

Development Management Sub Committee

Wednesday 23 October 2019

**Application for Approval of Matters Specified in Conditions
19/00915/AMC
At Land to the North East of 4, Sandpiper Drive, Edinburgh
Erection of 40 Residential Units and Ancillary Development.**

Item number

Report number

Wards

B13 - Leith

Summary

The proposal is in accordance with the planning permission in principle.

The proposal provides an acceptable design with the layout, scale, height and density appropriate for the location. Adequate open space and landscaping is provided. The proposals will provide an acceptable level of amenity for existing and future occupants and 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

[Policies and guidance for this application](#)

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

Report

Application for Approval of Matters Specified in Conditions 19/00915/AMC At Land to the North East of 4, Sandpiper Drive, Edinburgh Erection of 40 Residential Units and Ancillary Development.

Recommendations

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

Background

2.1 Site description

The site covers 0.33 hectares and is located within the Western Harbour area. The site is relatively flat and currently fenced off vacant land.

The site is bounded by Sandpiper Drive to the west and north, this is bounded by vacant land that is earmarked for development. To the south is an area of vacant land with the existing Asda supermarket and associated public realm further south. To the east is the supermarket car park and unmanned petrol station. Leith Docks lies to the east.

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. The application site was identified as Plot 6 within the parameters plan with a capacity of 40 residential units (application reference: 01/03229/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 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). The application site is on land adjacent to the area covered by the framework.

Adjacent sites:

29 February 2009 - reserved matters application on land to the east and south of the site for the siting and design of supermarket unit (Asda), two additional retail units, car parking layout and design, landscaping, public realm, vehicular and servicing accesses approved (application reference: 07/04404/REM). Completed.

27 August 2012 - permission granted for the erection of a petrol filling station and associated works including access and landscaping on land to the east of the site (application reference: 12/02274/FUL). Completed.

25 September 2019 - application approved, subject to a legal agreement, on land to the west of the site for the approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential (938 units) and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure (application reference: 19/00986/AMC).

25 September 2019 - application approved on land further west of the site for the approval of matters specified in condition 2 of planning permission 09/00165/OUT for a proposed park (application reference: 19/01040/AMC).

Main report

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, planting details, maintenance, the nature of any infill material and remediation for any landfill gases.

Information has also been submitted to deal with conditions 5 and 6 in relation to a design brief and general design principles.

The proposal is for 40 flatted units across five storeys with associated development including new access, car and cycle parking and associated hard and soft landscaping. The proposed accommodation includes:

- 6 x one bedroom flats;
- 22 x two bedroom flats; and
- 12 x three bedroom flats.

The proposed flats are in a C-shape block set around a rear landscaped courtyard area which covers 770 sqm. The principal elevations front onto Sandpiper Drive to the north and west with the elevations then returning into the site at the south where the access is formed.

The vehicular access from Sandpiper Drive leads through to a car parking area. A total of 29 car parking spaces are proposed, three of which are accessible and five contain electric vehicle charging points. Two motorcycle spaces are also proposed. Cycle and bin stores are contained within the blocks at the ground floor level. Eighty-eight cycle spaces are proposed.

The main materials proposed are buff brick with cladding panels to split the elevations vertically. Windows and doors are proposed to be uPVC framed and grey in colour. Glazed balustrade balconies are proposed with Juliette balconies proposed on the top floor. The roof is to be a single ply membrane.

Scheme 1:

The previous scheme contains a different mix of units consisting of 32 x two bedroom and 8 x three bedroom.

Internally, the site contained a turning hammerhead and a total of 36 car parking spaces. External cycle and bin stores within the courtyard area were also proposed.

The elevational treatment and the number of materials proposed have also been rationalised.

Supporting Documents:

- Design Framework;
- Ecology Report;
- Noise Report;
- Daylight and Sunlight Report;
- Planning Statement;
- Site Investigation Report; and
- Sustainability Form

These documents are available to view on 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 proposed design, scale and layout are acceptable
- c) the proposed open space and landscaping are acceptable;
- d) the proposal provides an acceptable level of amenity for future occupiers and neighbours
- e) the transport, access and parking arrangements are acceptable
- f) there are any other material considerations and
- g) the representations have been addressed.

a) Principle

The Edinburgh Local Development Plan (LDP) identifies Western Harbour as proposal EW1a for a housing-led mixed use development.

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 40 units aligns with the outline planning permission and the aspirations of the LDP in terms of being housing-led development in this location.

The delivery of affordable housing (AHP) 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 this has been met under the terms of the outlying agreement covered in the masterplan.

The principle of residential development is established on the site.

b) Design, Scale and Layout

LDP Policies Des 1 - Des 8 set out requirements 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.

LDP Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted 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.

As part of the application, a design framework has been provided to deal with conditions 5 and 6 on the outline permission. This considers how the development will integrate with the wider site, both the recently approved mixed-use development in application number 19/00986/AMC on adjacent land and also the framework established through the Revised Design Framework for the wider area at Western Harbour in Forth Ports ownership.

The LDP sets out a number of development principles for the Waterfront, this includes completing the approved street layout and perimeter block urban form. The layout responds to Sandpiper Drive and provides frontage to the two sides and also where the development returns back into the site.

However, due to the existing ASDA car park, associated petrol station and the size of the site, it is not possible to provide a full perimeter block style development as advocated in the LDP development principles. This was also acknowledged in the layout shown in the previous Robert Adam Masterplan. The principal elevations do provide frontages on the streetward side.

The location of the proposed car parking does not compromise the rear landscaped courtyard area. Pedestrian linkages are proposed through to the adjacent land.

LDP 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.

There is a vacant area of land to the south of the proposal that does not form part of the development site. The applicant has been in discussion with the land owner (Asda) and has indicated that in the medium term Asda envisage the land as providing an extension to the existing public realm outside their store entrance. In the longer term Asda has advised of its aspiration to bring forward proposals for additional commercial uses (Class 1 - Shops, Class 2 - Financial, Professional and other services or Class - 3 Food and Drink).

Sketches have been provided to show how either of these options could come forward and demonstrate that the proposed development would not compromise the development of the adjacent land.

LDP Policy Des 1 (Design Quality and Context) states that proposals should create a sense of place and be based on an overall design concept that draws on the positive characteristics of the surrounding area.

The submitted design framework sets out that the design of the block has been created to correspond to the blocks on the adjacent land. This results in the block broken up vertically by altering the materials and interpreting the dimensions of traditional feu plots. The design also introduces various setbacks and projections to visually break up the elevations. The block is contemporary in appearance and utilises ordered fenestration with balconies and Juliette balconies proposed throughout.

The main external material is brick (shown as buff brick in the drawings), which as noted in the Edinburgh Design Guidance has good weathering characteristics. Brick is proposed elsewhere in the harbour area and on the recently approved development adjacent to the application site.

Alongside the brick, rockclad cladding panels are proposed to break up the elevations and provide variation. It is recommended that samples of the materials are provided as a condition.

The roof is to be single ply membrane and angled to dip towards the rear of the elevations. This is similar to the flat roofed developments proposed adjacent to the site. At five storeys high, the proposed development ties in with the proposed five storey development proposed on the opposite side of Sandpiper Drive. It also aligns with the proposed heights of 4-6 storeys in the Revised Design Framework for the adjacent land.

The proposed density is 121 dwellings per hectare (dph) which is also comparable to the 130 dph recently approved on the adjacent land.

Overall, the development sits comfortably within the wider area and the recent proposals covering adjacent plots. The proposals will provide a suitable density, layout and design solution for the development and will contribute to the regeneration of the wider Western Harbour area. The relevant parts of condition 2 have been adequately dealt with.

c) 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. A rear, south-facing courtyard has been provided as part of the development. This covers an area of approximately 770 sqm and therefore meets the space standard for the 40 flats. Open space accounts for 23% of the site area.

The rear courtyard area is relatively flat and will allow for a range of activities. It is divided by the access paths and broke up by various tree and shrub planting. A total of 21 trees are proposed within the scheme and they have been adequately specified. The proposal complies with Policy Hou 3.

The ground floor flats have direct access to a small private garden area. Hedging is proposed as a boundary treatment to separate the area from the wider communal space. A small brick wall is also proposed along the main frontage, which is supplemented by further planting. This complies with the Edinburgh Design Guidance.

The details provided, including the maintenance schedule, adequately deal with the relevant parts of condition 2.

d) Amenity

Policy Des 5 (Development Design - Amenity) of the LDP supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed.

In terms of unit mix, the proposal contains a range of 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 12 units (30%) with three bedrooms. The internal floor areas comply with the recommended minimum sizes in the design guidance, whilst all the flats are also dual aspect. The mix and size of house types are acceptable in the context of Policy Hou 2 (Housing Mix).

Daylighting:

The daylighting information submitted shows that the surrounding proposed buildings achieve the criteria set out in the Edinburgh Design Guidance and BRE Guide with the Vertical Sky Component (VSC) for all windows achieving above 27% or 80% of the existing VSC.

Within the proposed building itself, all but three of the rooms meet the required VSC criteria. Average Daylight Factor calculations have been carried out for these three rooms and this shows that the required levels are met.

Overshadowing:

A sun path diagram has been provided showing hour by hour shadow plans on 21 March. This demonstrates that the communal open space will receive more than three hours of sunlight, as per the Edinburgh Design Guidance. The proposal will also not cause any detrimental overshadowing of adjacent land.

Privacy:

The proposed development will be approximately 20 metres away from the adjacent proposed buildings to the west on Sandpiper Drive and 17 metres from the proposed development to the north (as shown in the Revised Design Framework).

The proposed elevation that fronts onto the access road to the rear courtyard area is approximately 16 metres from the boundary thus providing an adequate separation distance from any future development on the adjacent land.

The proposal provides adequate separation distances for the location.

Noise:

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.

A Noise Impact Assessment (NIA) has been provided in support of the application.

The NIA considered internal noise levels against the potential impact from traffic noise. Assuming a closed window standard and the installation of 6mm/16mm/6mm double glazing throughout the development, the NIA states that the relevant noise standard can be met.

Environmental Protection has concerns regarding the impact on future occupants from noise levels from commercial activities in the area, in particular port-based activities.

The information submitted considered two measurement positions, one on a northern part of the site and one on the southern part of the site. The sound levels have then been calculated with the windows closed, with them closed and a trickle ventilator open and also the windows 5% open. The NIA states that the noise would be within suggested limits.

However, Environmental Protection has indicated that the NIA does not address its concerns in relation to potential noise from the port activity.

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 has been accepted that glazing with an alternative form of ventilation was an acceptable solution, albeit Environmental Protection also objected to both these applications.

The land is part of 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.

In summary, the proposal generally provides a good level of amenity. In terms of noise, it is proposed to condition this to ensure full mitigation details are provided.

e) Transport Matters:

Access is proposed from the west of the site from Sandpiper Drive. The Roads Authority has not objected to the application, but note that the access junction will be subject to a Section 56 application and will need to be designed in accordance with the appropriate Edinburgh Street Design Guidance Fact Sheet.

LDP Policies Tra 2 (Private Car Parking) and Policy Tra 3 (Private Cycle Parking) set out the Council's approach to parking levels. Further interpretation of the policies is contained within the Edinburgh Design Guidance. The general policy approach is to encourage sustainable, non-car modes.

The 29 car parking spaces proposed are within the limits identified in the EDG parking standards (maximum of 40). Included within this are three accessible spaces, which is above the 8% recommended. Five electric vehicle charging points are required and these have been provided.

Cycle parking has been provided internally next to the stair cores. Four stores are proposed and each contain twenty-two spaces arranged in the form of two-tier racks. The 88 spaces is in line with the EDG requirements.

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

Waste Services are generally satisfied with the proposal with regards to waste management and refuse collection. Four internal refuse collections are proposed within the stair cores and swept path analysis has been provided to show how the refuse vehicle could enter the site. An informative has been added to advise that the access road up to where the collection is required should be to an adoptable standard.

Transport matters within condition 2 have been adequately dealt with.

f) Other Material Considerations

Sustainability:

The applicant has submitted a sustainability form. Part A of the standards is stated to be met through the provision of heat recovery.

Archaeology:

The proposal raises no concerns in relation to archaeology.

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).

Flooding and Drainage:

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. Development has either occurred next to the application site or is approved. Additional information is required and therefore it is recommended that a condition is placed on the approval for this to be provided.

The scale and nature of the development falls below what SEPA provide site-specific advice on. Scottish Water has no objection to the application, but has provided advisory notes for the applicant.

Ground Conditions:

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.

Environmental Protection is still considering the information submitted and therefore it is proposed to attach a condition to this application.

g) Public Comments

Material representations - objection

Design

- Too much land dedicated to car parking - assessed in section 3.3b) and 3.3e)

Height

- Development should be higher to make more efficient use of land - assessed in section 3.3b),

Transport

- Site is well connected and lower car parking numbers should be proposed to encourage use of public transport - assessed in section 3.3e).

Leith Harbour and Newhaven Community Council Comments:

The community council made the following comments:

- Support the application in principle - noted.
- Understand that this is just an AMC, but wider development should require the Transport Assessment and Environmental Assessment to be updated - not an issue for this AMC.
- Health and Safety considerations as the site is adjacent to the existing petrol station - no issues raised by Environmental Protection on this matter.

CONCLUSION

The proposal is in accordance with the planning permission in principle.

The proposal provides an acceptable design with the layout, scale, height and density appropriate for the location. Adequate open space and landscaping is provided. The proposals will provide an acceptable level of amenity for existing and future occupants and 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.

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.
 - 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.

3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development. 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.
4. No development shall take place until the Flood Risk Assessment and Surface Water Management Plan information has been submitted and approved in writing by the Planning Authority.
5. No construction works shall take place 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 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.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to enable the planning authority to consider this/these matter/s in detail.
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.

Informatives

It should be noted that:

1. 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.

2. 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.

3. 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.

4. The applicant should note the advice from Scottish Water in the consultee response.

5. Waste Services has advised that the access road up to the refuse store should be of an adoptable standard.

6. 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), secure cycle parking, 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.

7. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.

8. 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.

Financial impact

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 £55,064.40 for the 40 units proposed.

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

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 attracted one letter of representation.

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

Background reading/external references

- 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)

Date registered

25 February 2019

Drawing numbers/Scheme

01,02C,03B,04B,05A-08A,09B-15B,16AB,17A,18,19C,20-25,

Scheme 2

David R. Leslie

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PLACE

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Links - Policies

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 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 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 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.

Appendix 1

Application for Approval of Matters Specified in Conditions 19/00915/AMC At Land to the North East Of 4, Sandpiper Drive, Edinburgh Erection of 40 Residential Units and Ancillary Development.

Consultations

Archaeology Officer response - dated 28 February 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this AMC application for the erection of 40 residential units and ancillary 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 between and out with 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

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 40 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.

Environmental Protection response - dated 3 September 2019

Environmental Protection cannot support this application and recommends refusal.

The proposed site is situated within the Western Harbour area. It is outwith the masterplan area for Western Harbour but lies immediately adjacent to it. Currently it sits beside the car park of Asda, with the store lying to the south-west of the site.

Concerns were raised by this service that the occupants of this new development would be exposed to unacceptable noise levels from commercial activities in the area, in particular port-based activities, which could happen at any time.

*The applicants submitted a Noise Impact Assessment (Charlie Fleming Associates report, reference 3313*05*R, dated 21 February 2019). Further information was provided via letter from Holding Planning on 14 August 2019.*

The information provided by the applicants does not address the concerns that Environmental Protection have in relation to residential amenity for the new occupants.

Therefore, we cannot support this application and recommend refusal.

Roads Authority Issues - 25 March 2019

The application should be continued.

Reasons:

- 1. The proposals within this application are considered contrary to LDP policy Des 7 - Layout Design, as the proposed layout does not appear to comply with the street design principles set out in Edinburgh Street Design Guidance for the following reasons:
 - a. The design of the access prioritises vehicular movements over pedestrians;*
 - b. The design of the access junction promotes faster vehicle speeds;*
 - c. The design and layout of open area is based on accessibility of vehicles and does not prioritise active travel;*
 - d. The proposed "hammer head" turning area will likely be utilised by parked cars and become ineffective;*
 - e. Certain pedestrian facilities within the development are of a sub-standard width;**

2. It is considered that the application does not comply with section 2.4 of the Edinburgh Design Guidance - Design, integration and quantity of parking for the following reasons:

- a. No reasoned justification has been provided for the proposed level of car parking;
 - b. The proposals do not meet the required minimum for cycle parking, accessible parking and electric vehicle charging (see note I);
 - c. The proposed layout for the car parking is considered to dominate the street scene;
3. The location and design of cycle parking should be in line with the draft Street Design Guidance Fact Sheet C7 - Cycle Parking. The applicant should give a particular focus to:
- a. Location of cycle parking;
 - b. Appropriate style of cycle parking;
 - c. Provision for non-standard bikes
 - d. Security of cycle parking;
 - e. Access arrangements;

Note:

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

- a. A maximum of 40 car parking spaces (1 space per unit in zone 2), 34 car parking spaces are proposed;
- b. A minimum of 88 cycle parking spaces (2 spaces per 2/3 room unit, 3 spaces per 4+ room units, please note this assessment is based on habitable rooms) 80 cycle parking spaces are proposed;
- c. Where there are 10+ dwellings a minimum of 8% of the car parking is required to be designated as accessible. For a development of this size and nature this results in 4 spaces being designated as accessible, 3 accessible spaces are proposed;
- d. Where 10+ car parking spaces are proposed 1 of every 6 car parking spaces should be equipped for electric vehicle charging. For a development of this size and nature this results in 5 EV spaces, the application does not detail how many EV spaces are proposed;
- e. A minimum of 2 motorcycle parking spaces (1 space per 25 units), 2 are proposed;

II. The applicant should consider internal bin stores that would allow the development to be serviced from Sandpiper Drive. This would remove the requirement for the "hammer head" turning area within the development and allow for a much more "pedestrian friendly" design in relation to the access junction and external space;

III. The pedestrian - cyclist access points to the Asda path are welcomed but the location need to be carefully considered with desire lines taken into account, also an adequate level of priority is required;

IV. With Regards to the Street Design Guidance the following Fact Sheets are relevant:

- a. G1 - Street Geometry and Layout
- b. G6 - Speed Reduction and Traffic Management
- c. P1 - Street as a Place
- d. P2 - Promoting Pedestrian Movements
- e. P3 - Footways
- f. P4 - Vehicle Crossovers
- g. G7 - Priority Junctions

Roads Authority updated response - 3 October 2019

Further to the memorandum dated the 25th of March 2019 and the subsequent amendments made, transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. 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), secure cycle parking, 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;
2. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
3. 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;

Note:

- I. The application has been assessed under the 2017 Parking Standards. These permit the following:
 - a. A maximum of 40 car parking spaces (1 space per unit in zone 2), 29 car parking spaces are proposed, this level of car parking is considered acceptable;
 - b. A minimum of 88 cycle parking spaces (2 spaces per 2/3 room unit, 3 spaces per 4+ room units, please note this assessment is based on habitable rooms) 88 cycle parking spaces are proposed;
 - c. Where there are 10+ dwellings a minimum of 8% of the car parking is required to be designated as accessible. For a development of this size and nature this results in 2/3 spaces being designated as accessible, 3 accessible spaces are proposed;
 - d. Where 10+ car parking spaces are proposed 1 of every 6 car parking spaces should be equipped for electric vehicle charging. For a development of this size and nature this results in 5 EV spaces, 5 EV Spaces are proposed;
 - e. A minimum of 2 motorcycle parking spaces (1 space per 25 units), 2 are proposed;
- II. The access junction will be subject to a Section 56 application as indicated this will be designed in line with the Edinburgh Street Design Guidance Fact Sheet G7 - Priority Junctions/Side Street Crossings;
- III. Cycle storage is split between 4 internal stores with a single level access point to the communal open space area, two tier cycle racks will be utilised for these stores. The proposed level of cycle parking, layout and style is considered acceptable;

Waste Services response - dated 28 February 2019

As this appears to be a residential development waste and Fleet Services would be expected to be the service provider for the collection of domestic waste (Only).

I have looked at the drawings available in the planning portal file, we would require to see in more detail drawing of the bin stores and agree quantities at the two locations. We would also require a swept path analysis in conjunction with our instruction for

architects guidance to ensure waste and recycling requirements have been fully considered.

In view of these factors I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered

Leith Harbour and Newhaven Community Council - dated 2 April 2019

I am submitting this response on behalf of Leith Harbour and Newhaven Community Council (LHNCC) giving our unanimous support in principle for the above Planning Application.

There are, however, concerns that have been raised. These have been discussed with Callum Fraser of Holder Planning, and he is aware of their inclusion in this response.

Transport assessment and Environmental statement

These are deemed 'N/A' in the Planning Application, Checklist (page 9). Although this is acceptable for AMC status applications, LHNCC is aware that there has been a great deal of development within Western Harbour, resulting in a need for updating of these reports. It is proposed (19/00915/AMC) that Central Street Junction with Sandpiper Drive should be activated, but this only adds to the argument for updating reports on above.

Health safety

There is a query in relation to the NE section of the site's proximity to ASDA Petrol Station. Are there regulations regarding this?

SEPA response - dated 27 February 2019

On your reason for consultation list/sheet, you have not completed the specific reason for consulting us, and the scale and nature of the development falls below that on which we provide site-specific advice.

This consultation is below the threshold where we would provide bespoke advice. Please therefore refer to SEPA standing advice for planning authorities and developers on development management consultations.

If, after consulting this guidance, you still require our comment on some site specific issue which is not adequately dealt with by the standing advice, then we would welcome the opportunity to be re-consulted. Please note that the site specific issue on which you are seeking our advice must be clearly indicated in the body of the consultation email or letter.

Further information on our consultation arrangements generally can be found in How and when to consult SEPA.

Scottish Water response - dated 1 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

- There is currently sufficient capacity in the Marchbank Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

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 close to boundary

Scottish Waters Records appear to show proposed infrastructure within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. This is believed to be pipework that you as the developer are proposing to lay for this development. If this is not the case please submit plans/drawings to indicate the position of the new infrastructure. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

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

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

- Trade Effluent Discharge from Non Dom Property:

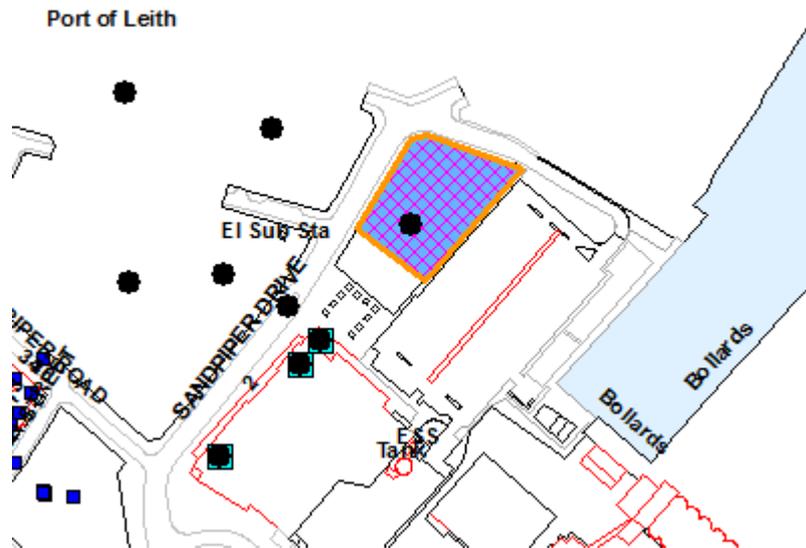
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large 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 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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Location Plan



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