number**

**Wards**

B13 - Leith

### **Summary**

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The principle of housing led mixed use development is supported and is in accordance with the Edinburgh Local Development Plan, the outline planning permission and the Revised Development Framework. The proposal will contribute to the wider regeneration of the area.

The proposal provides an acceptable perimeter block layout that links into the wider area, the design, scale, height and density are appropriate for the location with adequate open space and landscaping provided. The proposals will provide an acceptable level of amenity for existing and future occupants. There are no unacceptable issues in relation to transport measures.

Concerns have been raised in relation to noise pollution from the existing industrial and port uses. However, the principle of housing development is acceptable at this location and forms part of a longstanding proposal with any noise implications deemed acceptable subject to mitigation.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non-Statutory Guidance.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN08, LEN13, LEN14, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET05, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LRS06, NSG, NSGD02, NSOSS,

# Report

## **Application for Approval of Matters Specified in Conditions 19/00986/AMC**

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#### **Recommendations**

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

#### **Background**

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##### **2.1 Site description**

The site covers approximately 7.2 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 site stretching from Sandpiper Road at the south to Western Harbour Drive at the north.

To the south and the west of the site are existing flatted residential schemes, some blocks have recently been completed. 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 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.

##### **2.2 Site History**

1 July 2002 - outline permission granted for a mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements.

A condition attached to this consent required the approval of a detailed design brief prior to the submission of reserved matters or detailed proposals. The brief was required to set out general urban design principles and include more detailed urban design frameworks for individual areas (application reference: 01/03299/OUT).

8 September 2004 - The Western Harbour Masterplan Design Brief was approved. This included a masterplan (referred to as the Robert Adam Masterplan) and addressed issues such as car parking, landscape, key open spaces, character description, block detail studies, sustainability, wind studies and daylighting.

3 March 2009 - planning permission was granted to extend the period of time for the approval of reserved matters under planning permission 01/03229/OUT for a further 10 years (application reference: 09/00165/OUT).

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).

### **Adjacent sites:**

A number of applications have been submitted and built out. Initial phases of development included Platinum Point and the Asda superstore. More recently, 455 affordable homes have been built using National Housing Trust funding at the junction with Lindsay Road at the southern part of the wider masterplan site.

27 February 2019 - application submitted on land to the west for the approval of matters specified in condition 2 of planning permission 09/00165/OUT for a proposed park (application reference: 19/01040/AMC). Not yet determined.

14 August 2019 - permission minded to grant land to the southwest of the site for a new Victoria Primary School and nursery and associated playground spaces (application reference: 18/10570/FUL).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks to primarily deal with a number of matters specified in condition 2 of outline planning permission 09/00165/OUT. The matters specified in condition 2 include siting, design and height of development including design of all external features and materials, design of public and open spaces, sustainability, access and road layouts, car and cycle parking, footpaths and cycle routes, boundary treatments hard and soft landscaping details, ground levels, services, structures, planting details, maintenance, the nature of any infill material and remediation for any landfill gases.

Information has also been submitted to deal with other more general conditions on the outline permission. In summary, these are:

- Condition 3 - Levels and earthworks
- Condition 4 - phasing of landscaping
- Condition 9 - surface water disposal arrangements
- Condition 10 - operations in accordance with SEPA's guidelines.
- Condition 13 - Biodiversity, sustainability, climatic conditions and allow for the provision of small business properties.

The proposal is for residential-led mixed-use development comprising 938 residential units and 13 commercial units covering 1445 sqm floorspace.

The commercial units are proposed to be either Class 1 (Shops), Class 2 (Financial, professional and other services), and/or Class 4 (Business). The proposals also identify six of these units (808 sqm) that could also potentially be used for Class 3 (Food and Drink) use.

An additional standalone 970 sqm class 2 use is also proposed, with the potential for it to be used as a health centre.

The proposed development is split into eight perimeter blocks, which are all set around communal garden areas. Overall there are 382 x one bedroom units, 372 x two bedroom units and 184 x three bedroom units. The design, height and elevation treatment of the blocks varies depending on the location within the site.

#### General Layout:

The eight blocks are laid out as perimeter blocks set around central communal gardens. Six of the blocks include the communal gardens on a raised deck at the first floor level. The remaining two plots (O1 and I) have communal space at the ground level.

The configuration of the streets continues that of the previous masterplan. The four southern blocks respond to the existing residential areas and the existing roads of Windrush Drive, Sandpiper Drive, Sandpiper Road and Glenarm Place. The four northern blocks 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. No vehicular access is proposed on the southern part of Park Crescent adjacent to the proposed primary school.

The proposal seeks to improve the existing cycle path along Sandpiper Drive. The cycle path then continues along the western side of the proposed Central Street and will also link into the proposed park to the west.

#### Design and Materials:

A holistic approach is taken to the design of the proposal with the approach to the elevations of the blocks dependent on the location within the site. The site has been broken into three zones, Central Street, Park Crescent and Shared Streets.

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 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 three 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.

#### Parking:

The application provides a total of 570 parking spaces across the site, 440 are concealed below the residential garden decks with the remaining 130 spaces to be provided on street. This includes 46 accessible spaces and 96 electric vehicle charging points. Six of the spaces are proposed for the car club. A total of 2,081 cycle spaces are proposed.

#### Individual Plots:

Plot P1 contains 119 units split in into 52 x one bedroom unit, 61 x two bedroom units and 29 x three bedroom units. It contains a courtyard of 2000 sqm of open space and 76 undercroft car parking spaces.

This is located at the south of the site adjacent to the existing residential development. Heights vary from three to five storeys, with the five storeys located on the outward areas and the three and four storey blocks located on the side streets.

Plot P2 contains 137 units split into 53 x one bedroom units, 57 x two bedroom units and 27 x three bedroom units. It contains a courtyard of 3200 sqm of open space and 105 undercroft car parking spaces.

This is located at the southern part of the site adjacent to the existing Asda supermarket. Seven ground floor commercial units (totalling 910 sqm) are proposed fronting onto Sandpiper Drive. The proposed health centre is also located on the northern corner of the block.

The height ranges from four storeys on the Sandpiper Road elevation and the proposed western internal street, with five and six storeys proposed along the Sandpiper Drive elevation, with the health centre proposed to be two storeys. Five storeys are proposed on the northern elevation.

Plot O1 contains 70 units split in into 28 x one bedroom units, 25 x two bedroom units and 17 x three bedroom units. The Sandpiper Drive elevation is five storeys high, with the northern elevation four storeys and the southern elevation three storeys. This plot does not contain a landscape deck, with 800 sqm of open space provided at the ground floor level.

Plot O2 contains 116 units split in into 51 x one bedroom units, 43 x two bedroom units and 22 x three bedroom units. It contains one 95 sqm ground floor commercial unit. It contains a courtyard of 1400 sqm of open space and 52 undercroft car parking spaces.

This plot is located to the south of the proposed park and to the east of the proposed primary school. The two primary elevations are five storeys, with the side elevations four storey in height.

Plot N contains 112 units split in into 54 x one bedroom units, 38 x two bedroom units and 20 x three bedroom units. It contains a courtyard of 1500 sqm of open space and 43 undercroft car parking spaces.

This contains three commercial units covering 295sqm which are located on the park corner next to a small pocket play area. The height of the buildings range from four storeys on the Central Street elevations to five and six storeys on the Park Crescent elevations.

Plot K contains 126 units split in into 52 x one bedroom units, 50 x two bedroom units and 24 x three bedroom units. It contains a courtyard of 1900 sqm of open space and 76 undercroft car parking spaces. The Central Street elevations are five and six storeys, the Park Crescent elevations are six storeys and the shared street elevation is three storeys.

Plot I contains 116 units split in into 47 x one bedroom units, 48 x two bedroom units and 21 x three bedroom units. The block contains two commercial units covering 145 sqm on the Central Street. The Central Street and park street elevations are both six storeys in height. The shared side streets are three storeys in height. This plot does not contain a landscape deck, with 1300 sqm of open space provided at the ground floor level.

Plot G contains 142 units split in into 52 x one bedroom units, 61 x two bedroom units and 29 x three bedroom units. It contains a courtyard of 2700 sqm of open space and 88 undercroft car parking spaces. The central street and park street elevations are both six storeys in height. The shared side streets are four storeys.

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

**Supporting Documents:**

- Design and Access Statement;
- Daylight and Sunlight Report;
- Sustainability Statement;
- Transport Statement;
- Flood Risk Assessment;
- Surface Water Management Plan;
- Phase 1 Habitat Survey;
- Confirmation of the Infill Material; and
- Risk Assessment Report and Remedial Strategy.

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

### 3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the development complies with the planning permission in principle;
- b) the details of the development are acceptable;
- c) there are any other material considerations; and
- d) the representations have been addressed.

#### a) Principle

The Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed use development. It is identified as Proposal EW1a in the Edinburgh Local Development Plan (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:**

The site has outline planning permission (now referred to as planning permission in principle or PPP) for up to 3000 homes in total and other uses including retail, office and open space. This was first granted in 2002 (planning application 01/03229/OUT) and then extended in 2009 (planning application 09/00165/OUT).

The proposed 938 units aligns with the outline and the aspirations of the LDP in terms of being housing led development in this location. Housing development within the outline permission, either approved, completed or expected equates to 2062 leaving the proposed 938 units within the 3000 figure.

Affordable Housing has stated that the delivery of affordable housing through Port of Leith Housing Association at sections R2 (102 homes) and S2 (111), and R1 (96) delivered through the National Housing Trust, along with a further 138 homes at R3 and S1 currently under construction, ensures that the number of affordable homes (447) exceeds the AHP requirement for the Masterplan area. Therefore, there is no requirement for this application to deliver affordable housing as the requirement has been met under the terms of the outlying agreement covered in the masterplan.

The proposed uses, block structure and hierarchy of development follows that within the Revised Design Framework, which dealt with conditions 5 and 6 in the outline permission, and the general framework set out in the LDP.

### **Other uses:**

The LDP Proposals Map identifies the area adjacent to the existing Asda store as proposal S3 for a new local centre as part of the overall regeneration of the area, which has been partly implemented by the superstore.

The proposal provides seven units adjacent to the superstore. The units allow for a total of 910 sqm, 401 sqm can be used as Class 1, 2 or 4 and 509 sqm can be used for Class 1, 2, 3 or 4. Alongside the site for the potential health centre, the proposed location of these units meets the requirements of the LDP and the mix of use classes will allow for appropriate local centre uses to come forward, including small business units.

The additional proposed commercial units have been placed in locations either adjacent to the park or along the central street. These will allow the opportunity for additional uses to come forward and add diversity to the proposed housing.

The proposals should also comply with the Revised Development Framework. This set out indicative locations for class 1, 2, 3 and 4 uses. The proposed development generally follows these locations.

Economic Development estimate that the commercial space could potentially support between 74 and 99 FTE jobs and between £1.61 million and £5.77 million of GVA per annum (2016 prices). It is also estimated that expenditure by new residents of the development could support 114 FTE jobs and £4.59 million of GVA per annum (2016 prices).

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 Revised Development Framework.

## b) Acceptability of the Details

### Layout, Design, and Scale:

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 character of the area is one of ongoing regeneration with a number of new flatted developments recently completed to the south of the application site. The layout of these dictate the pattern of the roads for the southern part of the site. The proposed development links in with these streets.

The proposal establishes a perimeter block urban form, as set out in the LDP development principles and then refined in the RDF.

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 incorporation of ground floor commercial uses on Sandpiper Drive will create activity onto this main frontage. The inclusion of other commercial units within the development will also enliven parts of the site, such as adjacent to the park. Elsewhere throughout the development, the building's frontages incorporate entrances and areas with small landscaped buffers, these alongside the use of small pocket parks and street trees will create an attractive townscape and safe environment to move through.

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. The site has been split into three character zones and the proposed design of the buildings are dependent on their location.

The design of the Central Street elevations are relatively simple with ordered fenestration, using grey uPVC windows to match any metal work. Various proposed brick colours consisting of a mix of red, brown, grey and buff tones 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.

The Park Crescent elevation also uses brick and has ordered fenestration. Details such as rusticated brickwork at the ground level, use of pre-cast wind surrounds and metal infill panelling all add interest and variance to the elevational design. Buff coloured bricks are proposed along this stretch of the development to 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.

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 profiled brick, render 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.

Where commercial units are proposed, they are integrated into the design of the blocks alongside integrated bin and cycle stores. The health centre is shown as a two storey brick clad building with large glazed elements, which continues the aesthetic of the wider scheme. This links into the proposed local centre.

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. A condition for material samples is recommended.

In terms of housing mix, 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 proposals contains 184 units (20%) with three bedrooms. The internal floor areas comply with the recommended minimum sizes in the design guidance. The mix and size of house types are acceptable in the context of Policy Hou 2 (Housing Mix).

The Edinburgh Design Guidance recommends that no more than 50% of the total units should be single aspect. The proposal contains less than this at 48%.

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 parameters plan associated with the outline permission indicated heights of up to nine and ten storeys across most of the site. The RDF sets out that the southern blocks should have a range of three to five storeys, aside from the local centre block rising up to six. The central part of the site should generally be between four and six storeys.

The proposed heights generally comply with those set out in the RDF. With lower heights located adjacent to the existing buildings and largely six storeys within the central area. The secondary frontages on the shared streets are generally three and four storeys, this breaks up the general massing of the blocks.

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. Although this variation is not as articulated as the illustrative proposals in the RDF, it does still provide variation.

It should also be noted that there are further phases of development to come forward on the vacant land next to the harbour, with scope for higher buildings up to eight storeys in the northern part of the Western Harbour as identified in the RDF.

The height of the proposals comply with those within 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. As the application is within the same height envelope then this proposals accords with that conclusion.

In terms of local views, from the east of Ocean Terminal, northwest of Chancelot Mill and from the Melrose Drive Junction to the south, the impact will be minimal given the existing developments in the area and the fact that it is a long-term regeneration area.

The density of the proposal is 130 dwellings per hectare (dph) when comparing the number of units 938 against the total site area of 7.2 hectares without discounting the other proposed uses within the site. 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.

### **Open Space and Landscaping:**

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 to be flatted. Each of the blocks has a rear courtyard area, either at first floor level above the car parking or at the ground floor level. The level of communal open space provided within each plot is in excess of the 10 sqm pre flat requirement. A number of the properties are also provided with balconies. It should also be noted that the proposal is also close to the proposed Western Harbour Park and the existing Lighthouse Park.

The communal spaces have been designed for a range of uses with open green space for recreation alongside areas of seating and raised beds to enable future residents to grow produce. 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 to through the use of buffer planting.

The outline permission 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 planting is provided within the public realm, with both the Central Street and Park Crescent lined with street trees. The trees on Park Crescent are staggered in sections to break up the road and on-street car parking. Further trees and planting are provided throughout the site.

Within the development there are a number of small areas described as pocket parks which are created within the breaks between the blocks. These spaces will either have a play, sculpture or green character and will add interest and areas for activity within the development.

There are four existing trees along Sandpiper Place. A tree protection plan has been submitted providing details of how the trees will be protected during the construction stage. A condition is recommended to ensure that this takes place.

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.

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.

### **Privacy, Daylighting and Sunlighting:**

A Daylight and Sunlight Assessment has been submitted using the methodologies outlined in the Edinburgh Design Guidance and the BRE Guide.

Vertical Sky Component (VSC) modelling has been used to demonstrate if there would be any impact on the existing buildings opposite the site from the proposed development.

The study shows for the properties facing the site at Sandpiper Drive that the windows will be above the recommended 27% or 0.8 of its former value as set out in the Edinburgh Design Guidance.

The VSC modelling for the adjacent Glenarm Place elevation shows that the majority of the windows are also above the 27% or 0.8 of its former value. However, there are four windows that do not meet recommended levels. One of these is a secondary living room window in a gable which is not protected. Another at the first floor level is also a secondary living room window. The remaining two are at ground floor level, with the original plans indicating one room is a bedroom and the other a study. The VSC figures for these two are 19.00 and 18.37, when considered against the 0.8 of its former value figures 19.59 and 20.64 respectively these are relatively low failures. In an urban area where the LDP expects high density development, such an infringement is acceptable.

VSC modelling has also been undertaken for the proposed development. This shows that the majority of the rooms met the VSC requirement. Where the results were less than 27%, further Average Daylight Factor (ADF) analysis has been undertaken.

The results from the ADF calculations show that all the rooms comply with the Edinburgh Design Guidance except for 18 open plan living room/ kitchens. Although they do not achieve an ADF level of 2%, they do achieve an ADF level of greater than 1.5% which is the requirement for living rooms. Overall, this will provide an acceptable level of amenity for the future occupiers.

### **Overshadowing:**

Sun path analysis during the 21st 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.

### **Privacy Distances:**

The distances from proposed plots P1 and P2 to the flatted developments to the south of the site across Sandpiper Road are between 16 and 18 metres. The distance from plot P1 to the existing housing on Glenarm Place is approximately 16m. Between plot O2 to the proposed primary school to the west there is an elevation to elevation distance of 33 metres. These are all acceptable distances for an urban area.

There are generally good separation distances between the proposed blocks within the development, with a range of 16 to 20 metres provided. The internal shared streets are mostly 16 metres, 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 generally quite generous.

In terms, of daylight, overshadowing and privacy the proposals will provide for an acceptable level of amenity for a relatively high density urban development with only some minor infringements on daylighting arising from the development.

## Transport Matters

### **Access, road layouts and alignments and servicing:**

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 submitted Transport Statement indicates that the crossroads will require upgrading. The Roads Authority response notes that this will need to be upgraded prior to the first occupation of any plot north of this junction and this should be secured through legal agreement.

No analysis of trip generation was required as part of this AMC application as it is tied to the outline permission, where the principle of this level of development and subsequent generated trips have previously been agreed. The outline permission required the Newhaven Place junction to be signalised to facilitate access to the development and mitigate the trips generated by this level of development. This signalisation has been carried out. The Council's LDP Action Programme also identifies improvements to other junctions within the vicinity of Western Harbour, but there is no scope to require contributions through this application.

As considered previously, the site layout follows the perimeter block established in the previous masterplan, LDP and RDF.

The main Central Street running through the site has been designed to seven metres wide to allow for buses, with raised tables and crossings to manage traffic speeds. The Roads Authority has recommended a condition in relation to the proposed crossings.

The existing Lothian bus service No. 10 enters Western Harbour from the Lindsay Road Junction, travels along Sandpiper Road and along Western Harbour Drive to a turning feature. The applicant has been in discussions with Lothian Buses regarding a possible alteration of this route through the proposed development. Such discussions will take place when the proposal is at a more advanced stage and no decision has been taken on this.

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. The end-on parking configuration has been developed to help manage traffic speeds through horizontal traffic calming.

The RDF showed Park Crescent continuing at its southern end as a road linking back to Western Harbour Drive. This leg has been removed from the proposals and instead contains a footpath / cycle path link in its place. Discussions have taken place between the applicant and the Roads Authority. The change from the RDF position is a positive alteration as it avoids the primary school site being surrounded by roads on all sides, it will help to discourage vehicle drop offs (the entrance to the school site is from the north) and will also allow for safer movement from the school through to the park.

Taking access from the Central Street will be shared use streets, which have been designed to prioritise pedestrians and cyclists. Various surface treatments and block paving will be introduced to reinforce this.

Swept path analysis for a 13 metre vehicle has been provided. Waste Services has stated that they have been in contact with the applicant and the proposals adhere to its guidance.

The access and road alignment are acceptable and provide sufficient information to deal with the approval matters. The Roads Authority has indicated that some issues may need further design work, but these can be adequately dealt with through the Road Construction Consent process.

### **Footpaths 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 improvement should be secured by a legal agreement. 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 the Edinburgh Street Design Guidance with continuous footways at side street junctions, floating bus stops and cycle friendly crossing points.

The proposal will link through 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.

### **Car and cycle parking:**

LDP Policy Tra 2 (Private Car Parking) states planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. The supporting text to Policy Tra 2 sets out that a purpose of the policy is to generally fulfil the wider strategy of encouraging sustainable, non-car modes.

The 2017 EDG parking standards permit a maximum of 1028 car parking spaces for the mix of uses proposed. The proposal contains a total of 570 spaces, 440 off-street and 130 on-street. This is parking provision of approximately 60% of the maximum allowed.

Included in this are 46 accessible spaces proposed, which is 8% and in line with the standards and also 96 spaces equipped for electric vehicle charging (which equates to 1 in 6, as per the standards). There are also 39 motorcycle spaces proposed.

The applicant has justified the level of parking through a vehicle parking accumulation assessment which suggested a maximum parking requirement of 563 spaces. The Transport Statement also states that a survey was undertaken showing 70% car ownership in the area. A number of mitigation measures are proposed by the applicant, these include:

- De-coupled car parking with off-street spaces de-coupled from the dwellings and offered on a first come/first served basis with properties not marketed with including a parking space.

- Six city car club spaces are proposed within the development to offer an alternative to car ownership (an informative is recommended to this effect).
- The applicant also notes that the site benefits from good bus services to the city centre, with the site being within 400m of the bus service.
- The provision of the tram in the area, with a stop planned adjacent to Newhaven Place near to the site.

The Roads Authority has also noted that the Council is undertaking a strategic review of parking across the city and that this area will be monitored closely in the immediate years after completion of the tram to understand if and where parking controls are required.

The parking levels proposed are within the Council's standards and the site is in an accessible location with good access to public transport.

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

A minimum of 2,081 spaces are required in total for the various proposed uses. A total of 2,154 spaces are provided. The cycle parking is predominately provided within secure communal stores within the residential blocks or at accessible locations within the undercroft car parking areas. This is mostly in the form of two-tier racks alongside Sheffield stands to provide parking for non-standard bikes.

On-street parking is also provided in the form of Sheffield stands for non-residential uses and visitors. These are located in well overlooked areas.

The cycle parking complies with the Council's standards.

Transport matters have been adequately dealt with, subject to conditions and a legal agreement.

#### c) Other Material Considerations:

##### **Noise and Odours:**

Condition 11 of the outline permission related to a scheme for protecting any proposed residential development from noise from existing industrial and commercial activities affecting the application site. Information was submitted in 2004 and duly discharged by the Planning Authority at that time. As part of the condition there is an ongoing management component by Forth Ports.

Notwithstanding this, the applicant has submitted a Noise Impact Assessment (NIA) that considers the potential noise impact of road traffic and neighbouring port and industrial uses on the proposed residential flats.

## **Traffic Noise:**

The NIA considered internal noise levels at the façades most exposed to road traffic against the BS8233:2014 noise criteria. Assuming a closed window standard and the installation of 6mm/12mm/6mm double glazing throughout the development, the relevant noise standard can be met. Environmental Protection accept that the use of double glazing is a suitable standard of glazing to mitigate transport noise sources.

## **Port Noise:**

Environmental Protection has concerns over the impact the existing neighbouring port and industrial uses will have on residential amenity. Although closed windows may be used for traffic noise, Environmental Protection advise that an assessment of non-traffic noise should allow for windows to be open.

The NIA concludes that there are a number of elevations across the development that do not comply with an open window assessment. It therefore recommends that all dwellings with windows on south east façades that do not comply should be provided with an alternative means of ventilation system (such as mechanical ventilation) and be assessed on a closed window basis. With such mitigation measures then there should not be exceedances of any internal criteria.

The applicant has pointed to recent decisions to grant permission for housing on other sites in closer proximity to Leith Docks which recorded higher noise levels, at Ocean Drive and Bath Road. In these cases it was been accepted that glazing with an alternative form of ventilation was an acceptable solution, albeit Environmental Protection also objected to both these applications.

The site is a long standing development site that the LDP designates for housing led mixed use development. Therefore the principle of housing is supported and also already in existence within the Western Harbour area. Consequently, it is proposed that a condition is used to secure mitigation measures.

## **Odours:**

Environmental Protection are satisfied with the information submitted with regards to the proposed units that could be operated as Class 3 use and the methods proposed for ventilation.

In summary, Environmental Protection has raised concerns with housing development at this location. However, the principle of housing development is supported by the LDP and in terms of noise impact, mitigation measures can be secured by the use of conditions.

## **Phasing:**

Phasing has been shown as developing out from the south of the site to the north, in the following order: P2, P1, 01, N, K, I, G.

Information has also been provided in relation to the process of surcharging across the site which is required to make the reclaimed land suitable for construction. This involves moving large mounds of earth and allowing the land to settle under the weight for extended periods of time (between 6 - 12 months per area). This has been going on for 15 years at Western Harbour.

These groundworks will utilise existing materials within Western Harbour. The sequencing of surcharging shows the mounds of earth moving across the various plots within the RDF area and ultimately ending on the adjacent park area with the mounds being used to form the proposed land forms within the park.

In relation to phasing of the park currently under consideration as another AMC application, the applicant has stated that it is not possible to complete the park in advance of the residential development. The applicant has also indicated that the land may be used for construction purposes.

The phasing strategy for the park includes Stage 1 which comprises an area of 1.5 ha including the play park, playing pitch area and community gathering space. The second stage would be completed once further residential development is completed (this would be subject to a further application). A condition has been recommended for the parallel park application for stage 1 to be completed prior to occupation of plot N.

### **Sustainability:**

Sustainability is an approval matter as set out in condition 2 of the outline and referred to in condition 14.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of solar panels. The proposal has been assessed against Part B of the standards and is compliant.

The requirements of the Heat Opportunities Mapping Supplementary Guidance has also been considered, although such measures are not an approval matter specified in the conditions of the outline permission.

The applicant has investigated any existing or proposed district heating / heat network that the development could utilise using the Scottish Government's Heat Map and the Energy and Carbon Masterplan.

The Heat Map illustrates that the development is in a low heat density area, and that the closest district heating network is at Cables Wynd House, which is 1.5 miles from the site. Due to this distance, a connection is not considered sustainable as the heat loss from the pipework will significantly reduce the efficiency of this facility. Furthermore, the capacity of Cables Wynd House is not sufficient to meet the heat demand of the Western Harbour development. As such, a connection to this has not been pursued by the applicant.

## **Ground Conditions:**

There is a reserved matter that relates to the nature of any material used as part of the infill / reclamation of Western Harbour. Previous reports have been provided to demonstrate that such material is inert.

Condition 2 attached to the outline planning permission relates to a) site survey, b) risk assessment and c) the assessment of landfill gas from site infill and a scheme of remedial measures and details of prospective gas monitoring required to ensure safety of development.

Information has been submitted and Environmental Protection has confirmed that the proposals within the report satisfactorily addresses the pre-requisite parts of the condition (parts a, b and c). There is also a standard land contamination condition on the outline permission, this remains outstanding for further information to come forward. Environmental Protection has requested a condition on this AMC to enable all agreed remediation/gas preclusion measures under the outline conditions to be verified.

Accordingly, sufficient information has been submitted at this stage to satisfy Environmental Protection and a further condition to ensure that the proposed measures are undertaken and verified is recommended.

Condition 3 attached to the outline permission relates to existing and proposed levels. Adequate drawings have been provided as part of the application. The levels have been developed in line with any flood requirements.

The information provided at this stage is of a sufficient detail to deal with the relevant points of the conditions. However, further verification will be required.

## **Flooding and Drainage:**

Outline Condition 9 relates to surface water disposal arrangements and Condition 10 relates to operations during remediation and preparation of the site being in line with SEPA guidelines.

Flooding and drainage information has been submitted in support of the application. SEPA do not object to the application and the Council's Flood Prevention Team are in acceptance of the proposals. Accordingly, Condition 9 of the outline permission has been adequately dealt with for this part of the site.

Scottish Water has no objection to the application, but has provided advisory notes for the applicant in relation to water and waste water capacity.

Condition 10 is an ongoing condition for the applicant to adhere to.

The proposed arrangements are acceptable.

## **Ecology:**

An Extended Phase 1 Ecology Survey has been submitted in support of the application. This concludes that there are no ecological constraints to the development. The proposal complies with Policy Env 16 (Species Protection).

The site is close to the Firth of Forth Special Protection Area (SPA), the proposed Outer Firth of Forth the Outer Firth of Forth and St Andrews Bay complex special protection area (pSPA), and relatively close to Imperial Dock Lock SPA. Scottish Natural Heritage (SNH) note that it is unlikely that the proposals will have a significant effect on any qualifying interests of SPAs/pSPA either directly or indirectly. Therefore the proposal does not raise any overriding concerns in relation to LDP Policy Env 13 (Sites of International Importance).

The proposal itself contains tree and shrub planting throughout the public realm with species chosen for the climatic conditions, including trees with berry production which are typically eaten by a range of birds. The communal green spaces and associated planting also provide scope for biodiversity gains.

There are no concerns relating to the impact on ecology with the proposed development also proposing new planting and green spaces.

## **Archaeology:**

The proposal raises no concerns in relation to archaeology.

### **d) Public Comments**

#### **Material Representations - Objection:**

Principle:

- Too many units proposed - assessed in section 3.3a) and 3.3b).
- All flats no family homes proposed - assessed in section 3.3b).
- Retirement flats should be provided - assessed in section 3.3b)
- Numbers of homes more than originally proposed - assessed in section 3.3a).
- Mix of tenure should be more varied - application does not make reference to tenure.
- All units are mid-market rent - application does not make reference to tenure.
- Number of affordable homes proposed should be reduced - assessed in section 3.3a).
- Phasing of development unclear - assessed in section 3.3c).
- Overdevelopment of the site - assessed in section 3.3a) and 3.3b).
- Development not required - assessed in section 3.3a).

Design:

- Consideration should be given to wheel chair and push chair access into the new buildings and public spaces - level access provided - considered in section 6.1).

- Loss of open aspect of the neighbourhood - assessed in section 3.3b).
- Consideration of public views - assessed in section 3.3b).
- Lack of variety in the roofline and lack in change of storey heights. Differs from that proposed in the Revised Design Framework assessed in section 3.3b).
- Extensive use of brickwork proposed where there is limited or no use of brick used within the existing Western Harbour developments, Newhaven area, or surrounding Trinity and Leith area - assessed in section 3.3b).

#### Amenity:

- Noise implications - assessed in section 3.3c).
- Overlooking issues - assessed in section 3.3b).
- Loss of privacy - assessed in section 3.3b).
- Loss of open space - assessed in section 3.3b).
- Daylighting implications - assessed in section 3.3b).

#### Transport:

- Inadequate existing road infrastructure to serve the proposed development - assessed in section 3.3b).
- Consideration required for providing suitable vehicle access to the school site - assessed in section 3.3b).
- Traffic safety issues - assessed in section 3.3b).
- Lack of car parking proposed, parking already an issue in the area - assessed in section 3.3b).
- Additional on-street parking required - assessed in section 3.3b).
- Traffic management plans required (i.e. double yellow lines / road markings) - assessed in section 3.3b).
- Unclear how visitor parking is accounted for - assessed in section 3.3b).
- Traffic analysis only examines the traffic in the proposed development, not on the surrounding areas - assessed in section 3.3b).
- Existing access from Lindsay Road from Sandpiper Road is already congested - assessed in section 3.3b).
- Additional vehicular access to the site required - assessed in section 3.3b).
- Physical separation should be provided between cyclists and motorists and cyclists from other users - assessed in section 3.3b).
- Electric vehicle charging points should be included - assessed in section 3.3b).
- Proposed re-routing of buses - assessed in section 3.3b).
- Proposed Park Crescent, between the park and the school site, should not be restricted to pedestrian and cycle access. This should a road carriageway as shown in the Revised Design Framework with appropriate traffic calming / crossing points - assessed in section 3.3b).

#### Infrastructure:

- Lack of consideration of capacity local services - assessed in section 3.3a). As an AMC application any contributions have already been agreed.
- Lack of commercial units proposed to serve the development assessed in section 3.3a).
- A901 road should be improved - assessed in section 3.3b).

- Delivery of the park - assessed in section 3.3b).

#### Flooding and Drainage:

- Flood assessment should include the western harbour sea wall and consider the whole site - assessed in section 3.3c).

#### Sustainability:

- Development needs to make best use of sustainable building methods / technology - assessed in section 3.3c).
- Need to ensure adequate space for waste bins is considered - assessed in section 3.3b).

#### Landscape and natural heritage:

- Need to ensure maintenance is enforced - assessed in section 3.3b).
- Impact on local nature - assessed in section 3.3c).

#### **Material Representations - Support:**

- Support residential development on the site - noted.
- Support inclusion of retail development - noted.
- Support the addition to the community from the development - noted.
- Support mixed uses - noted.
- Design of the development - noted.

#### **Non-Material Representations:**

- Loss of private views.
- Comments relating to the school application.
- Adequate fire escape routes.
- Construction phase matters.
- Anti-social behaviour.
- Impact on property values.
- Impact on lettings.
- Failure to address short stay commercial visitor accommodation.
- Issues relating to deeds of conditions.
- End users of proposed commercial units.
- Land ownership matters.
- Issues raised regarding the application for the park.
- Council tax matters.
- Risk management issues.

#### **Leith Harbour and Newhaven Community Council Comments:**

The community council made the following comments:

- Support in principle the application and the proposals will have a positive impact on appearances and amenities.

- Concern regarding congestion and access points to the site.
- Request assurances that Edinburgh Waterfront Development Principles will be met.

## **Conclusion**

The principle of housing led mixed use development is supported and is in accordance with the Edinburgh Local Development Plan, the outline planning permission and the Revised Development Framework. The proposal will contribute to the wider regeneration of the area.

The proposal provides an acceptable perimeter block layout that links into the wider area, the design, scale, height and density are appropriate for the location with adequate open space and landscaping provided. The proposals will provide an acceptable level of amenity for existing and future occupants. There are no unacceptable issues in relation to transport measures.

Concerns have been raised in relation to noise pollution from the existing industrial and port uses. However, the principle of housing development is acceptable at this location and forms part of a longstanding proposal with any noise implications deemed acceptable subject to mitigation.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the construction of the Central Street, detailed design of a Zebra and Tiger priority crossing for pedestrians and cyclists for the raised table on the Central Street shall be provided for approval by the Planning Authority and thereafter delivered as part of the construction of the Central Street. The design should be in accordance with Edinburgh Street Design Guidance Fact Sheet G4.
3. Prior to the commencement of development, the tree protection measures as defined in Drawing 1816-RF-H-XX-DR-L-005 (CEC drawing reference 94) and in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" must be implemented in full.

4. 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.
5. No construction works shall take place on a plot until full technical details of the proposed noise mitigation measures (including glazing and ventilation measures) have been submitted to and approved in writing by the Planning Authority. No residential unit within that plot shall be occupied until the agreed measures have been provided in accordance with the approved details.
6. Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation system) complies with NR15 (or as otherwise agreed) within the habitable rooms (bedroom/living-rooms) in the residential properties shall be submitted for written approval by the Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 any unit with consented Class 4 Business use shall not be permitted change to Use Class 6 Storage or Distribution of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
8. Prior to any Class 3 Food and Drink use being taken up, details of extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be installed.
9. 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.
10. The development shall be implemented in accordance with the phasing scheme as per the approved drawing reference 7N-WH-XX-DR-A-05010 (CEC reference 03A).

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. To ensure safe pedestrian and cycle access across the road.
3. In order to safeguard protected trees.
4. In order to protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.
6. In order to protect the amenity of the occupiers of the development.

7. In order to protect the amenity of the occupiers of the development.
8. In order to protect the amenity of the occupiers of the development.
9. In order to ensure that the approved landscaping works are properly established on site.
10. To define the development.

## **Informatives**

It should be noted that:

1. Legal Agreement

A decision notice should not be issued until a legal agreement covering the following matters:

- Upgrade the Central Junction at no cost to the Council and implemented prior to first occupation of any plot north of the junction (i.e. plots N, K, I or G). The design of this junction needs to fully comply with the Edinburgh Street Design Guidance Fact Sheets and prioritise active and sustainable travel modes.
  - Upgrade the existing shared use footway on the western side of Sandpiper Drive to include a fully segregated bi-directional cycle track at no cost to the council, designed in-line with Edinburgh Street Design Guidance Fact Sheets and constructed prior to first occupation.
2. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or seven years from the date of planning permission in principle, whichever is the later.
  3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
  4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
  5. The consultee responses from SEPA, Scottish Water and Police Scotland all advice that the applicant should be made aware of.
  6. Note that condition 4 of 19/00165/OUT continues to apply and the approved landscaping scheme should be in place prior to the occupation of any buildings within that phase. This applies to each plot.

7. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £34,500 (£1,500 per order plus £5,500 per car) towards the provision of 6 car club vehicles in the area.
8. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
9. A Stage 2 Quality Audit, as set out in Designing Streets, further to the Stage 1 Audit to address design concerns is to be submitted prior to the grant of Road Construction Consent;
10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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 and provision for the introduction of cycle hire on the site;
11. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
12. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
13. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

14. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
15. The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation.
16. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance
17. Chimney Height Calculation must be submitted as per the Clean Air Act 1993.
18. Environmental Protection advise that:
  - All under croft parking spaces shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
  - The residential parking space highlighted on drawing number 124-7N-WH-XX-DR-A-05014 P1 (CEC drawing number ref 07A) shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.
19. In accordance with the approval for the park in application 19/01040/AMC, Stage 1 of the park as defined in the Park Phasing document shall be completed in accordance with the approved details prior to the occupation of plots N, K, I or G.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

Education - The legal agreement attached to outline permission 01/03229/OUT required developer contributions of £821 per flat indexed from 1 January 2000. Indexed to Q4 2017 the per unit amount is £1,376.61 or a total of £1,291260.18 for the 938 units proposed.

Transport - measures from the original outline permission have been discharged.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The proposal has been designed with equality issues in mind. There is level access is provided to all the flats, either direct street level entrances or via lifts within communal core areas. Accessible car parking spaces are provided throughout the development.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 8 March 2019 and attracted 113 representations. This included 97 objections, 11 support and five representations.

A full assessment of the representations can be found in the main report in the Assessment Section.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is within the Edinburgh Waterfront in the Edinburgh Local Development Plan. It is located in the Leith Western Harbour for housing-led mixed use development (site EW 1a). Part of the site is shown as local centre S3.

**Date registered**

27 February 2019

**Drawing numbers/Scheme**

01A-08A, 09-20, 21A, 22-30, 31A, 32-41, 42A, 43-51, 52A,, 53-59, 60A, 61-67, 68A, 69-89, 90A-93A, 94, 95A, 96A, 97-108, 109A-113A, 114-122,

Scheme 1

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

Contact: Kenneth Bowes, Senior Planning Officer  
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 14 (Sites of National Importance) identifies the circumstances in which development likely to affect Sites of National Importance will be permitted.

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

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

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

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

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

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

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

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

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

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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

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

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

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

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

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

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

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

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

# Appendix 1

## **Application for Approval of Matters Specified in Conditions 19/00986/AMC**

**At 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**

### **Consultations**

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#### **Leith Harbour and Newhaven Community Council response - dated 27 March 2019**

for comment

I am submitting this response on behalf of Leith Harbour and Newhaven Community Council (LHNCC) to give our unanimous Support in Principle for the above Planning Applications. It was agreed that the development of Western Harbour will have a positive impact on appearance and amenities, particularly the provision of the park that will provide green space and meet Place-making requirements.

There are, however, some concerns that require assurances from the developer relating to traffic management (both during and after construction) and phasing of building. The developer discussed these at our CC Meeting and explained the rationale for having 2 phases, but this has not fully alleviated some anxieties.

19/00986/AMC

Traffic Management

Concern was raised about high risk of congestion because the only available route to and from the site appears to be via Western Harbour Drive - Newhaven Place or Sandpiper Road the Lindsay Road junction. These are already very busy roads, and the Newhaven Tram Terminus will very close to Lindsay Road junction to the east.

It has been suggested that Central Street junction with Sandpiper Drive should be activated, but this road will also be very busy due to ASDA parking. Also a new planning application for a nearby development of 40 residential properties (19/00915/AMC) has been submitted.

The diagram below from Design Statement 3 (19/00986/AMC) identifies traffic strategy and incorporates Sandpiper Drive leading to Sandpiper Road.

19/01040/AMC:

Phasing

We were very disappointed to discover that this document identified the fact that only a small section of the park would be completed in phase 1. The balance would be completed in phase 2. The remaining designated park area will be used for construction traffic and equipment, impacting on traffic management on Western Harbour Drive. Phase 2 will be completed following full planning application that will be submitted at a later date, as yet unknown. We would like reassurance that the Park will be completed with minimum delay.

We would request reassurance that principles identified in red\* will be met.

Reference: Edinburgh LDP - November 2016 (page 50)

Table 11 Edinburgh Waterfront Development Principles Leith Waterfront

Reference: EW 1a

Location: Leith Western Harbour

Description: Housing-led mixed use development with an approved master plan. Around a third of the estimated maximum housing capacity has been implemented.

#### Development Principles

Proposals will be expected to:

- o complete the approved street layout and perimeter block urban form
- o revise the housing mix towards a greater number of townhouses than identified in the master plan, where it would be appropriate in terms of place-making and would accelerate completions,\*
- o meet the Council's Large Greenspace Standard by delivering the Western Harbour\*

Central Park (Proposal GS2)

- o complete the partly implemented new local centre by providing smaller commercial units under flatted development on the other corners of the centre's junction
- o deliver school provision as specified in the Action Programme\*
- o Create a publicly-accessible waterside path around the perimeter of the area, connecting east and west
- o design new housing to mitigate any significant adverse impacts on residential amenity

#### **Affordable Housing response - dated 14 March 2019**

##### *1. Introduction*

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

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

*The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

*This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

## 2. Affordable Housing Requirement

*This application proposes a development of 938 homes within a Masterplan area. The proposal relates to the Western Harbour Masterplan for which there is an existing Section 75 Legal Agreement (dated 11 July 2002). This required Forth Ports to allocate four areas within the Western Harbour Masterplan area for affordable housing. It states that such areas will be nominated by Forth Ports and shall be set aside and available only for the construction of affordable housing units. Affordable homes have been delivered at the nominated areas at plots R1, R2 and S2. There are also affordable homes currently under construction at section R3 and S1.*

*The delivery of affordable housing through Port of Leith Housing Association at sections R2 (102 homes) and S2 (111), and R1 (96) delivered through the National Housing Trust, along with a further 138 homes at R3 and S1 currently under construction, ensures that the number of affordable homes (447) will exceed the AHP requirement of 434 affordable homes for the Masterplan area.*

*Therefore, there is no requirement for this application to deliver affordable housing as the requirement has been met under the terms of the outlying agreement covered in the masterplan.*

*We would be happy to answer any queries on the affordable housing element of this proposal.*

### **Archaeology Officer response - dated 5 March 2019**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for the approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development.*

*The site occupies an area of modern landfill deposited as part of the redevelopment of Leith's Port western harbour. This site lies immediately 'offshore' historically to the north off and between the medieval harbours at Newhaven and Leith. During the early prehistoric period at various points this area was dry land, however it is considered that the chances of finding early remains on the site given effects of modern harbour dredging is very limited.*

*It has therefore been concluded that there are no, known, archaeological implications regarding this application.*

*However in 2002 as part of the infilling of the harbour, material was taken to the site from excavations at 21 Graham Street Bonnington. This material the skeletal remains of a 15th-17th century an adult male, removed during the construction of new flats on this site, as only leg bones were recovered by GUARD Archaeology following human-remains call out. Despite initial searching of the dumped material at the time no further human discovered in western harbour due to the significant quantities dumped material. It is unlikely that these remains where be discovered it is worthy of note.*

## **Economic Development response - dated 11 March 2019**

### *Commentary on existing use:*

*The application relates to 7.26 hectares of vacant land at the Western Harbour in Leith, Edinburgh. The site is bounded by Sandpiper Road to the southwest, Sandpiper Drive to the southeast, and additional vacant land on all other sides. The land in question was progressively reclaimed from the Forth via infilling and has never been developed other than the southwestern part of the site, which housed a factory that was demolished in the early-2000s. The site does not currently support any economic activity.*

### *Commentary on proposed uses:*

*The development as proposed would deliver 938 homes along with 2,415 sqm (gross) of class 1/2/3/4 space.*

### *Class 1/2/3/4 space*

*The development as proposed would deliver a total of 2,415 sqm (gross internal area) of class 1/2/3/4 space. This includes 970 sqm which is identified for a new health centre (class 2). The economic impact of the health centre will depend on operational decisions and is challenging to predict. This leaves 1,445 sqm of space for which the use class has not been specified. A gross internal area of 1,445 sqm is equivalent to a net internal area of approximately 1,192 sqm of office space or 1,301 sqm of retail/café space. This could be expected to directly support approximately 99 FTE jobs if developed as office space (based on a mean employment density for professional services firms of one FTE employee per 12 sqm) or 74 FTE jobs if developed as retail/café space (based on a mean employment density for professional services firms of one FTE employee per 17.5 sqm). A combination of uses would support an intermediate number of FTE jobs.*

*Based on the mean GVA per employee for Edinburgh for the relevant sectors, the space could be expected to support between £1.61 million and £5.77 million of gross value added per annum (2016 prices) depending upon the mix of uses, with office uses supporting the higher level of GVA.*

*The commercial space is dispersed across three locations: 145 sqm at "Central Square" (two unit), 390 sqm at "Park Corner" (four units), and 1,880 sqm (eight units including the 970 sqm health centre) within the Western Harbour local centre. The combination of 1,880 sqm of new space at the local centre with the 8,287 sqm of existing space in the form of the Asda superstore will create an especially large local centre. A consideration is whether demand in the area will be high enough to support this scale of space were it to be developed for class 1/2/3 uses.*

*There is a growing shortage of class 4 space in Edinburgh due to a sluggish development pipeline of new office and industrial space coupled with the loss of older existing office and industrial space for alternative uses. From this perspective, it would be attractive for the development to deliver new class 4 space to meet demand. However, it is recognised that Western Harbour is not an established business location and that class 1/2/3 uses may prove a better fit in terms of placemaking.*

## *Residential*

*The development as proposed would deliver 938 flats. These would not be expected to directly support any economic activity. However, the flats could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 938 houses and flats could be expected to collectively spend approximately £24.00 million per annum (2016 prices). Of this £24.00 million, it is estimated that approximately £12.34 million could reasonably be expected to primarily be made within Edinburgh. This £12.34 million of expenditure could be expected to directly support 114 FTE jobs and £4.59 million of GVA per annum (2016 prices) in Edinburgh, primarily in the retail, transport, and hospitality sectors.*

*It is important to note that new retail and food and drink space developed as part of this development could be expected to account for some of the jobs supported by residents' expenditure. This should be taken into considering when assessing the overall impacts of the development to avoid any double counting.*

## **SUMMARY RESPONSE TO CONSULTATION**

*It is estimated that the new commercial space within the development as proposed could potentially support between 74 and 99 FTE jobs and between £1.61 million and £5.77 million of GVA per annum (2016 prices) depending upon the mix of uses, with office uses supporting the higher levels of employment and GVA. This does not include the economic impact of the health centre.*

*It is further estimated that expenditure by new residents of the development could support 114 FTE jobs and £4.59 million of GVA per annum (2016 prices). However, some of this expenditure could be expected to be made within the new commercial units so not all these impacts would be expected to be additional to the above impacts.*

*By comparison, the existing site is vacant and therefore does not support any economic activity.*

*This response is made on behalf of Economic Development.*

## **Environmental Protection response - dated 25 May 2019**

*This application is for Approval of Matters Specified in Conditions (AMC) for the residential and commercial development providing for use classes 1,2,3 and 4 with associated infrastructure in accordance with condition 2 of the Western Harbour planning permission (01/03229/OUT) as extended by another application in 2009 (09/00165/OUT) on land at Western Harbour.*

*A Revised Development Framework (RDF) was approved in October 2018. The RDF identifies the key principles as being placemaking, movement, public spaces and variety on this development site. The RDF builds on the established spatial character of the previous masterplan, which informed the development principles in the Local Development Plan for a residential lead development.*

*The development includes the construction of 938 residential units, commercial shell & core, and associated infrastructure. The development is spread over a total of 8 plots (plots P1, P2, O1, O2, N, K, I and G) which comprise of a total of 26 blocks (2 - 6 storey blocks).*

*It should be noted that since the above mention outline consents were granted there have been changes in direction with regards non/development in the area. As it stands the Port will continue to operate as a Port which may impact amenity more than previously thought. Local air quality impacts are material planning considerations and now attracts more scrutiny as the sources and impacts are now better understood.*

*With regards this application and condition 2 Environmental Protection have assessed a number of the reserved matters including, glazing specification, services, supermarket hours and orientation and contaminated land.*

*The applicant has confirmed that there is scope for there to be up to 808 sqm of class 3 use. The applicant has also confirmed that all the units have been designed with an internally routed flue to discharge odours at roof level. Environmental Protection are satisfied with the information submitted as long as all extract systems are designed to ensure a minimum of 30 air changes per hour within the kitchen areas.*

*The applicant has provided glazing specifications including their acoustic capabilities. The proposed glazing units will all be 6mm/12mm/6mm with a sound reduction level of 33dB. Condition 2 requires the applicant to provide details of the require acoustic glazing. Having reviewed the available documents on the planning portal there is a 'New Acoustic. Noise Assessment dated 1st July 2004 and a document detailing Noise Mitigation Protocol agreement with the harbour and operators (01/03229/OUT). There are many noisy operations in the docks that will affect the development site. We would need confirmation on where the sound reduction levels have been referenced and confirmation that he Noise Mitigation Protocol is still a form of mitigation that can be enforced by Planning. This is important as if it can't be enforced then this will impact the potential for noise to affect the applicants site and require a higher sound reduction level than that being proposed. The applicant has submitted a further noise impact assessment in support of this application. Environmental Protection understand that this application is specially regarding condition 2 and no other condition.*

*The purpose of the latest noise impact assessment is to determine the impact of road traffic noise as well as commercial and industrial noise on the proposed development and provide details of necessary acoustic glazing noise mitigation where appropriate. The noise impact assessment has considered all relevant noise sources within the local environment. This includes new noise sources and those assessed within the original noise impact assessment for the development site, (Application number 01/03229/OUT).*

*The applicants noise impact assessment has included onsite day and night-time noise surveys and at either end of the development site for all but BSL and Subsea7 activities and ship loading/unloading which were not operating at the time of the latest noise survey. The older 2004 noise impact assessment did capture operations by Subsea 7 and BSL (operations/noise are planned to recommence in the future). It is noted that another new operator could begin operating and create similar levels of noise. It's not clear how this could be controlled through Planning even when there is a Noise Mitigation Protocol in place especially if another operator occupied the site. ADM Mill unload grain in the dock next to the supermarket it's not clear if this has been assessed in either the 2004 or most recent noise impact assessment.*

*The applicants noise impact assessment has assessed the noise levels against different noise criteria as requested by Environmental Protection. This enables us to understand if there is a likelihood of complaints in the future and if a good level of amenity can be achieved. Glazing is a critical element of the acoustic mitigation. Environmental Protection allow developers to calculate sound reduction levels with a closed window for transport sources of noise. All other sources of noise must be mitigated allowing for windows to be open. Its only in exceptional circumstances that a closed window standard will be considered.*

*The noise impact assessments predicted internal noise levels at the façades most exposed to road traffic within the proposed development have assessed against the BS8233:2014 internal criteria. Internal levels are derived from measured external levels assuming closed windows and installation of Pilkington (trade name) 6mm/12mm/6mm standard double glazing (or of equal and approved) throughout the development. Environmental Protection accept that this is a suitable standard of glazing to mitigate transport noise sources.*

*Modelled noise levels for the daytime for all activities currently operating (with the inclusion of BSL & Subsea 7 ships loading/unloading) are assessed at each plot of the development site against BS8233:2014 internal daytime criteria. It is noted that the resultant levels for the most exposed south-east façades exceeds the noise criteria, for Plots 01, N, K, I and G by 12dB in some cases.*

*External BS4142 rating noise levels for all non-traffic related noise sources are assessed against BS8233:2014 internal noise limits for the daytime and the night-time, assuming 12dBA attenuation for open windows. The results indicate that most of the development is compliant with these criteria, there are a number of elevations across the development that do not comply via an open window assessment. The applicants noise impact assessment accepts this and has therefore recommended that all dwellings with windows on south east façades that do not comply via an open window assessment be provided with an alternative means of ventilation (Mechanical Ventilation Heat Recovery) system and be assessed on a closed window basis. As stated above this is not something Environmental Protection can support. The installation of a ventilation system would require careful design and installation with adequate space provided for plant rooms and ducting. The systems can also create noise and do require regular maintenance that cannot be condition through planning. The installation of such systems if not installed, operated, and maintained properly can cause poor air quality and damp conditions inside the properties.*

*The applicant has provided details in Appendix 7 of the noise impact assessment which highlights the areas of the proposed development that can comply with BS8233:2014 internal criteria via open windows and those that fail and would require a closed window assessment with alternative ventilation.*

*There are various noise sources that have been identified have been assessed individually against the proposed standards. No allowance or assessment has been made for the accumulation of sound sources. The applicant states that this is because the main sources of noise at issue only the BSL pipe coating area had any significant noise component which is continuous. The only significant noise at Subsea7's welding plant was that of alarms. The movement of pipes at both BSL and Subsea7 happened for only parts of the day and the noise itself was intermittent. Not accumulating the noise sources is therefore offset by the averaging of the individual noise sources. The exceptions were the cases of the loading and unloading of ships serving the BSL and Subsea7. The applicant has justified this because the activity is far less frequent and even during busy periods was not a daily occurrence. The noise sources that could affect the proposed development site are difficult to model due to what can and could happen on the docks with the requirement of planning permission. It's feasible that a quieter or louder operator could occupy the dock area soon. Taking Enforcement under the Environmental Protection Act 1990 action is may not be always possible against the docks and ships*

*The application includes the provision of a total of 570 parking spaces across the site comprising of 440 off street and 130 on street. The applicant has also committed to installing 95 electric vehicle charging points which is the minimum requirement as per the Edinburgh Design Standards (1 in 6 spaces). Environmental Protection would require that all the charging points are installed in non-adopted spaces. They must be as a minimum 7Kw (32amp) type 2 chargers which are fully installed and operational prior to occupation. Non-adopted parking spaces serving the commercial, leisure or health centre uses should also include rapid chargers with input supply 3 phase, with a Direct Current output sockets (CHAdeMO and Combined Charging System) voltage 500Vdc, current 120A, power 50kW (per socket) and a third socket capable of Alternating Current output (IEC 61851 Mode 3 Type 2); voltage 400V 3 phase, current 63A, power 43kW.*

*Environmental Protection will comment separately on Contaminated Land concerns and with regards to the referred supermarket in condition 2 it is understood that a supermarket will not be developed as part of this development.*

*Therefore, on balance Environmental Protection will require further information before we can consider supporting the application.*

## **Environmental Protection further response - dated 11 September 2019**

*Environmental Protection cannot support this application and recommends refusal.*

*The applicant has provided further supporting material to further support the findings of the original noise impact assessments (NIA). The applicant advises that the submitted NIA demonstrates that subject to mitigation (in the form of closed [openable] acoustic glazing and alternative ventilation), that the proposed development complies with the relevant noise assessment criteria. However closed window standards are not mitigation methods Environmental Protection can support for non-transport related noise. The applicant has referenced recent decisions by the Development Management Sub-Committee for residential led developments at Bath Road (18/08206/FUL) and land south east of 98 Ocean Drive (18/00846/FUL). Both these application sites are located near to the Port. These applications were consented but Environmental Protection did not support these applications due to serious noise amenity issue's. The applicant for this application has highlighted that the NIA for these developments recorded higher noise levels than the current application from road and industrial sources, including noise from current port operations. It would be possible for the Port operator to move port activities around the port with no need for planning permission. Therefore, the noisy operations affecting other parts of the port could be moved closer to the proposed development site.*

*The noise impact assessments for the other applications had correctly concluded that port activity had the potential to have a significant adverse impact at the nearest residential receptors within the proposed development. The noise impact assessments demonstrated that rooms with windows on the most exposed elevation would not comply with the required noise criteria allowing for the open windows. Outdoor amenity space including terraced areas would fail to meet the required noise criteria.*

*Ventilation forms an important part of the overall proposed noise mitigation. There are no specific details on the proposed mitigation other than that they will meet the building regulation standards. These standards are not designed to protect amenity. As previously stated ventilation design is an important factor and needs careful consideration.*

*The applicant has confirmed that the offloading of grain was measured. The applicant has advised that this is only a daytime operation. It is understood that this operation could happen early in the morning.*

*It is understood that the original legal agreement that would ensure noisy operations on the port would be phased out as the residential developments were developed is no longer valid.*

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

*Therefore, Environmental Protection continue to have concerns regarding the level of amenity that will be afforded to any future tenants of the proposed development. If consented the following conditions must be attached;*

*i) Prior to the commencement of construction works on site:*

*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

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

*ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.*

*2. The specifications for glazing and ventilation will be implemented in accordance with the New Acoustic report (4 dated 1 July 2004) If a different specification is proposed, this must be agreed in writing by Environmental Protection, prior to the commencement of building works for each phase.*

*3. Specific details on the required ventilation system shall be submitted and approved by the Planning Authority prior to commencement of works on site.*

*4. Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation system) complies with NR15 within the habitable rooms (bedroom/living-rooms) in the residential properties shall be submitted for written approval by the Head of planning and Building Standards.*

*5. Any consented Use Class 4 to be restricted to Use Class 4 only with no permitted change to Use Class 6.*

*6. Prior to the use being taken up, details of any class 3 extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be submitted prior to occupation.*

*7. All undercroft parking spaces shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.*

*8. The residential parking space highlighted on drawing number 124-7N-WH-XX-DR-A-05014 dated February 2019 shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.*

## *Informative*

- 1. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.*
- 2. Chimney Height Calculation must be submitted as per the Clean Air Act 1993.*

### **Waste Services response - dated 6 March 2019**

*Nothing is finalised as yet but they have our guidance and have adhered to it so far.*

### **Police Scotland - response - dated 11 March 2019**

#### *Consultation Report*

*Thank you for the opportunity to consult with you on Crime Prevention Through Environmental Design for the above development. This was a great opportunity to review the project, introduce crime prevention principles and maximise opportunities to design out crime.*

*The entire development consisting of flats, town houses, parking and commercial units will benefit from the Secured by Design processes.*

*As discussed, there are a number of enhancements that could be made at this stage to improve overall security of the development for the long term, with this in mind, I would comment as follows:*

- Windows and Doors: All ground floor, easily accessible windows and doors must meet the PAS 24 standard. Including the front and back doors of all the common stairs and doors opening to / from undercroft parking. Along with all front doors to flats within the common stairs and town house / duplexes.*
- Access Control: All communal entry doors (front and back) should be access controlled, preferably with a magnetic lock and fob/card system so that any lost or stolen cards can be immediately removed from the system.*
- Mail Delivery: From our meeting I believe the 'air lock' method is the preferred delivery option, but both SBD approved systems for buildings with multiple flats are listed below:
  - o Implement a system whereby mail can be delivered externally and retrieved internally. Secured by Design (SBD) for residential properties states that mailboxes have to be SBD accredited.*
  - o Locate letterboxes at the main entrance/exit point of the building within an 'airlock' access controlled entrance hall. Both sets of doors should meet the same physical standards as front doors. The door entry system will have to operate both doors but the secondary door intercom would have no service button.**

*Secured by Design (SBD) for residential properties states, that mail boxes should meet the requirements of Door & Hardware Federation Technical Specification 009 (TS 009) or 008 (TS 008).*

*I would strongly recommend that individual flat doors do not have functioning letter plates as these will potentially compromise flat security. Items may be pushed in to try access mail, keys, valuables or a thumb turn. Incredible as it may seem flats have been accessed by this method and items stolen. Or on more sinister occasions substances may be pushed into the flat such as faeces or fire causing accelerants.*

*If individual letter plates are required they should be tested to Door & Hardware Tech Specification 008(TS008). The nearest edge / corner of the plate should be no less than 400mm from the internal locking point / thumb turn.*

*- Lighting: There should be a comprehensive lighting strategy to ensure all paths, roads, common garden areas, undercroft car parks and entrances/exits to buildings are illuminated to an adequate level. All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks must comply with BS 5489:2013.*

*Lit bollards should be avoided as a sole source of lighting. While ideal when used to mark routes and footpaths, they rarely provide enough light to allow residents to effectively detect the presence or recognise the behaviour and intentions of others. Bollard lighting can also be prone to vandalism.*

*External lighting is required adjacent to each building entrance. Research has proven that a constant level of light is more effective at controlling the night environment. To this end, a light switched by photoelectric cell should be utilised here.*

*- Communal Car Parking: I note that some of the blocks will be served by undercroft parking. Car parks of this type can experience high levels of criminal activity and anti-social behaviour due to the lack of natural surveillance. It is important therefore to utilise a robust access control system here.*

*I understand that residents will access the car park internally via the stair core, all these doors must be PAS 24 and robustly access controlled via a fob system. When selecting fire egress doorsets for the car park, it should be noted that to achieve a Secured By Design Gold award, they should meet the PAS 24 standard (See SBD Homes 2016, Section 2A, Paragraph 21).*

*The vehicular entrance shutters should be a Secured By Design approved product certified to at least LPS1175, Issue 7, SR2. You may also wish to consider utilising a high duty cycle motor to facilitate frequent use. Should ventilation be required, there are SBD approved perforated shutters available with various access control options e.g. the Obexion Car Park Security Shutter.*

*The car park entrances / exits should be as close to the main building line as possible avoiding unnecessary recesses.*

*Lighting levels within the car park should meet BS 5489:2013, the walls and ceilings having light colour finishes to maximise the effectiveness of the lights.*

*Thefts of motorcycles is a major concern in the City Of Edinburgh. I would recommend that several motorcycle parking spaces are provided within the car park. These will provide residents, who use motorcycles the opportunity to secure their vehicles against theft. These areas should be clearly marked/sign posted and secure anchor points certified to Sold Secure Gold Standard should be provided. Full information regarding Sold Secure products can be found at: [www.soldsecure.com](http://www.soldsecure.com).*

*You may also wish to consider applying for the Park Mark scheme [www.parkmark.co.uk](http://www.parkmark.co.uk) which will further enhance the development and reassure residents using the parking facility.*

*- Refuse Stores: On the current plans the refuse / bins stores are located within the undercroft parking. Requiring the refuse staff to enter the car park to remove and replace bins via the automatic gate / shutters. This arrangement does not meet SBD standards.*

*The stores should be located against an external wall through which refuse staff have access via a specified door (can be double leaf) secured by an appropriate locking system, e.g. hex key. While the residents enter via a secure, fob access controlled PAS 24 standard door from the car park.*

*- Cycle Stores: I note some cycle stores will be located within main stair cores while other stores are to be located in the undercroft parking.*

*Both types of store should be secured by a single leaf PAS 24 fob access controlled door with a thumb turn on the inside to prevent people being locked in. They should be lit within and lack windows.*

*Cycle stands should be provided that are certified to at least Sold Secure Silver standard or LPS1175 7.5(2014) SR1 and securely fixed, allowing both wheels and cross bar to be locked. Traditional 'Sheffield Stands' are adequate when constructed of galvanised steel at least 3mm thick.*

*The stores in the undercroft parking should be of solid wall construction and moved away from the immediate vicinity of the entrances. Although ease of access for users is important, the location / presence of stores should not be overly highlighted to passing criminals.*

*- Commercial Units: I appreciate it is likely that the ground floor commercial units will be constructed as empty shells with the responsibility for internal fit out, windows, doors and security falling to the tenants post completion. I would make no recommendation regarding these units at this time.*

*- Public Amenity Space: I understand that above the undercroft parking there will be a first floor common / garden area for some blocks, which dwellings will open onto. And that there will also be spaces between some dwellings, with a retaining wall / barrier. In these areas care should be taken to make sure there are no climbing aids inadvertently provided should be down pipes, low walls or climbable gates.*

*Dwellings facing on to the common garden areas should be provided with some clear defensible space.*

*I am very pleased to see open green space being included in the project.*

*Although the park will not affect the SBD certification of the surrounding properties, how it is designed / built / managed could very easily impact on the area. To this end please see my comments below which are designed to protect the park and it's visitors.*

*- Park: I understand from our meeting that the north side of the park is to be enclosed by a fence but that the south side is to be left open, inviting people in to the space. However from a safety and security view point a fence is required, principally be to prevent motor vehicles (scooters / motor bikes) gaining access. Such a fence would not need to be excessively high, 1 meter would be adequate, as long as items could not be easily lifted over.*

*The principle north south, east west pedestrian routes through the park should meet the lighting standards outlined above, avoiding bollard lighting.*

*Park entrances should have gates which deter motor bikes, although I realise they need to be suitable for wheel / push chairs.*

*The children's playpark should be enclosed to prevent dogs and bikes entering and young children casually wandering off.*

*Some thought should be given to the management / access to the all-weather playing field as in other areas of the city substantial damage has been done to similar pitches with unrestricted access.*

*All requirements contained within this letter are based upon the information available to the Architectural Liaison Officer at the time. Any subsequent alteration, or environmental, change may adversely compromise the security of the development.*

*It should be noted that the implementation of the above recommendations might not prevent the determined criminal targeting the site. They will however make it more difficult and greatly increase the chances of detection.*

*It should also be noted that although these recommendations are made with due regard to the fire and planning regulations, a Fire Prevention Officer or Local Authority Planning Officer should also be consulted where appropriate.*

*Should you have any further enquiries, please do not hesitate to contact me. You may also find additional information on Secured by Design at [www.securedbydesign.com](http://www.securedbydesign.com).*

### **Scottish Natural Heritage response - dated 26 March 2019**

*i)RESIDENTIAL AND COMMERCIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE; and ii)PROPOSED PARK, AT WESTERN HARBOUR, EDINBURGH*

*Thank you for your consultations of 5 and 7 March 2019 with the above related proposals. Our comments apply to both proposals so we have responded to both applications within this letter.*

## Summary

*The proposals are located close to internationally designated sites but no significant effects are likely.*

*We welcome the creation of a significant new openspace at this location and also welcome the incorporation of multi-functional green infrastructure within the adjacent development.*

## Appraisal

### Designated Sites

*The proposals are close to the Firth of Forth Special Protection Area (SPA) classified largely for its wintering wildfowl and waders, the Outer Firth of Forth and St Andrews Bay complex pSPA, proposed for its marine bird populations, and relatively close to Imperial Dock Lock, Leith SPA, classified for its breeding common terns.*

*The status of SPAs and pSPAs means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Edinburgh Council is required to consider the effect of the proposals on the SPAs and pSPA before they can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements and links to Scottish Government policy on pSPAs:*

*<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>*

*These sites have already been screened for HRA within Edinburgh's Local Development Plan and screened out, due to existing planning permissions here. However, as this is a new masterplan and proposal(s), this should be reviewed. It is our view, it is unlikely that any of these proposals will have a significant effect on any qualifying interests of SPAs/pSPA either directly or indirectly. Appropriate assessment is therefore not required.*

*The new masterplan is based on the old masterplan, maintaining the parkland proposal and with roughly the same footprint of development (perhaps more dense but with reduced height). There are no new proposals raised within these two applications likely to affect the designated sites.*

### Parkland

*We welcome the proposal for a significant new parkland in this location, and support its proposed diversity of habitats and uses, including significant tree planting, orchard and community uses, visual connection to the Firth of Forth and use of the Edinburgh coastal meadow mix, to increase attractiveness to pollinator species. This accords with the aims of the Pollinator Strategy (<https://www.nature.scot/pollinator-strategy-2017-2027>) and we support the inclusion of such habitats within the parkland. It's noted that proposals have been developed with biodiversity and landscape officers within the Council and we welcome this approach in designing the park.*

## *Housing*

*We welcome the incorporation of multi-functional green infrastructure within the proposal, from pocket parks, to street trees, to community areas and private gardens. These areas, as well as having a variety of uses, aim to create a link from the parkland down towards the waterfront and increase biodiversity within the development, including attractiveness to pollinators.*

*Should you wish to discuss any of these comments further then do not hesitate to contact me.*

## **Flood Prevention response - dated 14 March 2019**

*Thanks for consultation request. I've reviewed the documents available on the portal and am happy to accept these on behalf of Flood Prevention. We have no further comments to make on this application and are therefore comfortable for Planning to take steps as necessary to progress with AMSC matters.*

## **Contaminated Land Officer response - dated 20 March 2019**

*I refer to the following report supplied by the applicant in connection to the outstanding pre-requisite action under reserved matters (Condition No.2) attached to this outline planning agreement which relates specifically to the assessment of landfill gas from site infill and a scheme of remedial measures and details of prospective gas monitoring required to ensure safety of development:*

1. *Western Harbor Phase 1: Ground Gas Risk Assessment: Issue 1 | 28 February 2019: Arup: 262700-00*

*I can confirm that the proposals within this report are considered reasonable based upon the monitoring and assessment undertaken to date. Environmental Protection is therefore prepared to accept this report as satisfactory to address this pre-requisite action in full (parts a,b,c).*

*It should nevertheless be recognised by the applicant that supplementary gas monitoring, (with updated risk assessment) and a development specific scheme design of gas preclusion measures in accordance with the outline proposals within this report and contemporary best practice industry guidance (e.g.; British standards, BRE and Ciria) is required. This information should be submitted for assessment/approval in conjunction with the action under reserved matters (Condition No.2) which specifically relates to the assessment of land contaminants and remediation, and requires to be satisfied in full (parts a and b) prior to construction activity.*

*It is furthermore anticipated that a future planning condition attached to subsequent detailed planning applications that would request documentary evidence in the form of a remediation verification report to account for the completion of all approved remedial/gas preclusion measures with respect to land contamination/ground gas will be necessary to enable the Local Authority to determine the land to be in suitable condition for proposed use in accordance with Planning Advice Note 33:2001.*

*I trust that this confirms our position and enables the discharge of the required action under reserved matters that concerns landfill gas risk assessment and should you wish to discuss this recommendation please do not hesitate to contact me.*

## **Edinburgh Health and Social Care Partnership (EHSCP) response - dated 27 March 2019**

*Our strategic plan identifies the need for a new practice in this area and the size of the plot identified in the application is commensurate with the size which would be required for that practice. ( I have been involved in some of the workshops for this area which is presumably why the size is so precise)*

*The site is of interest, albeit it is fairly close to another practice in the area which is not ideal. The rules which govern NHS capital investment require us to include options appraisal as part of the Initial Agreement part of business case development( as per Scottish Capital Investment Manual with which we are required to comply). Therefore we need to consider more than one option both financially and non financially for that area and I do not anticipate the Initial Agreement for that area to be developed for at least a year when that process would take place.*

### **Roads Authority Issues - dated 5 September 2019**

*Further to the memorandum dated the 11th of April and the subsequent amendments made Transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

#### *Conditions*

- 1. The applicant will be required to upgrade the Central Junction at no cost to the Council and implemented prior to first occupation of any plot north of the junction. The design of this junction needs to fully comply with the Edinburgh Street Design Guidance Fact Sheets and prioritise active and sustainable travel modes;*
- 2. The applicant will be required to upgrade the existing shared use footway on the western side of Sandpiper Drive to include a fully segregated bi-directional cycle track at no cost to the council, designed in-line with Edinburgh Street Design Guidance Fact Sheets and constructed prior to first occupation;*
- 3. A Zebra and Tiger priority crossing for pedestrians and cyclists is required for the raised table on Central Street at no cost to the Council and delivered as part of the construction of the Central Street and designed in-line with Edinburgh Street Design Guidance Fact Sheet G4 - Crossings;*

#### *Informatives*

- 1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £34,500 (£1,500 per order plus £5,500 per car) towards the provision of 6 car club vehicles in the area;*
- 2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*

3.A Stage 2 Quality Audit, as set out in *Designing Streets*, further to the Stage 1 Audit to address design concerns is to be submitted prior to the grant of Road Construction Consent;

4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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 and provision for the introduction of cycle hire on the site;

5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

10. The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 1,028 car parking spaces for a development of this size and nature (one space per housing unit, one space per 50m<sup>2</sup> for shops <500m<sup>2</sup> and, 1 space per 14m<sup>2</sup> for Food and Drink and 1 space per 50m<sup>2</sup> for the Health Centre). 570 car parking spaces are proposed;

b. A minimum of 2,081 cycle parking spaces (2 spaces per 2/3 room unit and 3 spaces for 3+ room unit, based on habitable rooms, one space per 250m<sup>2</sup> (employees) and 1 space per 500m<sup>2</sup> (customers) for shops <500m<sup>2</sup> and the Health Centre, and 1 space per 75m<sup>2</sup> for Food and Drink) 2,154 cycle parking spaces are proposed;

c. A minimum of 41 Motorcycle parking spaces (1 space per 25 units), 39 motorcycle parking spaces are proposed;

d. A minimum of 8% of the car parking provision should be designated as accessible parking. This should result in 46 accessible spaces, 46 accessible spaces are proposed;

e. A minimum of 1 in 6 spaces should be equipped for Electric Vehicle (EV) charging. Resulting in 96 EV spaces, 96 EV spaces are proposed;

f. The following table has been provided to show the breakdown of the parking standards in relation to car and cycle parking:

	Parking Standards 2017		Proposed Total	Off-Street		On-Street		Total
	Residential	Non - Residential						
Car (Maximum)		938	90	1028	440	130	570	
Cycle (Minimum)		2060	21	2081	2060	94	2154	
Motorcycle (Minimum)		41	39					
Accessible (Minimum)		46	46					
Electric Vehicle (Minimum)	96							

II. In justifying this level of car parking the applicant carried out a Parking Accumulation assessment based on 60% car ownership in the area, this indicated a potential maximum overnight parking demand of 563. In further support of this a car ownership survey of the surrounding area was carried out by the applicant, and found car ownership at 70% (it should be noted that car ownership does not directly relate to car usage. 2011 census data shows that 26% of the people in this area drive to work or study). In response to these findings the applicant has proposed a number of mitigations to influence and encourage lower car ownership within this proposed development, these proposals are as follows:

a. De-coupled parking - it is understood that the off-street car parking will be offered on a first come/first served basis meaning properties will not be marketed with a dedicated parking space. Appropriate on-street restrictions will be utilised to minimise any impact of overspill parking;

b. 6 Car Club vehicles will be provided at strategic locations throughout the development site to offer an alternative to private car ownership.

c. It is expected that the existing frequent bus service to the city centre will operate within a 400m of all housing associated with this application (re-routed no.10);

d. Further bus service provision within 800m (max distance) of development site;

e. High quality segregated cycle infrastructure within the site and connections to North Edinburgh Path Network;

The applicant has also highlighted that this site currently has good accessibility to public transport with a bus service running into Western Harbour and a number of other regular service (including two night services) stopping on Lindsay Road immediately south of the site. Accessibility to public transport will be further improved through the Tram Line Completion which will introduce a tram stop/halt at the southern end of Western Harbour and will mean that all residences within this development site will be within a maximum of 800m from the tram, which will provide a regular, high speed public transport option to a number of destinations including Leith Walk, the City Centre, major employment areas and Edinburgh Airport. The proposed level of car parking complies with the 2017 Parking Standards and based on the justification and mitigation measures proposed this level of car parking is considered acceptable;

III. CEC is currently undertaking a strategic review of car parking across the city, of which results are expected to be reported to Transport and Environment Committee September 2019. It is understood that whilst this area is not regarded as a priority it will be monitored closely by the Councils Parking and Enforcement team in the immediate years after the implementation of the Tram and the proposed development to understand if and when parking controls are required. Traffic management measures in the form of appropriate waiting and loading restrictions will also be utilised to minimise the impact of parked vehicles around the development site and ensure that any vehicles parking on-street, will do so in appropriate manner that will not impact on the safety of all other users and the amenity of the residents in this area;

IV. The proposed residential cycle parking is a predominately within secure communal stores located at numerous locations around the residential blocks. All communal stores have single external, at grade access point. Additional storage is provided within the undercroft car parks at accessible locations. The majority of the residential cycle parking is high density two-tier racks with a number of Sheffield stands to provide parking for non-standard bikes. On-street cycle parking is also Sheffield stands and has been situated across the proposed development to provide for non-residential uses and visitor cycle parking in prominent and well over looked areas. The on-street cycle parking has also strategically placed and utilised as traffic calming on the shared streets. The proposed level of cycle parking provision exceeds the minimum requirement set out in the 2017 Parking Standards and the proposed layout and style of cycle parking is considered acceptable;

V. A number of the access arrangements for the proposed cycle stores requires users to make a right angled turn upon entry and exit of the store. It has been highlighted that Transport's preference is for an access that requires no turning to ensure good accessibility and usability. The applicant has provided reasoned justification for these access arrangements including a "swept path" analysis showing a standard bike entering a store and its ability to turn within the proposed layout without any deviations.

VI. No analysis of trip generation was required as part of this AMC application as it is tied to an Outline Planning Permission where the principal of this level of development and subsequent generated trips have previously been agreed. Under this Outline permission a condition was applied that required the Newhaven Place junction to be signalised to facilitate access to the development and mitigate the trips generated by this level of development. This junction upgrade was implemented in 2007 in agreement with CEC's Network and Signals team. It should be noted that the following junctions in the vicinity of Western Harbour have been identified for improvement works in the LDP Action Programme (January 2019), these junctions and projected delivery dates are as follows:

- a. Lindsay Road / Commercial Street / North Junction Street Junction (2021);
- b. Ferry Road / North Junction Street Junction (2021);
- c. Bonnington Road / Great Junction Street Junction (2023);
- d. Ferry Road / Craighall Road Junction (2022);

It should be noted that in general, any capacity improvement at a junction(s) should be reserved for Active Travel and Public Transport and improvements should not be primarily focussed around private single occupancy vehicle movements. (The following LTS Policies are relevant: Thrive2, Streets2, Streets3, Streets4 and Pubtrans1);

VII. Transport still have concerns that the design of the road/street immediately south of the Park is not appropriate for the level of vehicular traffic that is expected to use it. There are also minor concerns around other elements of the design and layout, but it is expected that all these concerns can be dealt with a further Quality Audit and through the Road Construction Consent process;

VIII. The extent of the required infrastructure for the bus route are not known at this time. The applicant has engaged in discussions with Lothian buses who will determine the alterations to the existing route at a more advanced stage of the developments implementation, this may require infrastructure alterations, including the existing bus terminus on Western Harbour Drive. Discussions surrounding these potential alterations took place during the assessment process and an indication was made by the applicant that once these alterations had been determined a subsequent application (planning or Section 56) would be brought forward to make these changes;

IX. The proposals include a fully kerb segregated bi-directional cycle track with a separation strip on the western side of the Central Street, north of Sandpiper Drive. This cycle route has been designed in-line with the Edinburgh Street Design Guidance and includes continuous footways at side street junctions, floating bus stops and cycle - friendly crossing points at strategic locations. The existing shared use footway on the western side of Sandpiper Drive will be upgraded (ensured through condition) to a similar standard as the Central Street. This will provide a connection with the existing cycle infrastructure at Sandpiper Road, including an existing toucan crossing. An active travel connection between the existing and proposed infrastructure within Western Harbour and the Hawthornvale Path via Melrose Drive and Lindsay Road is detailed within the LDP Action Programme and is due to be delivered by 2022/23. This will create an active travel link through the application site and a dedicated connection between the site and the North Edinburgh Path Network resulting in easy and quick access to other areas of the city by active travel. Also part of this action is proposed upgrades to existing active travel infrastructure in and around Western Harbour.

#### *TRAMS - Important Note:*

The proposed site is on or adjacent to the operational / proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;

- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>*

## **SEPA further response - dated 26 April 2019**

*Thank you for your consultation email which SEPA received on 15 April 2019.*

*We have reviewed the following information and are now in a position to remove our objection of SEPA response of the 4 April 2019 (our ref: PCS/164262).*

- ARUP Western Harbour FRA (262700-ARP-XX-XX-RP-CD-0001, Issue 1 dated 20/02/2019*
- Existing and Proposed Levels (262700-00, dated 08/04/2019)*
- Correspondence from ARUP via Holder Planning dated 10/04/2019*

*Please note the detailed comments below and also the advice provided in our previous response PCS/164262.*

*We are aware that some of the information provided may be also applicable to other related planning applications (19/001040/AMC and 18/10570/FUL), however this should be submitted separately and as appropriate for each individual consultation. Therefore, for the avoidance of doubt this response relates only to planning application 19/00986/AMC.*

### *Advice for the planning authority*

#### *1. Flood risk*

*1.1 We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

#### *Technical Report*

*1.2 We previously received a Flood Risk Assessment (FRA) in support of a mixed-use development within Western Harbour. We objected and requested information of finished ground levels, consideration of civil infrastructure, and access/egress.*

*1.3 Information from ARUP consultancy and Holder Planning confirms that the minimum proposed finished ground level will be 6.04m (we assume this is mAOD and not to a local datum).*

*1.4 For clarification purposes, the planning application does not include any civil infrastructure within the planning boundary. However, a primary school is proposed as part of the larger harbour area development and as such the FRA will need to consider the 1:1000 year return period as part of that application.*

1.5 We requested additional information on the access/egress from Western Harbour during times of flooding. Information from ARUP consultancy and Holder Planning confirms that the minimum ground level to the south and away from Western Harbour is 5.88m (again, we assume mAOD). This compares with a water level of 5.34mAOD should the docks infrastructure fail. Therefore, there is safe access/egress from the site.

1.6 We have received clarification that the docks have not been infilled as part of the Western Harbour development. The dock has been partially infilled as shown in historic aerial photographs. However, this infilling must have occurred prior to the model set-up and not be the infilling the consultant refers to. The council may wish to clarify this.

1.7 Information from ARUP consultancy and Holder Planning confirms that FEH13 will be applied "at next stage". The council should be satisfied with this approach, especially as the planning application is at the detailed stage. Detailed advice for the applicant.

## 2. Flood risk

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

2.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.  
Regulatory advice for the applicant

## 3. Regulatory requirements

3.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:  
SEPA 3rd Floor Silvan House 231 Corstorphine Road Edinburgh EH12 7AT  
Tel: 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 01786 452430 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

## **SEPA response - dated 4 April 2019**

### *Advice for the planning authority*

*We object to this planning application on the grounds of a lack of information in relation to flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.*

#### *1. Flood risk*

##### *Executive Summary Outlining Policy Context*

*1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.*

*1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.*

##### *Technical Report*

*1.3 We have received a Flood Risk Assessment (FRA) in support of mixed-use development within Western Harbour, Edinburgh. This includes both residential and non-residential development. The same FRA has been submitted in support of the adjacent parkland creation (19/01040/AMC, PCS164316).*

*1.4 Finished floor levels will range from 6.5-7mAOD for the mixed-use development and minimum road levels are 6.04mAOD. Existing ground levels are approximately 4.6-5.5mAOD. It is not clear what the minimum finished ground levels will be. We previously understood that a minimum finished ground level of 5.5mAOD was proposed for this area. This level should be confirmed.*

*1.5 The FRA acknowledges civil infrastructure and access/egress in Section 2. Although it is mentioned in Section 2, it does not appear to have been considered any further in the report. This should be considered in conjunction with the vulnerability of the land-use. The last sentence of Section 9.5 mentions that surrounding areas may be flooded but it is unclear where these areas are and what mitigation has been considered.*

*1.6 The summary of the Leith Docks model runs in Appendix E has a maximum flow of 106m<sup>3</sup>/s. The Water of Leith model is currently under review by Arup, which includes further analysis of the flow estimates for the Water of Leith as they may be underestimated. We would also note that the docks surface area of 639,477m<sup>2</sup> and 628,192m<sup>2</sup> is noted in Appendix E and F, respectively. The Appendix F value is understood to be the current area as a volume of storage was lost through infilling of the harbour to enable this development.*

*1.7 The FRA confirms that the operation of the locks and gates have not been modified. The flood level associated with a failure of the docks infrastructure has a water level of 5.34mAOD. We cannot attach a probability to the potential failure.*

*1.8 The scenarios recently published within UKCP18 have been considered, which we support. Although a climate change allowance of 30% has been acknowledged in the FRA, an increase of 20% has been agreed with the council and therefore will be used in the analysis.*

*1.9 We would note that the MicroDrainage output is based on the FEH1999 methodology and we would recommend that the FEH2013 methodology is considered.*

## Summary of Technical Points

1.10 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- Consideration of access/egress from Western Harbour and details of any proposed mitigation.

- Confirmation of the finished ground levels.

### 2. Air Quality

2.1 We recommend that an Air Quality Impact Assessment is carried out to determine the impact of the proposed development on local air quality. City of Edinburgh Council have declared AQMAs on Great Junction St (for NO<sub>2</sub>) and Salamander St (for PM<sub>10</sub>). Although the development is not located within these AQMAs, additional traffic generated by the development could have a negative impact on air quality in these areas and delay compliance with the objectives. The development could also introduce new receptors to an area of existing poor air quality. The potential impact on AQMAs should be considered as part of the air quality assessment.

2.2 The assessment should be carried out in line with LAQM TG 16 guidance. A description of the magnitude and significance of predicted impacts should be clearly outlined in the assessment following EPUK and IAQM guidance; Land Use Planning and Development Control Planning for Air Quality criteria. Mitigation measures based on significance of impacts should be included.

### 3. Proximity to SEPA regulated sites

3.1 For awareness, we would note that there is a PPC part A site (ADM Milling) and several exemptions registered nearby the development site. The planning authority may wish to consult their environmental health department for advice in regard to any potential mitigation measures they consider necessary to be included in the development proposals.

### 4. Energy

4.1 Following the submission of an Energy and Sustainability Statement with district heating feasibility assessment, we have no further comments to provide on this matter.

### 5. Drainage

#### Surface water drainage

5.1 The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) includes a requirement that surface water discharge must not result in pollution of the water environment. It also makes Sustainable Drainage Systems (SUDS) a requirement for new development, with the exception of runoff from a single dwelling and discharges to coastal waters. We encourage surface water from all developments to be treated by SUDS in line with Scottish Planning Policy (Paragraph 209)

5.2 SUDS help to protect water quality and reduce potential for flood risk. They are appropriate in both urban and rural situations. Cost effective SUDS solutions can be found for almost every situation, and can be a cheaper alternative to traditional drainage measures. SUDS also provide opportunities for increased amenity and biodiversity value of sites.

5.3 Developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. The Planning Authority should also be content that the applicants are using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed on site are adequate.

5.4 The SUDS treatment train should be followed which uses a logical sequence of SUDS facilities in series allowing run-off to pass through several different SUDS before reaching the receiving waterbody.

5.5 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of the local authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues. This would not be a role for SEPA's flood risk hydrology function.

5.6 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found within CIRIA's C753 manual entitled *The SUDS Manual* at [www.ciria.org](http://www.ciria.org). Advice can also be found in the SEPA Guidance Note LUPS GU12 *Planning Advice on Sustainable Drainage Systems (SUDS)* and SEPA's regulatory method WAT-RM-08 for SuDS. Further information can also be found in the *Water Assessment and Drainage Assessment Guide* produced by the Sustainable Urban Drainage Scottish Working Party (SUDSWP).

*Detailed advice for the applicant*

## 6. Flood risk

### *Caveats & Additional Information for Applicant*

6.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit

<http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

6.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

6.3 Please note that this document should be read in conjunction Policy 41 (Part 2).

6.4 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

6.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from

<http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

*Regulatory advice for the applicant.*

## 7. Regulatory requirements

7.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

7.2 Management of surplus peat or soils may require an exemption under *The Waste Management Licensing (Scotland) Regulations 2011*. Proposed crushing or screening will require a permit under *The Pollution Prevention and Control (Scotland) Regulations 2012*. Consider if other environmental licences may be required for any installations or processes.

7.3 A *Controlled Activities Regulations (CAR)* construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,
- o is in excess of 5km, or
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

See SEPA's *Sector Specific Guidance: Construction Sites (WAT-SG-75)* for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

7.4 Below these thresholds you will need to comply with *CAR General Binding Rule 10* which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

7.5 Details of regulatory requirements and good practice advice for the applicant can be found on the *Regulations* section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

SEPA 3rd Floor Silvan House 231 Corstorphine Road Edinburgh EH12 7AT

Tel: 0131 449 7296

### **Scottish Water response - dated 15 March 2019**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

- *This proposed development will be fed from Marchbank Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link [www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application).*

#### *Foul*

- *This proposed development will be serviced by Edinburgh PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link*

[www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)

*Scottish Water is undertaking a strategic modelling exercise to assess the impact of water and wastewater for the whole development at this site on the network. Should the assessments identify network mitigation measures, these must be funded and carried out by the developer(s). Early engagement with Scottish Water is advised. The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk). The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

#### *Scottish Water Disclaimer*

*It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation.*

#### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused. In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

#### *General notes:*

*- Scottish Water asset plans can be obtained from our appointed asset plan providers:*

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)

[www.sisplan.co.uk](http://www.sisplan.co.uk)

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

- Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

#### Next Steps:

- Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

*- Trade Effluent Discharge from Non Dom Property:*

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

*If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>*

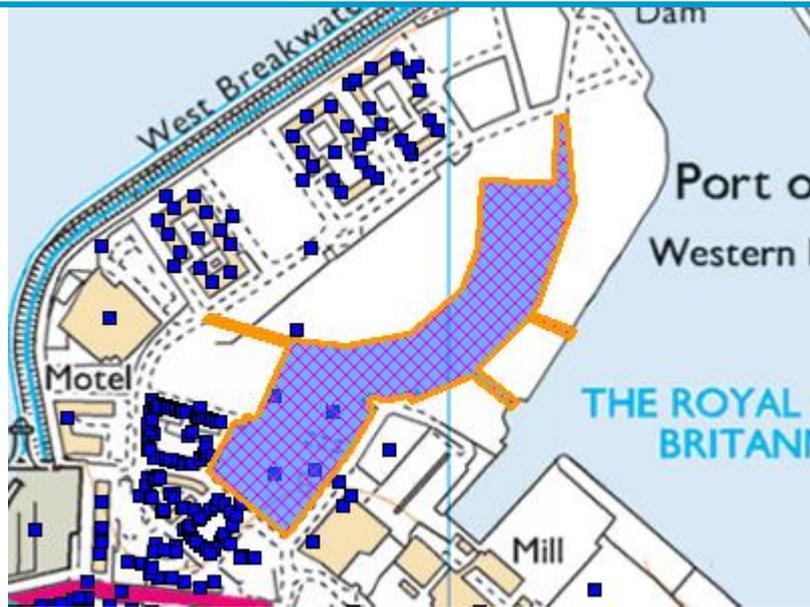
*Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.*

*For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.*

*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)*

## Location Plan

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**END**