

**Planning Permission 11/03038/FUL
at
Proposed Leith To Portobello Cycleway
Seafield Street
Edinburgh**

**Development Management Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 11/03038/FUL, submitted by The City Of Edinburgh Council. The application is for: **Construction of new ramp and the replacement of bridge deck over Seafield Place. Replacement steps to be provided, replacement of both bridges above the access to Seafield Crematorium, construction of ramp from the embankment path to Seafield Street, the resurfacing and widening of the path to 3m along the former railway embankment to tie into new shared use path (part of Lochend Path Scheme).**

It is recommended that this application be **GRANTED**.

2 The Site and the Proposal

Site description

The proposal site is a footpath running in an east to west direction from Seafield Place to Seafield Street, along the former railway embankment. The footpath runs parallel with, and to the south of, Seafield Road and is adjacent to Seafield Crematorium.

This property is located within the Leith Conservation Area.

Site History

None.

Pre-Application Process

Extensive pre-application discussions were undertaken on the principle of the development.

Description Of The Proposal

The proposal is to upgrade the existing embankment currently used as a footpath to a footpath and cycleway. In order to achieve this, a number of different works are required and these include;

- Widening of the embankment crest, involving earthworks and a creation of a new tensor greenslope wall, to accommodate the new path and cycleway;
- Footway and cycleway surfacing and associated infrastructure (e.g. handrails);
- Replacement of Seafield Road Bridge;
- Replacement of two adjacent bridges adjacent to the crematorium;
- Provision of an access ramp to replace existing steps leading up to the embankment from the eastern end of Leith Links; and
- Provision of an access ramp to replace existing steps leading up to the embankment from Seafield Street.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals harm the character or appearance of the conservation area?
If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

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

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

ASSESSMENT

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

- a) the proposal is acceptable in principle;
- b) the proposal is compatible with the character of its surroundings in terms of design, form and choice of materials;
- c) the proposal is likely to have an adverse impact on the flora, fauna or landscape of the Local Nature Conservation Site;
- d) the proposal will maintain or enhance the character and appearance of the conservation area; and
- e) the proposal will adversely impact upon any important archaeological remains.

a) The proposal will not result in a loss of open space as the existing path is to be upgraded to a footpath and cycleway. It will also tie into the Firth of Forth Core Path as identified in the Local Plan.

The control of anti-social behaviour falls within the remit of the Lothian and Border Police. The proposal will not result in a detrimental impact on neighbouring residential amenity through an increase in antisocial behaviour as the proposal will result in increased usage of the path and includes lighting at 30m intervals. The proposal is acceptable in principle provided that it meets all other relevant policy requirements of the Local Plan.

b) The design and materials to be used are appropriate for their intended purpose and are compatible with the character of the site as existing. The proposed use of greenslope tensor walls at both ramps is specially designed to offer a natural look and low-growth shrubs will be used on the slopes. All earthworks required for the scheme will be seeded in a wildflower mix. These measures, in conjunction with other design aspects and materials, and the tree replacement and landscaping scheme, will ensure that the proposed development will maintain the semi-natural character of the existing path. The proposal is compatible with the character of its surroundings in terms of design, form and choice of materials.

c) The proposal and construction process will result in a short term negative impact on the flora, fauna or landscape of the Local Nature Conservation Site. Mitigation for this will be provided by way of landscaping which will include species to enhance the biodiversity of the local site. Through mitigation measures and appropriate conditions, the proposal will not result in any lasting adverse impact on the flora, fauna or landscape of the Local Nature Conservation Site.

d) The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

The proposed western ramp is located within the Leith Conservation Area on a site which is predominantly vegetated. The proposed ramp will consist of greenslope tensor walls which will be planted as to minimise the visual impact and this accompanied by the proposed landscaping will maintain the semi-natural character of the site. The proposed western ramp will have a minimal visual impact on conservation area as a whole and as such the character and appearance of the conservation area will be maintained.

e) Having assessed the impact of the development upon the potential archaeological resource, Councils' Archaeological Officer concluded that the proposals are likely only to have a minor archaeological impact. He raised no objections to the proposal provided that the recommended condition is attached in order to safeguard the interests of archaeological heritage. There will be no detrimental impact on any important archaeological remains.

The City of Edinburgh Council Archaeological Officer raised no objections to the proposal provided that the recommended condition is attached in order to safeguard the interests of archaeological heritage.

In conclusion, the proposal complies with the development plan and the non-statutory guidelines. The proposal is acceptable in principle, is compatible with the character of its surroundings in terms of design, form and choice of materials, and will not have an adverse impact on the flora, fauna or landscape of the Local Nature Conservation Site. The proposal will not have an adverse impact upon any important archaeological remains, and the character and appearance of the conservation area will be maintained.

There are no material considerations which outweigh this conclusion. As the Council is the land owner, it has an interest in the application and a Committee decision is required.

It is recommended that the Committee approves this application subject to the recommended conditions.

REASON FOR DECISION

The proposal is in accordance with the Edinburgh City Local Plan and the Councils Non-Statutory Guidelines. The proposal is acceptable in principle, is compatible with the character of its surroundings in terms of design, form and choice of materials, and will not have an adverse impact on the flora, fauna or landscape of the Local Nature Conservation Site. The proposal will not have an adverse impact upon any important archaeological remains, and the character and appearance of the conservation area will be maintained.

John Bury
Head of Planning

Contact/tel	Colin Bryans on 0131 529 4279
Ward affected	A13 – Leith
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Local Nature Conservation Site
Date registered	13 September 2011
Drawing numbers/ Scheme	01,02A,03,04,05,06,07,08,09,10,11,12A,13,14,15A,16A,17 Scheme 2

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner,
Paul Devaney on 0131 529 3519. Email: paul.devaney@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Application Type Planning Permission
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Consultations, Representations and Planning Policy

Consultations

Archaeology

The City of Edinburgh Council Archaeological Officer raised no objections to the proposal provided that the recommended condition is attached in order to safeguard the interests of archaeological heritage.

Representations

Three representation were received, two general comments and one letter of objection. The letter of objection received was from a neighbouring resident and the material grounds for objection was that the proposal would have a detrimental impact on neighbouring residential amenity through anti-social behaviour (addressed in section a).

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The proposal site is located in an area designated as urban, as a local nature conservation site, as open space and within the Leith Conservation Area, as designated by the Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated. Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted. Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

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.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Relevant Non-Statutory Guidelines

The Leith Conservation Area Character Appraisal emphasises the areas unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Non-statutory guidelines on BIODIVERSITY sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

Non-statutory guidelines on "Trees and Development" provides guidance on the information required to support planning applications in respect of tree protection, the retention of trees of landscape, biodiversity or amenity significance, and encourages new tree planting where appropriate.

Appendix B



Application Type Planning Permission
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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**

Conditions

1. 'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis & publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.

4. No development shall take place until the tree identified in Leith Links Park, by the Phase 1 Habitat Survey, with bat roost potential is subjected to a climb and inspect survey to identify whether bats are roosting within the suitable feature. If bats are found within the tree further mitigation measures shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
5. No development shall take place until a survey for badgers is carried out in advance of construction works to ensure that no new setts have been built within the site boundary. In the event that any new sett is identified a protection zone shall be set up along the existing cycleway and extending parallel to the embankment slope containing the sett to stop incursion of site staff and plant onto the embankment slope, and thereby preventing damage to the sett entrances.
6. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the prior written consent of the Head of Planning & Strategy.

Reasons

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to safeguard the interests of nature conservation.
5. In order to safeguard the interests of nature conservation.
6. In order to safeguard the interests of nature conservation.

INFORMATIVES

It should be noted that:

1. Where appropriate dead wood from trees removed should be used to form small habitat piles in a few locations at the base of the cycleway embankment.
2. The stand of Japanese Knotweed at the crest of the embankment will require to be removed to a licensed landfill prior to the start of any works within 7m of the parent plant, thus ensuring that the species is not spread to new areas.

This work should be carried out by a specialist contractor.

3. A licence to disturb badgers will be required to undertake the proposed construction activities within 30m of any active sett. Works should be restricted from the 1st December to the 30th June inclusive as this is to be considered 'the closed season'.
4. All personnel working on site must be made aware of the presence of badgers in the area, the protection zone, the conditions of the disturbance licence and the importance of protecting the species through careful adherence to the mitigation measures outlined.
5. Works must be limited to daylight hours thus avoiding the sensitive dusk and dawn emergence and return periods for badgers. No works should be carried out between 8pm and 7am, or as specified on the badger disturbance licence.
6. All tree felling and scrub/vegetation clearance should be undertaken outwith the bird breeding season (March to August inclusive) to avoid disturbance or damage to breeding birds or their nests. If clearance outside this period is not possible then a breeding bird survey must be conducted 4-6 weeks prior to the start of any vegetation clearance works.

If nesting birds are found at any time, and works will disturb them, then works must pause and advice sought from a sufficiently experienced ecologist to assess any disturbance that might occur to the nesting birds. If deemed necessary the nesting areas must be fenced off until the birds complete nesting and the young have fully fledged and departed.

End

Appendix C



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Location Plan

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