

Development Management Sub Committee

Wednesday 23 October 2013

**Application for Planning Permission 13/01070/FUL
At Site 69 Metres West Of 7 Shrub Place, Edinburgh
Proposed Mixed Use Development including redevelopment
of Listed Buildings (Tram Workshops).**

Item number	8.2(a)
Report number	
Wards	A12 - Leith Walk

Links

Policies and guidance for this application	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITE3, CITE4, CITE6, CITE8, CITE9, CITE12, CITE16, CITE17, CITE18, CITOS3, CITH1, CITH2, CITH3, CITH4, CITH5, CITH7, CITH8, CITCO1, CITCO2, CITR2, CITT2, CITT3, CITT4, CITT5, CITT6, CITI6, NSG, NSGD02, NSDCAH, NSLBCA, NSP, NSMDV, OTH, CRPLEI, CRPPIL,
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David R. Leslie

Acting Head of Planning and Building Standards

Contact: Andrew Trigger, Planning Officer
E-mail: andrew.trigger@edinburgh.gov.uk Tel: 0131 529 3931

Executive summary

Application for Planning Permission 13/01070/FUL At Site 69 Metres West Of 7 Shrub Place, Edinburgh Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops).

Summary

The principle of the proposed development is acceptable. The scale and design is appropriate and the historic environment will be enhanced. There are no implications for road safety or residential amenity. There are no material considerations that outweigh this conclusion.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

The application is subject to a legal agreement for developer contributions.

Equalities impact

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

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

Consultation and engagement

Pre-Application Process

In line with planning legislation, a Proposal of Application Notice (12/04360/PAN) was submitted on 3 December 2012 to the Council as planning authority with a copy provided to Leith Central Community Council. Copies were also provided to the local ward members, the New Town & Broughton Community Council and, the City Centre & Leith Neighbourhood Partnership.

A consultation event was held in McDonald Road Library on 22 and 23 January 2013. The event was attended by approximately 80 people. Issues raised included access, density, retention of listed buildings and housing types.

A pre-application report on the proposals was presented to the Committee on 30 January 2013. The Committee requested that school capacities, impact upon listed buildings, design, access and sustainability be taken into account.

The proposals were considered by the Edinburgh Urban Design Panel on 13 February 2013. A full copy of their report is set out in Appendix 1.

A copy of the Pre-Application Consultation report is available to view via Planning and Building Standards Online Services.

Publicity summary of representations and Community Council comments

The application was advertised on 12 April 2013. There have been 16 letters of representation received, all of which object to the proposals. The letters of representation raised the following material issues:

Impact upon the historic environment;
Scale and design;
Residential amenity; and
Road and pedestrian safety;

Leith Central Community Council was formally consulted but no response has been received.

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](#)

Application for Planning Permission 13/01070/FUL At Site 69 Metres West Of 7 Shrub Place, Edinburgh Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops).

1. Background

1.1 Site description

The site, covering approximately 2 hectares, lies between Leith Walk and Dryden Street.

A large proportion of the site has now been cleared. The site previously contained the Lothian Transport bus depot, formerly a tram depot, part of which includes the retained category B listed redbrick buildings and chimney stack at the Dryden Street end (ref 45956, listed 10 March 1999).

It is bounded on its south-west side by a single track railway line, still operational for freight, serving Powderhall Refuse Depot. The line is set in a cutting, 5 to 7 metres below the site level. Towards the centre of the side, on the railway side is an existing Masonic Hall and associated car park, accessed by Shrub Place Land from Leith Walk.

The site has two street frontages, one to Leith Walk and the other to Dryden Terrace and can be accessed from both. Dryden Terrace is linked to Dryden Street by a pedestrian bridge over the railway line.

East of the site, fronting Leith Walk, is Shrubhill House which has planning permission for student housing.

To the north and east of the site are residential properties, Inchkeith Court, a 1960s eleven storey high-rise block. To the north of this are the two-storey B listed Shaws Colonies. Beyond this are the three storey residential tenements of Spey Terrace and Dryden Street.

To the north west of the site are further three storey residential tenemental properties on Dryden Street, and the recent four storey residential development opposite the listed tram depot buildings and adjacent to the railway line.

To the south west across the railway line are the four storey residential tenements of McDonald Road.

The Leith Walk frontage of the site is located within the Leith Conservation Area. The listed buildings are located within the Pilrig Conservation Area and the listed gable wall forms the boundary of the Shaw's Colonies (Pilrig) Conservation Area.

1.2 Site History

The site has been the subject of various planning applications and listed building consents proposing mixed use developments, references 01/00509/FUL, 02/04595/FUL, 02/04593/FUL and 02/04595/LBC.

20 July 2004, following a public inquiry, a number of planning application and listed building appeals were dismissed and refused permission (SEIRU Ref P/PPA/230/488 and 529 and P/LBA/230/121).

25 November 2004 - A revised "Statement of Urban Design Principles for: Shrub Place, Pilrig" was approved by the Planning Committee.

19 April 2006 - Planning permission granted for demolition of existing office building and Masonic Club, conversion of listed building and new build development to provide for new Masonic Club, retail and commercial provision to Leith Walk and residential development (410 units) with associated access, parking and landscaping (05/03128/FUL).

24 May 2006 - Listed building consent granted for the conversion of the listed tram sheds (05/03128/LBC).

10 March 2010 - Planning permission 'Minded to Grant' subject to legal agreement for a hotel (Class 7) and associated facilities, Masonic Social Club, landscaping, parking and access arrangements. The application only relates to the eastern part of the site fronting Leith Walk (09/00794/FUL).

April 2013 - An application for a change of use of the site from sui generis to temporary storage of construction materials is currently under consideration (13/01416/FUL).

April 2013 - An application for listed building consent to retain existing chimney, alter existing tram workshops to accommodate residential development, and reduce height of existing gable wall to remove requirement for galvanised steel buttresses is currently under consideration (13/01071/LBC).

Adjacent to the site

9 April 2008 - Planning permission granted for the redevelopment of Shrubhill House for mixed use development including student residential accommodation and associated facilities, retail (class 1) units and food and drink (class 3) units, cycle parking areas and associated alterations to access and landscaping (as amended) (06/05371/FUL).

2. Main report

2.1 Description Of The Proposal

Planning permission is sought for a mixed use development comprising 160 residential units and 1150sqm of retail floorspace along with associated car parking and open space.

The breakdown of accommodation is as follows:

Affordable Housing

- 1 bedroom apartments x 12;
- bedroom apartments x 20;
- bedroom apartments x 8;

Market Housing

- 1 bedroom apartments x 12;
- bedroom apartments x 61;
- bedroom apartments x 1;
- 2 bedroom colony flats x 30;
- bedroom townhouses x 16.

The apartments will be located within 4 buildings. The block nearest Leith Walk will be 5-storeys high with retail at ground floor level and affordable units above. The second flatted block will be 4-storeys high. The remainder of the apartments will be within the converted tram sheds. The proposed colonies and townhouses will be 3-storeys high.

The proposed finishing materials for the entire development are stone, brick and zinc cladding.

The proposals will also involve alterations to and the conversion of the listed tram sheds; retention of the listed chimney stack; and a reduction in height of the listed gable wall to 3 metres.

Previous Scheme

The main changes from the original submission are as follows:

Extent of public realm has been increased; and
Architectural design of the affordable flatted/commercial block has been revised.

The following documents have been submitted in support of the application, all of which are available to view via Planning & Building Standards Online Services:

- Design & Access Statement;
- Sustainability Statement;
- Pre-Application Consultation Report;
- Noise Assessment;
- Ecological Assessment;

- Transport Statement;
- Air Quality Assessment;
- Drainage Assessment;
- Land Quality Strategy;
- Flood Risk Assessment;
- Utilities Strategy;
- Retail Support Statement; and
- Archaeological Written Scheme of Investigation.

2.2 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 consent.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of consent. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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?

2.3 Assessment

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

- a) the proposals are acceptable in principle;
- b) the scale and design of the proposals is appropriate;
- c) the proposals preserve or enhance the historic environment;
- d) the proposals raise any implications for road or pedestrian safety;
- e) the proposals will adversely affect existing residential amenity;
- f) the proposals afford an acceptable living environment for future residents;
- g) the proposals are adequate in respect of infrastructure and affordable housing provision;
- h) the proposals meet the Council's requirements in respect of sustainability;
- i) the proposals raise any issues in respect of equalities or human rights;

j) there are any other material points raised in the representations

a) Principle of Development

The application site is allocated for housing in the Edinburgh City Local Plan. The proposed development includes 160 residential units, which is significantly less than the estimated capacity of 400 identified in the local plan. However, there are good urban design reasons for the lower density, which are explained later in this report, that justify this shortfall.

The retail element of the proposals would be located within the Leith Walk town centre. Planning policy requires the impact of the proposed floorspace on the city centre retail core to be considered. A retail statement submitted in support of the application states that the design of the floorspace would suit a medium sized, food based operator. Consequently, such operators are unlikely to compete directly with city centre retail and are more appropriate to a town centre location.

In summary, the low density of housing is justified and the retail element will not compromise the city centre offer. The principle of the proposed development is therefore acceptable.

b) Scale & Design

The proposed development positions higher development towards Leith Walk with lower scale development towards Pilrig. The scale of the proposed development is reflective of the immediate context and will sit comfortably within the streetscape.

The layout has considered built form, parking provision and open space requirements and represents an appropriate quantum of development. The layout of the proposals has allowed for the possible redevelopment of neighbouring sites. Notably, the proposals include a hard landscaped public square between the proposed development and approved plans for the redevelopment of Shrubhill House.

The proposed architectural treatment is simple and takes reference from the surrounding townscape. The use of stone, brick and zinc cladding finishes is characteristic of the area and reflective of the industrial heritage of the site.

In summary, the proposed scale and layout is reflective of the townscape, consideration has been given to future development and the design and materials are appropriate.

c) Historic Environment

The southern end of the application site is within the Leith Conservation Area. The Leith Conservation Character Appraisal states that Leith Walk is *one of the most important routes in the city linking the New Town Conservation Area with that of Leith. The continuity of form of Leith Walk makes it clearly visible from other high vantage points around the city.*

The proposed development will continue the development form along Leith Walk with retail use at ground floor and residential above. Modern floor heights will enable a fourth level of residential use to be accommodated without projecting above the established roofline. The Leith Walk frontage and returns will have a stone finish to

reflect the historic development of the area. The architectural treatment of the exposed elevation fronting the railway line has been simplified so as not to detract from the Leith Walk frontage when viewed from higher vantage points.

The northern end of the site, principally the tram sheds and chimney stack is within the Pilrig Conservation Area. The Pilrig Conservation Area states that *the area is relatively low density, given its proximity to central Edinburgh and is mainly comprised of low rise residential development. The surviving remains of the industrial development at Shrub Place - the Shrubhill Tramway Workshops and Power Station are of industrial archaeological interest. The chimney is included in the listing, although it was reduced in height around 1975. The gabled retaining wall to Shaw's Colonies has been kept after demolition of the tram works.*

The restoration and re-use of the historic tram sheds and chimney stack will positively enhance the appearance of the southern end of the Pilrig Conservation Area. The inclusion of new colony housing and townhouses will continue the low density characteristic of the conservation area into the application site.

The boundary wall delineating the site from the colonies forms the boundary of the Shaw's Place (Pilrig) Colonies Conservation Area. The Edinburgh Colony Character Appraisals state that *as a result of the surrounding land uses, there are no significant views out to the surrounding area. This provides a sense of enclosure, giving the Colonies an almost village type feel.*

The boundary wall will be significantly reduced in height but due to the ground level difference will still stand approximately 5 metres high when viewed from within the colonies. The wall will not be penetrated and it is to be blank gables of the colonies and townhouses that will be nearest the wall. A sense of enclosure within the existing colonies will be retained.

The impact of the proposed alterations to listed buildings within the site, including the boundary wall has been assessed in the accompanying application for listed building consent. However, in respect of the setting of those buildings, the proposed colonies and townhouses that will be situated nearest to the listed buildings are comparable to the scale of existing buildings that surround the former tram depot. The overall redevelopment will improve the public realm around the listed buildings and in the case of the chimney stack will create a feature - the setting of the listed buildings will be enhanced.

Given that a substantial boundary wall will be retained and that it is similar house types that are proposed nearest the boundary, the proposals will preserve the setting of the B listed colonies.

The application site is situated within an area of archaeological importance, with particular interest in the City's industrial development. With regard to buried archaeology, there are significant remains from the 18th and 19th Centuries including historic tram development that must be recorded. A planning condition is recommended to secure a programme of archaeological work prior to commencement of development. The City Archaeologist has formally objected to the alterations to boundary wall as it will result in the loss of an industrial heritage asset. However, for reasons stipulated in the report for listed building consent, namely the dilution of historic value and the regeneration of a long-term, prominent gap site, the alterations to the wall are justified.

In summary, the retention and restoration of listed buildings will enhance the appearance of the conservation areas; the design of the proposed development will preserve the character and appearance of the conservation areas, and archaeological heritage will be recorded.

d) Road & Pedestrian Safety

The proposed layout has been tracked to assess the movements of refuse vehicles and cars through the site and onto Dryden Terrace and it has been shown that the existing road network can accommodate such vehicles. Transport Planning has raised no objections to the proposals.

Residents are concerned that there will be an increase in traffic and that the proposed layout will create a rat run. It is inevitable that the proposals will result in an increase in traffic given that the site is currently undeveloped. However, Transport Planning has accepted that existing road network can accommodate the level of traffic movements generated by the proposals. Whilst the layout proposed will enable through traffic, the design of the route is convoluted and will involve negotiating tight bends, which is likely to slow traffic and will reduce the attractiveness of the route as a shortcut.

The level and layout of parking provision has been accepted by Transport Planning. This is in part due to the proximity of local amenities and the good level of access to public transport. A contribution towards the city car club is also required to assist with transport options.

With regard to safeguarding of future transport options, cycle links will be required to the Powderhall railway line should it become a cycle route - this shall be secured by legal agreement. In line with approved guidelines, a financial contribution towards the tram project will be required.

In summary, the existing road network can service the proposals, the parking provision is acceptable and future transport options have been considered.

e) Residential Amenity

Neighbouring residents have raised concerns that the reduction in height of the boundary wall separating the site from the colonies will result in a loss of privacy. However, the brick wall will be retained at 3 metres, which due to ground levels will be approximately 4.8 metres high when viewed from the colonies - this will maintain privacy.

There have also been concerns raised by residents that the lowering of the wall will increase noise. However, that part of the site will be developed solely for residential use, which is compatible with the surrounding area.

In terms overshadowing, the proposed development will not have a greater impact than the existing high boundary wall.

In summary, privacy will be maintained and there are no issues in respect of noise or overshadowing.

f) Future Living Environment

The applicant has demonstrated that the proposed residential units will comply with the Edinburgh Design Guidance in respect of daylight.

In terms of privacy, there will be sufficient distance between opposing windows in the new dwellings with the exception of the converted tram sheds. However, the importance of retaining the tram sheds and bringing them back into active use outweighs the conformity with privacy guidelines in this instance.

The proposed townhouses and colony housing will have private gardens and the flatted properties will have access to communal areas of soft and hard landscaping.

Noise from the Masonic lodge and from traffic on Leith Walk has been considered in noise assessment submitted in support of the application. Mitigating measures, including acoustic glazing, have been identified and their implementation will be required by planning condition. Environmental Assessment is supportive of this approach.

Given the bustling nature of Leith Walk and the substantial number of existing retail units there that have no operating restrictions it is unreasonable to impose conditions seeking to restrict hours of delivery. Other legislation regulates the transfer of noise between properties and as such there is no requirement to impose planning conditions.

In summary, the proposals are acceptable in terms of daylighting; privacy issues are justified and properties will have good access to amenity space.

g) Infrastructure & Affordable Housing

In terms of education infrastructure, Drummond High School has sufficient capacity to facilitate the development. Management controls can be applied should there be capacity pressure at St Thomas of Aquin's and St Mary's schools respectively. Broughton Primary School is operating beyond capacity and a financial contribution will be required to address accommodation pressures. Children & Families raise no objections to the proposals.

The proposals include the provision of 40 affordable housing units, which equates to 25% of the overall development. The provision will range between 1, 2 and 3 bedroom apartments located in the block fronting Leith Walk. Whilst it is normally expected that on sites of this size the affordable housing provision would be spread over two locations and a mix of both flats and houses, an exception is justified in this instance. This is on the basis that such a requirement will impact upon the viability of the project and potentially jeopardise the redevelopment of a longstanding gap site in a prominent location. The affordable housing provision will be secured by legal agreement.

The impact of the proposal upon the water and waste water network has been considered. Scottish Water does not object to the proposals.

In terms of drainage, the proposals will involve the discharge of surface water from the development to the combined sewer. SEPA raise no objections to the proposals.

In summary, school capacity issues will be addressed, affordable housing will be provided and other existing infrastructure will support the proposed development.

h) Sustainability

The applicant has submitted a sustainability statement in support of the application.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

Desirable Elements

In addition the applicants have provided a commitment to further sustainability measures as set out in the desirable elements. Additional measures include enhancing access to methods of travel other than the car.

In summary, the proposal complies with the requirements of Parts A and B of the Edinburgh Standards for Sustainable Buildings.

i) Equalities & Human Rights

The proposed development will create an environment where public spaces can be used safely and securely without fear. The proposals will offer a good standard of living with access to transport and public places including green spaces. The proposals will have a positive impact in respect of rights.

A range of living accommodation will be provided that will support different users including young families and the elderly. The site is accessible for people with mobility issues. The proposals include an element of affordable housing to assist those who cannot access traditional housing markets. The proposals will have a positive impact in respect of equalities.

In summary, the proposals will have a positive impact in respect of equalities and rights.

j) Representations

Material Comments

Issues relating to the historic environment

- Reducing the wall will be detrimental to the historic streetscape;
- Reducing the wall will be detrimental to the character of the listed colonies;
- Louvres over car park level are not in keeping with the listed structure and do not create a good relationship with the street;
- Retention of the distinctive shape of the wall should be considered;
- Integration of the listed wall into the proposals;

These issues have been addressed in section c) of the assessment.

Issues relating to residential amenity

- Reducing the wall will reduce privacy and increase noise;
- Reducing the wall will compromise security of neighbouring properties;
- Security of properties;

These issues have been addressed in section e) of the assessment.

Issues relating to scale and design

- The number of houses proposed is excessive;
- There is little detail to suggest how the public realm will look or work;

These issues have been addressed in section b) of the assessment.

Issues relating to road and pedestrian safety

- The use of Dryden Terrace as a vehicular access given lack of space for two way traffic and a pavement;
- The use of Dryden Terrace by refuse vehicles due to tight bend;
- Access to parking within the tram sheds will be compromised by existing on-street parking;
- Increase in traffic in a street that has traditionally been a cul-de-sac;
- Creation of a rat-run;
- Future cycle link to railway line;

These issues have been addressed in section d) of the assessment.

General Comments

Alterations to the listed wall did not form part of the pre-application consultation;

It is not uncommon for proposals to alter from the pre-application to application stage. Residents have had the opportunity to comment on this issue as part of the application process.

- Only reason for the reduction of the wall is cost;

The cost of long-term maintenance is a factor for the redevelopment of the site. This has been specifically noted by Historic Scotland. Viability of redevelopment is an important consideration and in this case, given the restoration of other listed buildings of greater interest, the alteration of the wall is accepted.

- Neighbour notification process - lack of notification;

The notification procedure was carried out in accordance with the appropriate legislation.

CONCLUSION

In conclusion, the principle of the proposed development is acceptable. The scale and design is appropriate and the historic environment will be enhanced. There are no implications for road safety or residential amenity. There are no material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application subject to firstly, a legal agreement securing affordable housing, education, transport and tram infrastructure and secondly, conditions on archaeology, landscaping, materials, contamination, air quality and noise.

3. Recommendations

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

3.2 Conditions/reasons

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

2. 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.

3. 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.

4. 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 to the satisfaction of the Head of Planning and Building Standards, 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 Head of Planning and Building Standards.
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 to the satisfaction of the Head of Planning and Building Standards.

5. The construction phase of the development shall proceed in accordance with the requirements and recommendations of the air quality impact assessment (WSP Air Quality Assessment dated 5 April 2013 section 6.1.)

6. The enhancements to the building envelope, as defined in the RPS Noise Impact Assessment report (Ref. SAE7571 Dated 4th April 2013), shall be carried out in full and completed prior to occupation of the properties.

Those works comprise the following construction mitigation measures:

The composite facade glazing for living rooms facing directly onto Leith Walk at the site boundary require to meet Rw 28dB and the composite facade for equivalent bedrooms require meeting Rw 33dB.

The composite facade glazing for living rooms and bedrooms affected by noise from the Masonic Lodge require to meet specification 10/4/6 or similar and have acoustic performance of 33dB (C-1, Ctr-3). The affected properties are specified within drawing number 12068(00)900.

7. Prior to commencement of works on site, details of the means of ventilating the residential properties which are affected by noise from the Masonic Lodge and traffic from Leith Walk should be submitted and agreed with the Planning Authority.

Informative; this condition relates to those rooms which overlook Leith Walk and the Masonic Lodge (which are highlighted in drawing number 12068(00)900). The ventilation system should be passive and meet the requirements of building control standards in terms of ventilation rates.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the approved landscaping works are properly established on site.
3. In order to safeguard the character of the conservation area.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
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.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to affordable housing, education, tram and transport infrastructure.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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 proposed vehicular access over this bridge will be subject to further discussions and will require the developer/Local Authority to enter into a servitude and bridge agreement with Network Rail.
6. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property.
7. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height along the boundary of the application site adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.
8. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicants should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision and/or signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.
9. Details of all changes in ground levels, laying of foundations/piling works and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
10. The access on Leith Walk was proposed as left turn only to accommodate the tram line. It is considered that this is unnecessary until such time as the works associated with the tram are commenced and therefore until that time the access may remain as unrestricted. However, the applicant should note that this restriction may be imposed in the future.
11. The applicant will be expected to provide a suitable adoptable link to the site boundary to provide a cycle and pedestrian link to a future cycle and pedestrian route on the rail line.

David R. Leslie

Statutory Development Plan Provision

The application site is identified in the Edinburgh City Local Plan as a housing proposal (HSG 18).

Date registered

4 April 2013

Drawing numbers/Scheme

01,02a,03-21,22a-25a,26-30,31a-32a,33-36,37a-39a,40-46,

Scheme 2

Acting Head of Planning and Building Standards

Links - Policies

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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.

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

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

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Inf 6 (Water & 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 and landscape, in Edinburgh.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's 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 Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

Appendix 1

Consultations

Edinburgh Urban Design Panel

The Panel welcome the opportunity to review the proposal at this early stage of the design process and could see a great opportunity for a successful development. The Panel are concerned with respect to the reduced density from the consented scheme. However; this proposal presents a potentially more successful urban form for the site which is greatly welcomed by the Panel.

1 Introduction

1.1 This report relates to proposals for the redevelopment of 1 Shrub Place, more commonly known as Shrubhill. The site is allocated in the Edinburgh City Local Plan for housing (HSG 18 - approx. 400 units) and covered by an approved Statement of Urban Design Principles (2004). The statement sets out guidance on heights and form for buildings, spaces and linkages. The key objectives are:

- a. the creation of a sustainable mixed use development which reinforces a sense of place;*
- b. retention and enhancement of existing historic fabric of merit*
- c. enhance role and character of Leith Walk.*

The Leith Walk frontage is within the designated town centre. The section of the site fronting onto Leith Walk is also within a conservation area.

To the east of the site are the B listed Pilrig Model Dwellings, Shaw's Place Colonies. A report to the Planning Committee on 6 December 2012 recommended that the area should be designated as a Conservation Area.

A large proportion of the site has now been cleared. The site previously contained a former tram depot, part of which includes the retained category B listed red brick buildings and chimney stack at the Dryden Street end and also a retained brick wall of gable ends along the eastern boundary.

The Powderhall railway line at the western boundary of the site is safeguarded in the local plan for a future cycle way / footpath. This is the first time that the proposals have been reviewed.

1.3 No declarations of interest were made by any panel members in relation to this scheme.

1.4 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.

1.5 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the panel forming a differing view about the proposals at a later stage.

2 Site Layout

2.1 The Panel noted the importance of the redevelopment of this site for Leith Walk. A strong well designed frontage is therefore essential. The Panel encouraged the design team to look at a single access point as the proposed double access points detracts from the street frontage. Also, in developing an appropriate design for the Leith Walk frontage an understanding of the proposed design for the adjacent site will be required to ensure a comprehensive design solution for the street frontage.

2.2 In general terms the Panel are supportive of the proposed layout albeit constrained by the retention of the Masonic Lodge. A comprehensive masterplanning of the site to include the Masonic Lodge site would be supported by the Panel as this would clearly benefit the spatial arrangement and layout. However, it was acknowledged by the Panel that the inclusion of the Masonic Lodge is out with the architects' brief for the site and therefore unlikely to form part of this Planning Application.

2.3 The Panel encouraged the Design Team to look at design options which would allow the site to fully integrate with the surrounding area in particular with the adjacent Shaw's Place Colonies. Integration of this site with the adjacent colonies was seen by the Panel as an opportunity for both colonies and this site.

3 Density and Housing Mix

3.1 The Panel were supportive of the proposed housing mix and typologies proposed for the site. In particular the proposed use of colonies style family housing.

3.2 The Panel expressed concern regarding the proposed reduced density from the consented scheme and potential impact this may have on other housing sites particularly on the city's edge or greenbelt. However, this proposal offers a more successful urban form which the Panel supports.

4 Listed Buildings and Structures

4.1 The proposal to retain and find a viable use for the listed buildings was supported by the Panel. However, the Panel expressed concern that if these areas were not included as part of the redevelopment of the entire site they may be left to one side becoming problems of the future and ultimately at risk. The Panel supported an enabling case to ensure the reuse of the listed structures.

4.2 The merit regarding any 'urban gain' with respect to the retention of the listed shed walls in their current condition and form, adjacent to the Shaw Colonies, was questioned by the Panel. The removal or a reinterpretation of the wall potentially allowing links to the colonies and Pilrig Street was seen by the Panel as a positive urban move.

4.3 The Panel could also see the design merits of using the line of the listed wall, for example, in a reinterpreted form to provide navigation through the site and allow east/west permeability.

4.4 The breaking down of the wall to provide connections east / west to the colonies was encouraged by the Panel. The wall is an issue that requires to be addressed positively for residents on both sides with a potential for integrating the community in the future.

4.5 Another question raised by the Panel with respect to the retention of the listed shed structure was in term of long term maintenance. It was considered that future maintenance would be a burden on adjacent residents without any clear community gain.

5 Massing

5.1 From the information presented the Panel were supportive of the general massing arrangements for the site.

5.2 The Panel encouraged the scaling up of development to Leith Walk with a reduced mass and scale adjacent to the Shaw colonies.

5.3 The Shaw Colonies were the earliest colony scheme (1852) and zone linkage to a 2013 contemporary example of colony housing would be a welcome development.

6 Permeability

6.1 The proposal to create a route from Leith Walk to Dryden Street was supported by the Panel.

6.2 The Panel encouraged the Design Team to look at design options for routes and links to Spey Terrace and Pilrig Street.

7 Public Route and Spaces

7.1 The Panel noted that further design work is required with respect to the public routes, and public and private spaces to ensure they will work successfully. Also, in respect the quality of these spaces it will be essential that car parking is well integrated into the design.

7.2 The quality of the Public Realm was considered an important aspect of the design by the Panel and therefore they encouraged the design team to ensure that the quality of the materials for these areas are fully realised and not removed as the design develops as a cost saving.

7.3 The Panel supported the proposed green space with trees on Leith Walk as they considered this to be part of the character of the street.

7.4 It was also suggested that given the importance of this site in Leith Walk it is appropriate that the street design should be informed by a wider streetscape / public realm study.

8 Transport

8.1 This is a well connected site to main public transport routes.

8.2 *The design development of how the parking areas are integrated into the design of the public / private spaces and will be key to the overall success of the development.*

8.3 *Given the excavation work which has already been carried out on the site a sectional design study may release ideas which may allow some vehicles to sit below ground level.*

9 Recommendations

9.1 *In developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:*

- *The retention and re-use of the listed buildings*
- *The proposed route from Leith Walk to Dryden Street*
- *Colony housing*
- *The aspiration of a series of high quality public spaces and with good quality materials*

9.2 *In developing the proposals the Panel suggests the following matters should be addressed:*

- * Comprehensive design solution for Leith Walk streetscape*
- * Removal or reinterpretation of the existing wall to provide a positive element to the proposal and potential integration to the adjoining area*
- * Development of the design with respect to the public private spaces with integrated solution to car parking within the site.*

Children & Families

My comments are based on a residential development of 160 units. I have counted the full development, as flatted development. This includes the colony housing which I have considered to be a form of maisonette.

This site is located within the catchment areas of:

- Broughton Primary School;*
- St Mary's (Edinburgh) RC Primary School;*
- Drummond High School; and*
- St Thomas of Aquin's RC High School.*

Broughton Primary School is operating beyond capacity at present and developer contributions of £65,760 are sought to help address accommodation pressures.

Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.

There is currently spare capacity at Drummond High School and in respect of RC primary and secondary school provision, management controls would be applied as necessary to give priority to baptised Roman Catholics should the schools come under capacity pressure.

Housing & Regeneration

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 Finalised Edinburgh City Local Plan.*

2. Affordable Housing Numbers

This application is for a mixed use development which will include 160 residential units and as such the AHP will apply. Therefore, 25% (40) of the total number of homes will be required to be of an approved affordable housing tenure as set out in AHP Appendix 1 Section 3. These affordable homes will be required to be on site. The applicant has committed to provide 40 affordable homes on site and in terms of the number of affordable homes this is acceptable and warmly welcomed.

3. Tenure Mix, Accessibility and Integration of Affordable Housing

The AHP seeks to guard against an over concentration of social rented homes. The AHP plot that is identified would provide excellent accessibility to local amenities, however it was mentioned at the pre-application advice meeting that on plots of this size the Council tends to seek two separate smaller plots, rather than one larger one, in the interests of improving the integration of the affordable and market homes. The applicant is requested to revisit this aspect and to explore if a configuration is possible with two smaller plots of AHP.

On a related note, this proposal consists of a range of family housing from 2 bedroom apartments to 4 bedroom houses with the affordable homes made up of 1, 2 and 3 bedroom apartments. In the interests of delivering a mixed, sustainable community the AHP requires that affordable housing should consist of a representative mix of house types and sizes across the site. The applicant was made aware of this at the pre-application discussions, and the Council has been consistent on other plots across the city in seeking a more representative mix that avoids a situation where all of the houses are market homes, and all of the affordable tenure units are flatted. The applicant is requested to revisit this aspect of the application.

4. How these Homes will be secured

This affordable housing will be secured through a Section 75 Legal Agreement thus assuring the delivery of affordable housing for this site

5. Summary

This department welcomes the applicant's commitment to providing a full 25% of on site affordable housing, however, require that the following amendments are undertaken in order to achieve full integration and a representative mix of house types:

- *The affordable housing be divided over 2 separate plots*

- Some low-rise affordable homes be included within the 25% affordable allocation
- Commitment to tenure blind construction

The above issues have been raised with the applicant during pre-application discussions and the Council has been consistent in providing this same steer for sites across the city.

Archaeology

The site occupies and retains listed elements of the former 19th century LRT Engineering Works constructed on the site of Shrub House. This historic house constructed in the late-18th century is first shown on Ainslie's 1804 plan of Edinburgh and survived until the late 1950's when it was demolished during the expansion of the tram depot and engineering works. The application site also lies adjacent to the medieval road linking Edinburgh with its port in Leith roughly mid way between the Old town and its port. This location is associated with the site for one of Edinburgh's town gallows, thought to be located here between c.1570 and the later half of the 18th century. During the late 18th century and the 19th century the Leith walk frontage steadily became developed for housing and industrial use.

The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Edinburgh's hinterland and built industrial 19th/20th heritage (19th century Tramway works). As such this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV2, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology

The results of the programme of archaeological works carried out on the site by Headland Archaeology (in response to a condition attached to 05/03128/FUL) have demonstrated that although the remains of Shrub House have been removed by the construction of the Tram-works in the 19th century, significant remains associated with the 18th & 19th century buildings occupying the Leith Walk frontage plus a service tunnel associated with the 19th century Tram do still survive on this site.

Accordingly it has been concluded that this new development will have a moderate archaeological impact. Accordingly it is essential that the a suitable of archaeological works is carried out prior to and during development in order to fully excavate, record and analyse any significant archaeological remains that may survive where preservation in situ is not possible. It is also recommended that the results form this work will be fed into the overall post-excavation analysis and publication as yet to be completed in relation to the archaeological work undertaken in response to application 05/03218/FUL.

Interpretation

In addition given the local historic importance surrounding the site, it is felt important that the developer undertake and produce a permanent public interpretation scheme as part of the overall archaeological scheme of works. The scheme would explore and

describe the archaeology, history and significance of the site as a whole as well as looking specifically at the surviving historic tramway buildings.

Accordingly it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (interpretation, excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Buildings

Firstly it is to be welcomed that the two surviving B-listed tramway workshops and associated power-station chimney located across the western end of the site are to be retained and redeveloped. As these structures have been surveyed by Headland Archaeology in 2007 (Shrubhill Transport Depot, Geddes G 2008) there is no further requirement for archaeological recording of these historic buildings.

In contrast to the above this scheme also proposes to demolish the surviving B-listed wall containing the northern gables of the former Tram Shed. Such a proposal is considered to clearly have a significant adverse impact as it would lead to the loss of this important industrial-heritage asset. According in my opinion this aspect of this planning application is contra to CEC Planning Policies ENV2, ENV8 & ENV9 which seek to retain significant archaeological heritage. Therefore it is my recommendation that this application is refused unless plans are submitted which will see this historic listed wall retained and conserved.

Transport Planning

Whilst I have no objection to the proposed application in principle, there are a number of detailed issues to be resolved including layout and design of Dryden Terrace bridge, and the internal layout etc. of the development.

I would therefore be grateful if the application could be continued.

Further comments dated 27 September 2013

I refer to my memorandum of 29 April 2013 concerning the above application and confirm that I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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;*
- 2. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide the following:*

- A contribution of £471,476 to the Edinburgh Tram (£256,143 for 160 residential units and £215,313 for 1300m² commercial pub. Note: if a different commercial use is proposed then this will reduce to £119,600 depending on the type);
- A contribution of £7,000 towards car club provision;
- A contribution of £18,000 towards future a cycle route on the line of the railway.

Note:

- a) Dryden Terrace is an adopted road from MacDonald Road to the north-eastern side of the rail corridor. In my opinion, therefore, a bridge agreement is not required (see Network Rail letter dated 15 May 2013);
- b) Street names will be required for this development and the applicant should be asked to contact Street Naming as early as possible;
- c) The access on Leith Walk was proposed as left turn only to accommodate the tram line. It is considered that this is unnecessary until such time as the works associated with the tram are commenced and therefore until that time the access may remain as unrestricted. However, the applicant should note that this restriction may be imposed in the future;
- d) The applicant will be expected to provide a suitable adoptable link to the site boundary to provide a cycle and pedestrian link to a future cycle and pedestrian route on the rail line.

Environmental Assessment

The application proposes a mixed use development including residential (Class 9) and commercial premises (within classes 1, 2 and 3). Residential properties surround the site to the north, north-west and north-east. A railway corridor bounds the site to the south-west with an approved consent existing for hotel and student housing to the north-east on Leith Walk. Leith Walk bounds the site to the south-east and a Masonic Lodge is situated to the south-east of the site.

Noise

A noise impact assessment has been provided in support of the application which has considered surrounding operations. In this regard, appropriate mitigation measures have been recommended to address noise from the railway and road traffic on Leith Walk.

A Masonic Lodge is situated on the southern boundary of the site which includes licensed events incorporating amplified music. In addition, plant associated with the Masonic lodge operates into the early hours. The noise impact assessment indicated that there was a possibility that operational noise from the Masonic lodge could affect the residential amenity of the proposed properties. Therefore, the agent has proposed careful siting and design of the residential properties in conjunction with appropriate noise mitigation. In addition, passive ventilation which meets the Building Regulations, is passive and acoustically attenuated will be installed within the properties affected by noise from the Masonic Lodge. Such measures will allow the windows to be closed if noise affects the application properties whilst also ensuring that the level of amenity within the properties is not detrimentally affected. A condition is recommended to that effect.

The application may include a Class 3 premises which can impact upon residential amenity by way of ventilation odours and noise if not properly controlled. Therefore,

conditions will be recommended by this Department to ensure odours and noise from the Class 3 premises will not impact upon residential amenity.

Additionally, this Department will recommend conditions to protect the residential amenity of the flats proposed for Leith Walk which are to be situated above the proposed commercial properties. The conditions will address noise from delivery and collection, plant, music and other operational noise and vibration associated with the application commercial premises.

Air Quality

The site lies in close proximity to the central Edinburgh Air Quality Management Area (AQMA) which has recently been extended to include Easter Road and London Road. Therefore the applicant was requested to carry out an air quality impact assessment due to the size and location of the proposed development.

Environmental Assessment requested that the assessment was carried out in accordance with Planning for Air Quality Development Control: Planning for Air Quality -2010 Update. The applicant has submitted an air quality impact assessment in support of the application and it concludes that the development will have a negligible impact on the local area. Edinburgh Council's Local Air Quality Management Progress Report 2011 identified that nitrogen dioxide concentrations for 2010 within the city centre Air Quality Management Area (AQMA) continue to exceed targets at the majority of monitoring locations and therefore the AQMA will remain valid and possibly extended further.

The presence of an AQMA should not halt all development, but where development is permitted, the planning system should ensure that any impacts are minimised as far as is practicable. Where developments are proposed outside of, but adjacent to, an AQMA and where pollutant concentrations are predicted to be below the objectives/limit values, it remains important that appropriate mitigation is included in the scheme design and that, as far as is practicable, developments should be air quality neutral.

Environmental Assessment is of the opinion that the level of car parking proposed (136 spaces for 160 residential units) for this development is satisfactory for a location close to an area where local air quality problems are evident. It is worthy of note that the location is well served by good public transport links. In addition, it is understood that the applicant is committed to providing support for additional car club provisions which is supported by this section.

The air quality impact assessment highlighted that dust impacts from the construction phase may cause some air quality impacts. Therefore, the air quality impact assessment has recommended mitigation measures designed to reduce dust emissions from the site during construction. A condition is recommended to that effect to ensure that the mitigation measures are implemented.

Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions and informative:

Conditions

Site in General

Site Contamination

1. *Prior to the commencement of construction works on site:*

*A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, 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
Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

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 to the satisfaction of the Head of Planning.

Air Quality

2. *The construction phase of the development shall proceed in accordance with the requirements and recommendations of the air quality impact assessment (WSP Air Quality Assessment dated 5 April 2013 section 6.1.)*

Residential Amenity

Mitigation to Address Noise from Road Traffic

3. *The enhancements to the building envelope, as defined in the RPS Noise Impact Assessment report (Ref. SAE7571 Dated 4th April 2013), shall be carried out in full and completed prior to occupation of the properties.*

Those works comprise the following construction mitigation measures:

The composite facade glazing for living rooms facing directly onto Leith Walk at the site boundary require to meet Rw 28dB and the composite facade for equivalent bedrooms require meeting Rw 33dB.

Mitigation to Address Noise from the Masonic Lodge

4. *The enhancements to the building envelope, as defined in the RPS Noise Impact Assessment report (Ref. SAE7571 Dated 4th April 2013 Addendum Email), shall be carried out in full and completed prior to occupation of the properties.*

Those works comprise the following construction mitigation measures:

The composite facade glazing for living rooms and bedrooms affected by noise from the Masonic Lodge require to meet specification 10/4/6 or similar and have acoustic performance of 33dB (C-1, Ctr-3). The affected properties are specified within drawing number 12068(00)900.

5. *Prior to commencement of works on site, details of the means of ventilating the residential properties which are affected by noise from the Masonic Lodge and traffic from Leith Walk should be submitted and agreed with the Planning Authority.*

Informative; this condition relates to those rooms which overlook Leith Walk and the Masonic Lodge (which are highlighted in drawing number 12068(00)900). The ventilation system should be passive and meet the requirements of building control standards in terms of ventilation rates.

Class 1 Retail

6. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday and 0900 - 1700 on Sundays.

7. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

8. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

Class 2 Office

9. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Class 3 Cafe

10. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

*11. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted a suitable exhaust point as agreed with the Planning Authority to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.*

12. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

13. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.

14. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

SEPA

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Surface water drainage

1.1 It is proposed to discharge surface water from the development to the combined sewer. Our preference would be to treat surface water by sustainable drainage systems (SUDS) and discharge to the water environment. SUDS help to protect water quality, reduce potential for flood risk and release capacity in the public sewerage network. Discharges to combined sewers should be avoided to free up capacity for waste water discharges.

1.2 Scottish Water should be consulted to ensure that they are willing to accept the surface water from the proposed development into the combined sewer. Scottish Water only accepts surface water into a combined system in exceptional circumstances. We would expect Scottish Water and the applicant to ensure that all reasonable efforts are made to remove surface water from the combined sewer.

1.3 Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought in terms of water quantity/flooding and adoption issues.

2. Waste water drainage

2.1 The planning application details that the proposed development would be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development.

Detailed advice for the applicant

3. Surface water drainage

3.1 We encourage surface water runoff from all developments to be treated by sustainable drainage systems (SUDS) in line with Scottish Planning Policy (Consultative Draft Paragraph 160), PAN 61 Planning and Sustainable Urban Drainage Systems and PAN 79 Water and Drainage. Further guidance on SUDS can be found in the SUDS section of our website.

Network Rail

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

'The proposed development includes a new vehicular access over Overbridge 026/004 Dryden Terrace. Network Rail owns and maintains part of this bridge.

* *The proposed vehicular access over this bridge will be subject to further discussions and will require the developer/Local Authority to enter into a servitude and bridge agreement with Network Rail.*

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

* *All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).*

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent undue interaction between site occupiers and the railway.

* *If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height along the boundary of the application site adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.*

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

* *Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.*

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains.

* *The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The applicants should obtain Network Rail's approval of their detailed lighting proposals. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision and/or signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense.*

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

* *Details of all changes in ground levels, laying of foundations/piling works and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

The developer must contact our Asset Protection Engineers regarding the above matters.

We trust full cognisance will be taken of these comments.

Lothian & Borders Badger Group

Members of the Lothian & Borders Badger Group visited the site at Shrubhill and checked the locations indicated in the Environmental Report as probable badger setts.

The soil is very sandy, and, on the day of the survey, very dry so most animal footprints were indistinct. However we found only fox prints, and fox earths, one with a fox in residence. We could find no sign to indicate badgers have setts on the site although we did not attempt to check the piles of rubble for safety reasons.

It is possible that badgers pass through the site and probably use the adjoining railway line as a green corridor. The nearest recorded sett is almost 2km away, but a badger was sighted on Leith Walk so there may be other setts in the vicinity.

In summary, we found nothing to suggest that badgers were on or using this site.

Scottish Water

With regards to non-domestic premises, Scottish Water has no objection to this planning application. 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. 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.

With regards to domestic premises, Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

A3: In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at www.scottishwater.co.uk.

Glencorse Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

Edinburgh Waste Water Treatment Works may have capacity to service this proposed development.

The waste water network that serves the proposed development may be able to accommodate the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.

Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

These proposals may involve the discharge of trade effluent to the public sewer and may be subject to control as defined in Part II of the Trade Effluent Control and Charging Scheme. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

This proposal requires the provision of an Oil Interceptor prior to discharge to the public sewer system. The applicant should also consult with SEPA on this matter. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

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 installed, subject to compliance with the current 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.

END