

# Development Management Sub Committee

Wednesday 16 December 2015

## Application for Approval of Matters Specified in Conds 15/02317/AMC At Land 50 Metres East Of 20, Newhaven Place, Edinburgh Erection of 138 new residential units.

Item number	7.1
Report number	
Wards	A13 - Leith

### Summary

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The principle of residential development is acceptable. The site lies within the Waterfront Area of Change in the adopted Edinburgh City Local Plan (ECLP). The provision of residential use on the site has been established in the outline planning permission and the approved Western Harbour Master Plan Design Brief. The delivery of 138 affordable residential units will contribute to the area's regeneration and help meet the city's housing need.

The Second Proposed Local Development Plan (LDP) requires the provision of commercial units at ground floor level on this site as part of Proposal S3 for a local centre. However, this is not a requirement of the ECLP. The approved Design Brief identifies an alternative location for the completion of the local centre on vacant land to the west of the Asda superstore. The applicant has indicated that the provision of ground floor commercial units would make the development unviable and has expressed concerns regarding servicing.

The potential remains to complete the local centre at Western Harbour on the site proposed in the Design Brief. The absence of commercial units on Plots R3 and S1 will not prejudice the vision for a new local centre that was set out in the Design Brief. A departure from the Second Proposed LDP, in terms of the detail of how the centre is provided, is justified. The proposed residential development will contribute to creating an attractive place at this important gateway location.

The development will not have a significant detrimental impact on the setting of the Newhaven Conservation Area. The layout, design and scale of the proposals are appropriate. The density and housing mix are acceptable. The proposals are generally in line with the vision of the Design Brief.

The development will not lead to an unacceptable loss of amenity for neighbouring property or to occupiers of the development. The proposal will not result in any traffic or road safety issues; parking, access and safety arrangements are acceptable.

There are no material considerations that outweigh this conclusion and approval of the application is recommended.

## Links

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[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD10, CITE6, CITE9, CITE17, CITE18, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO2, CITEM4, CITT2, CITT3, CITT4, CITT5, CITT6, CITT7, CITI6, CITWA1,

# Report

## **Application for Approval of Matters Specified in Conds 15/02317/AMC At Land 50 Metres East Of 20, Newhaven Place, Edinburgh Erection of 138 new residential units.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is within the Western Harbour development area.

The application site comprises two plots and a section of Sandpiper Drive at the entrance of the Western harbour area. It is located to the north of Lindsay Road and to the south of the Asda Superstore. The site has an approximate area of 7,319 square metres.

The plots are currently undeveloped, although some temporary landscaping, fencing and advertisements have been put in place.

There is a recent flatted residential development to the east and west of the site and more established residential development to the south east.

The site is identified as Plot S1 (to east of Sandpiper Drive) and Plots R3/R4 (to west of Sandpiper Drive) in the Western Harbour Master Plan Design Brief which was approved in September 2004. Changes to the road layout at the junction between Sandpiper Drive and Lindsay Road, since the approval of the Design Brief, have affected the extent of Plots R3 and R4. This area now comprises one plot only which is commonly referred to a plot R3. Land to the north and north-west of plot R3 is currently undeveloped but identified for residential and commercial development in the Design Brief.

Although no part of the site falls within the Newhaven Conservation Area, the boundary follows Lindsay Road and Newhaven Place. The B-listed Victoria Primary School (reference number: 43704 listed on 17 October 1996) is to the south of the application site, at the opposite side of Lindsay Road.

## 2.2 Site History

1 July 2002 – Planning permission in principle was granted for a mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements. The permission covers the application site. (01/03229/OUT).

A condition attached to this consent required the approval of a detailed design brief, prior to the submission of reserved matters or detailed proposals. The brief was required to set out general urban design principles and include more detailed urban design frameworks for individual areas.

A legal agreement was concluded which covers affordable housing, education, air quality monitoring, transport and public transport improvements as identified in the North Edinburgh Public Transport Strategy, tram reservation and depot, and the preparation of a Green Travel Plan.

8 September 2004 – The Western Harbour Masterplan Design Brief was approved. The Committee agreed that this satisfied conditions attached to the outline permission that related to the production of a design brief.

The Design Brief includes a masterplan and addresses issues such as car parking, landscape, key open spaces, character description, block detail studies, sustainability, wind studies and daylighting.

12 October 2006 – Planning permission was granted for the formation of new roads, public open space and related infrastructure. The road layout is different to that proposed in the Western Harbour Masterplan Design Brief (06/00287/FUL).

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

Relevant history of nearby sites:

5 May 2006 – A Reserved matters application was approved for 85 flats and 20 townhouses, a landscaped deck and pavilion (plot Q in Masterplan) (05/03668/REM).

20 December 2007 – A Reserved matters application was approved for 102 affordable housing units (plot R2 in Masterplan) (06/05247/REM).

12 August 2010 – Approval of matters specified in conditions was approved for 111 residential units with parking and amenity space (plot S2 in Masterplan) (10/00190/AMC).

19 August 2014 - Approval of matters specified in conditions application was approved for 96 residential units (plot R1 in Masterplan) (14/01150/AMC).

## Main report

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### 3.1 Description Of The Proposal

The proposed development is for a total of 138 residential units in two separate plots which are divided by Sandpiper Drive.

The western plot (R3) will accommodate 87 units and the eastern plot (S1) will accommodate 51 units. All 138 units will be affordable housing (mid-market rented) funded through the National Housing Trust Initiative.

#### Plot R3

Six blocks will be built around the perimeter of the site with an internal courtyard in the centre. They will comprise two one-bedroom flats, 78 two-bedroom flats, and seven three-bedroom flats.

The south-east corner of the building will be seven storeys with a flat zinc feature roof.

The rest of the building will have a simpler block form of six then four storeys, stepping down from the corner block along Lindsay Road and Sandpiper Drive. The four storey block form will continue along Sandpiper Road. The four storey blocks will have a shallow mono-pitch roof. The six storey block will have a shallow dual pitched roof.

A separate four storey block with mono-pitch roof will be built along part of the site which fronts Goosander Street and Newhaven Place.

Many of the ground floor flats will be accessed directly from the street via small sets of external stairs. The flats on the upper floors will either be accessed internally from stair cores or from open balconies around the internal courtyard.

A basement car park will be built with 87 spaces which will be accessed from Goosander Street. Eight on-street spaces will be created on Goosander Street.

One covered and secure cycle parking space will be provided for each flat at ground floor level. Visitor cycle parking will be provided close to main stair entrances.

Three external bin stores will be provided fronting Goosander Street and Newhaven Place; and 2 internal bin storage areas will be provided fronting Sandpiper Road and Newhaven Place.

Ground floor flats have small private gardens to the rear, defined by railings. There will be a communal garden area within the middle of the central courtyard. Landscape strips and small garden areas will be formed around the street facing edge of the building.

Street trees are to be planted along the edge of the pavement on the western edge of Sandpiper Drive.

The materials proposed for the front elevations are as follows: ground and first floor of the corner block will be clad in buff sandstone with white smooth render above. The ground floor of the rest of the buildings will be clad in sandstone with smooth render walls above. Some stair cores and external steps will be clad in stone. There will be zinc cladding between some windows. The windows will be timber framed with sandstone or tinted concrete cills. The roofs will be profiled steel sheet roofing with zinc perimeters.

The courtyard elevations will have dark grey coloured concrete facing block at ground floor level with smooth render to the walls above. The stair block walls will be dark grey tinted concrete facing block.

### Plot S1

The blocks will be built along the northern, southern and western perimeter of the site to form a central courtyard area. This site will comprise 12 one-bedroom flats, 34 two-bedroom flats, and 5 three-bedroom flats.

The south-west corner of the building will be seven storeys with a flat zinc feature roof. It will match the design and form of the corner block on the R3 plot.

The remainder of the building will have a simpler block form of six then four storeys, stepping down from the corner block along Lindsay Road and Sandpiper Drive. The four storey block form will continue along Melrose Drive. The four storey blocks will have a shallow mono-pitch roof that slope up from the rear of the blocks. The six storey block will have a shallow dual pitched roof.

A basement car park with 51 spaces will be accessed from Fairbairn Place. Five on-street spaces will be created on Fairbairn Place.

Property access, materials, cycle parking, waste facilities, open space and landscaping reflects that proposed for the R3 plot.

### Previous scheme

#### Scheme 1

The previous scheme (1) proposed had conical roofs to the two seven storey blocks, the six storey elements had a more prominent roof form, there was less stone and more zinc on principal elevations, and dry dash render was proposed. The landscaping scheme has been revised to create better defined private garden areas and improved planting species.

### **Supporting Statement**

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

A Design and Access Statement - this sets out site description and context, design principles, detailed design considerations, and retail use considerations;

A Sustainability Statement - this includes a completed sustainability form and design calculations;

A Noise Impact Assessment - this assesses potential issues relating to noise pollution to occupiers of the proposed development;

Flood Risk Assessment and Drainage reports - these outline and address proposed drainage and potential flooding issues; and

A Geo Environmental Final Report - This investigates and assesses ground conditions at the site.

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

### **3.2 Determining Issues**

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

Do the proposals 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?

### **3.3 Assessment**

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

- a) the principle of the development is acceptable;
- b) the proposal is detrimental to the character of the Newhaven Conservation Area;
- c) the proposed design is acceptable and accords with the principles set out in the approved Design Brief;
- d) the proposed density and housing mix is acceptable;
- e) the proposal provides sufficient amenity for the occupiers of the development;
- f) the proposal is detrimental to the amenity of neighbours;

- g) the proposed parking and access arrangements are acceptable and will not prejudice road safety;
- h) sustainable matters have been assessed;
- i) there are any other material considerations; and
- j) material representations or community council comments raise issues to be addressed.

a) Principle of development

The site forms part of the Waterfront Area of Change as promoted by the adopted Edinburgh City Local Plan (ECLP). The Plan envisages the creation of new urban quarters which accord with agreed development frameworks and master plans. The Western Harbour Masterplan Design Brief (referred to as the Design Brief in this assessment) was approved in 2004 and is relevant to this application.

The principle of residential use on the two plots has been established by the outline planning permission (01/03229/OUT) and the Design Brief.

The Second Proposed Local Development Plan (LDP) is a material consideration in the assessment of planning applications. It proposes a housing-led mixed use development at Western Harbour.

The principle of residential development is acceptable.

Proposal EW1a 'Leith Waterfront (Western Harbour)' in the Second Proposed LDP states that proposals for development on the application plots will be expected to provide ground floor commercial units to complete the partly implemented new local centre (Proposal S3). There were no representations objecting to this aspect of the Second Proposed LDP.

The ECLP and the Design Brief both include a proposed local centre but do not require commercial units on the application plots. ECLP Proposal S6 does not include any details on the form and exact location of the centre and the Design Brief proposes the completion of the local centre through the provision of ground floor commercial uses on land to the west of the superstore. This site is currently undeveloped and therefore the potential for this proposal still exists.

The concept of including ground floor commercial units on Plots S1 and R3 emerged through the preparation of an Urban Design Framework for these sites in 2007. The revised road layout at the entrance to Western Harbour which was completed in 2008 created larger areas of public space than shown in the Design Brief. Shops or cafes at ground floor level on these plots would help create a public space with some vitality. The Urban Design Framework for these plots was never completed/approved and there were concerns about the implications of introducing ground floor commercial units in terms of delivery vehicles and refuse collection.

The applicant has stated that including commercial units would make the project unviable. The project is being funded for the delivery of mid-market rent properties through the National Housing Trust Initiative and therefore will be delivered quickly. The applicant also suggests it would be difficult to service commercial units as vehicles would block a primary vehicle access into the Harbour area and suggests that there are more appropriate locations elsewhere in the Western Harbour area. There is an existing supermarket and opportunity for further commercial development in the local area which will provide facilities and amenities for residents and visitors.

The Council's Economic Development Service considers the absence of commercial units as a pragmatic way of delivering much needed residential accommodation on the site and suggests there is an overprovision of retail space in the local area.

The absence of commercial units means that the proposal does not fully comply with Proposals EW1a 'Leith Waterfront (Western Harbour)' and Proposal S3 in the Proposed Second LDP. However, Scottish Planning Policy has a presumption in favour of sustainable development and requires due weight to be given to net economic benefit.

The delivery of 138 residential units on these plots will make a significant contribution to the area's regeneration. The potential remains to complete the local centre at Western Harbour on vacant land to the west of the Asda superstore. The absence of commercial units on Plots R3 and S1 will not prejudice the vision for a new local centre that was set out in the Design Brief. A departure from the Second Proposed LDP, in terms of the detail of how the centre is provided, is justified.

In summary, developing the application plots for residential use only is acceptable in principle.

#### b) Impact on Conservation Area

The proposed development lies immediately beyond the boundary of the Newhaven Conservation Area. The Newhaven Conservation Area Character Appraisal emphasises the importance of the harbour area, and the historic alignment and traditional character of the buildings. This includes the use of traditional materials such as sandstone, harling and limewash and the use of timber sash and case windows.

The Appraisal also states that *'the proposed developments on land reclaimed at Leith's Western Harbour could affect the setting of the Conservation Area. Issues include the possibility of multi-storey buildings dominating the skyline'*.

The perimeter block approach to the development of the application site, with direct access from the street, reflects generally the terraced street pattern of the conservation area.

The proposed development has a contemporary style that reflects the aspirations of the Design Brief and other recent developments at the southern end of Western Harbour. The contrast with the more traditional style of development within the conservation area has been accepted on other nearby development sites.

The higher parts of the proposed development mark the gateway to the wider harbour area and act as landmark features. Landmark buildings are identified as a characteristic of the conservation area in the Appraisal, which notes that they serve to structure the urban form and create a strong character.

The materials proposed are appropriate to the Conservation Area.

It is considered that the proposal will not have a significant detrimental impact on the setting of the conservation area.

### c) Design

The vision of the Design Brief is to: *create a place with an identity specific to the locality that will complement the character and facilities of the City of Edinburgh; design a varied complex of streets and spaces that are safe, easy to use, allow for personal identification by users and residents and encourages exploration by visitors; ensure that land and other resources will be used efficiently and that the design is of a complexity that will allow for future change of use and demand.*

The perimeter residential blocks will create a strong street frontage that continues the building lines set by neighbouring development and enclose the public space between the road junction and the supermarket. This is considered an appropriate response to the two plots. The Design Brief proposed a range of three to five storey blocks on these plots, with the potential of six and seven storeys at key corners. The seven storey corner blocks at either side of Sandpiper Drive will act as gateway features leading into Western Harbour. The height and form, vertical emphasis and strong roof treatment accords with the requirements of the Design Brief. The strong character of the corner blocks is appropriate to the site.

The rest of the development will have a simple form that is consistent across the two plots. Four storey buildings will not be out of place in the local area and are considered compatible within the local context. The blocks will not dominate the skyline or impact on key views.

The blocks will have simple elevations with a vertical emphasis and a contemporary appearance. The design and proposed materials reflect recent developments in the area. The use of sandstone, smooth render and zinc on the street facing elevations will produce a high quality finish. Render and zinc has been used on neighbouring plots.

The proposed materials are acceptable. A condition is recommended which requires the submission of architectural details and sample panels for approval.

The communal amenity space and the small private gardens for ground floor flats are acceptable. Approximately 3228 square metres will comprise amenity/green space of which 1783 square metres will be public. The amount of total open space equates to 44% of the total site area which provides an acceptable level of amenity space. The proposed detailed landscaping proposals are acceptable.

The Design Brief proposed a narrow public pedestrian and cycling link through plot R3 which is not included in this application. The changes to the road layout, since the approval of the Design Brief, make it difficult to create this link through Plot R3. Its absence allows more generous private open space to be provided within the internal courtyard. In addition, it will not have a significant impact on pedestrian or cycling permeability through the site, as Goosander Street and Sandpiper Drive provide direct and convenient connections.

The proposal includes access to flats from the street, including main door access to ground floor flats, which will bring activity to the street.

In summary, the design of the development generally accords with the vision of the Design Brief and is acceptable.

#### d) Density and housing mix

The 138 residential units produce a high density development in line with the Edinburgh City Local Plan's expectation that the development potential of sites should be fully realised (the outline application proposes 3000 homes for Western Harbour).

The Edinburgh Design Guidance states that 20% of the total number of homes should have three or more bedrooms and be designed for growing families. Twelve three-bedroom units are proposed which equates to 8.7% of the total. The majority of units will be two bedroomed flats (81.2%). The development will make a reasonable contribution to the provision of family housing within the local area. A broader mix of houses types and sizes are expected to be delivered across the Western Harbour area and the development would contribute to the Councils requirement to maintain a five year's effective supply of housing.

The proposed density and housing mix is acceptable.

#### e) Amenity of the occupiers of the development

The Noise Assessment submitted with the application considers potential noise impact from road traffic to the south and from commercial noise to the north/northeast. Mitigation measures proposed include upgraded double glazing and a ventilation system. Environmental Assessment has no objections to the proposed development subject to a condition to ensure the mitigation proposed is implemented.

In terms of privacy, windows in the rear elevations of the development are sufficiently separated or angled to prevent any adverse loss of privacy between occupiers.

Generally daylight into the flats will be adequate. However, at the rear of some of the blocks the amount of daylight through windows which are positioned below balconies will be lower. None of the flats will be single aspect. The flats exceed the minimum internal floor area within the Edinburgh Design Guidance and meet recommended ceiling heights.

Play facilities are not proposed as part of this development. The area to the north of the site in the centre of the Western Harbour area is allocated for a large public park (Proposal GS2 in the Second Proposed LDP) and currently has a small play area adjacent to Western Harbour Drive.

The proposal provides sufficient amenity for the occupiers of the development.

f) Amenity of neighbours

The windows in the external elevations of blocks 4 and 6 on the western edge of Plot R3 will be less than 18 metres from windows in the existing development on the opposite side of Goosander Street. These are approximately 12 metres apart at the closest point on the gable elevations. This is acceptable in terms of the building design given the criteria of the Design Brief and given that the development provides a dense, hard edged, urban townscape.

There will be no adverse loss of privacy to neighbouring property as a result of the proposed development on plot S1.

The proposed development will not result in any adverse overshadowing to neighbouring property.

Daylighting to lower level properties in existing development on Goosander Street and Newhaven Place will be affected to a degree. However, the amount will not adversely affect the amenity of the occupiers and is again reflective of other parts of development in this area.

In terms of the effect of the proposal on neighbouring property, the proposals are acceptable.

g) Parking, access and road safety arrangements

Plot S1 is next to the proposed tram stop at Newhaven. Edinburgh Trams has not raised any concerns about the development.

The increase in traffic as a result of the Western Harbour redevelopment was fully assessed at the outline application stage and found to be acceptable. Transport Planning has no objections to this proposal.

The legal agreement attached to the outline consent secured contributions towards transport improvements to facilitate the development of Western Harbour. Further financial contributions under this application are therefore not required.

The applicant will be expected to pay for traffic orders required to stop up sections of the footway or to enable enforcement of any disabled parking spaces. An informative is suggested with respect to these matters.

The provision of car and bicycle parking spaces complies with the Council's parking standards.

The proposed parking, access and road safety arrangements are acceptable.

## h) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

The proposal also complies with part B of the Standards.

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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
<b>Total points:</b>	<b>80</b>	<b>80</b>

Desirable elements: In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable criteria. Additional measures include high levels of insulation, the provision of water saving appliances, secure cycle parking, provision of local communal recycling points and the use of timber from a local source.

The proposal meets sustainability criteria.

## i) Other material considerations

### **Land contamination**

It is recommended that a site survey and details of remedial measures be submitted prior to commencement of construction works on site.

### **Archaeology**

Plot R3 is considered to have some archaeological potential. Construction within the plot may have the potential to disturb important remains relating to the early ship building industry dating back to the early 16th century.

A condition is recommended to ensure that a programme of archaeological works is undertaken prior to construction in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.

### **Surface water drainage and flooding**

The Western Harbour Masterplan is served by a common SUDS strategy implemented by Forth Ports Ltd. This includes a new surface water drainage system which is taken to Class 1 bypass interceptors before discharging into the harbour. Surface water drainage connections already exist for this site in the main road.

The site lies adjacent to the 1 in 200 year coastal flood envelope and is therefore at a medium to high risk from flooding. The main sources of flooding are from coastal and fluvial sources, together with potential fluvial flooding from the Water of Leith.

The lowest habitable accommodation finished floor level proposed for the development is 6.8m OD.

Bridges and Structures has reviewed further information supplied by the applicant and is satisfied that the proposals are acceptable in terms of surface water drainage and flood risk.

SEPA raise no objection to the proposals.

## **Education**

The application falls within the Leith Western Harbour Area which is covered by a Section 75 Agreement under Planning Application 01/03229/OUT. The Section 75 Agreement makes provision for an educational contribution of £821 per flatted property (based on 1 January 2000 value). A developer contribution of £113,298 (1 January 2000 value) is required which will be subject to indexation at time of payment.

## **Affordable Housing**

This application will provide 138 affordable housing units. The existing legal agreement attached to the outline consent requires a minimum of 434 affordable units to be delivered. The Design Brief identifies four plots for affordable housing, two of which have already been delivered (plots R2 and S2). Whilst Plots R3 and S1 are not specifically identified for affordable housing in the Design Brief, there is no objection to this proposal. These plots are in an easily accessible location close to local amenities and public transport. The homes will be for mid-market rent and are an approved affordable housing tenure. Housing Investment supports the proposals.

Affordable housing has already been delivered on plots R2 and S2, and more is currently being built at plot R1. This application will take the total number of affordable homes in the area covered by the outline permission to 447.

## **Biodiversity**

This development offers the opportunity for biodiversity enhancement through the inclusion of swift nest sites. An informative will be attached to encourage the applicant to consider including swift nest sites in the development.

### **j) Representations**

Transport – insufficient on-street parking, congestion, danger and increase in traffic. These issues are addressed in section 3.3 g).

Biodiversity – provision of swift nesting sites. This issue is addressed in section 3.3 i).

Loss of light and privacy – The adverse effect of the development on the amenity of existing neighbouring property will be affected due to loss of daylight and privacy. These issues are addressed in section 3.3 f) of the assessment.

Play facilities – play facilities are required in the area. This is addressed in 3.3 e).

Noise issues – The development will result in an increase in noise. This is addressed in assessment 3.3 f).

#### k) Equalities and Human rights

The application was assessed in terms of equalities and human rights. No adverse impacts were identified.

An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online service.

### **Conclusion**

The principle of residential development is acceptable. The site lies within the Waterfront Area of Change in the adopted ECLP. The provision of residential use on the site has been established in the outline planning permission and the approved Western Harbour Master Plan Design Brief. The delivery of 138 affordable residential units will contribute to the area's regeneration and help meet the city's housing need.

The Second Proposed LDP requires the provision of commercial units at ground floor level on this site as part of Proposal S3 for a local centre. However, this is not a requirement of the ECLP. The approved Design Brief identifies an alternative location for the completion of the local centre on vacant land to the west of the Asda superstore. The applicant has indicated that the provision of ground floor commercial units would make the development unviable and has expressed concerns regarding servicing.

The potential remains to complete the local centre at Western Harbour on the site proposed in the Design Brief. The absence of commercial units on Plots R3 and S1 will not prejudice the vision for a new local centre that was set out in the Design Brief. A departure from the Second Proposed LDP, in terms of the detail of how the centre is provided, is justified. The proposed residential development will contribute to creating an attractive place at this important gateway location.

The development will not have a significant detrimental impact on the setting of the Newhaven Conservation Area. The layout, design and scale of the proposals are appropriate. The density and housing mix are acceptable. The proposals are generally in line with the vision of the Design Brief.

The development will not lead to an unacceptable loss of amenity for neighbouring property or to occupiers of the development. The proposal will not result in any traffic or road safety issues; parking, access and safety arrangements are acceptable.

There are no material considerations that outweigh this conclusion and approval of the application is recommended.

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

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

#### **Conditions:-**

1. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate, and samples of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Architectural details of the render should be provided at 1:5 or 1:10 scale to demonstrate how water will be shed clear of it. These details should set out that specification of the render (product name/manufacturer). The render should be specified to make sure that it does not discolour over time, it does not suffer from algae growth or lime bloom. 1:00 elevations should be provided which clearly show the location of expansion and movement joints, slim vents, boiler flues, extract ducts and rain water goods.
4. Prior to the commencement of works on site, sample panels, to be no less than 1.5 metres by 1.5 metres shall be produced, demonstrating each proposed external material and accurately indicating the quality of consistency of future workmanship. These must be submitted for written approval by the Planning Authority. These details should be implemented during construction as approved.
5. The approved landscaping scheme for each plot will be in place and available for use prior to the occupation of any buildings on that plot.

6. The approved scheme shall have double glazing (Pilkington 100mm/12mm/6mm or equal and approved) installed to all windows as recommended in the New Acoustics Noise Impact Assessment dated 7th August 2015.

#### **Reasons:-**

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

#### **Informatives**

It should be noted that:

1. The approved development shall be commenced no later than seven years from the date of the Outline Permission or two years from the date of the final approval of any reserved matters, whichever is the greater.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity).
5. Consent should not be issued until the applicant has entered into a suitable legal mechanism to contribute the sum of £2,000 to progress a suitable order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to stop up sections of footway as necessary.
  - Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).

- A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
  - Any gate or gates must open inwards onto the property.
  - Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
  - The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured.
  - The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification".
  - All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.
  - Electric vehicle charging outlets should be considered for this development which includes:
    - a) Dedicated parking spaces with charging facilities; and
    - b) Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
6. In addition to tanking, it is strongly recommended the applicant should install a pump within the basements to ensure that, should water ingress occur, there is a way to remove standing water.

## **Financial impact**

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

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

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 29 May 2015 and two comments were received. The scheme two was advertised on 25 September 2015. Four letters raised objections to the proposal.

The letters of representation raised the following material issues:

- Insufficient on street parking;
- Increase in traffic;
- Provision should be made for swift nesting sites;
- Loss of privacy;
- Loss of light;
- Play area needed; and
- Noise emissions

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

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is part of the Waterfront Area of Change in the Edinburgh City Local Plan. The site is within the Edinburgh Waterfront area in the Second Proposed Local Development Plan.

### **Date registered**

19 May 2015

### **Drawing numbers/Scheme**

1-20,21a-33a,34,36-39,40b-41b,42-49, 50-52,

Scheme 2

## **John Bury**

Head of Planning and Transport

Contact: Karen Robertson, Senior Planning Officer

E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

## **Links - Policies**

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### **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 Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

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

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

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

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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 Tra 7 (Tram) prevents development which would prejudice tram safeguards or identified tram routes.

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

Policy Wa 1 (Waterfront Areas of Change) sets criteria for assessing development in the Granton and Leith Waterfront Areas of Change.

# Appendix 1

## **Application for Approval of Matters Specified in Conds 15/02317/AMC At Land 50 Metres East Of 20, Newhaven Place, Edinburgh Erection of 138 new residential units.**

### **Consultations**

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#### **Economic Development**

The following are comments from the City of Edinburgh Council's Economic Development Service (EDS) which relate to the planning application 15/02317/AMC for the development of 138 residential units.

Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.

The site in question is a cleared former industrial site. The existing use of the site therefore does not support any jobs.

It is recognised that speculative development at the Western Harbour stalled upon the outset of the economic downturn. The result of this has been that a number of the residential developments already completed at the Western Harbour are relatively isolated and that the area is currently over-provisioned in terms of retail provision given the small-than-anticipated resident population and the large-scale retail investment in the 2000s. Development on sites on the edges of the Western Harbour has the potential to help kick-start development elsewhere in the Western Harbour, contributing to the wider regeneration of the area. This is of particular relevance given the comparatively high profile location of the site at the main road access to the Western Harbour.

#### **Commentary on Proposed Uses**

\* Class 9: Houses

The proposed development would deliver 138 residential units suitable for a mix of household sizes.

Data from the Living Costs and Food Survey conducted by the Office for National Statistics indicates that expenditure by households in Scotland averages £23,348 per annum. If fully occupied, the 138 residential units could be expected to support annual household expenditure of £3.22 million. This would include: £393,000 on food and non-alcoholic beverages; £390,000 on recreation and culture; £264,000 on restaurants and hotels; £190,000 on household goods and services; £165,000 on clothing and footwear; and £107,000 on alcoholic drink, tobacco and narcotics.

It is anticipated that a significant proportion of expenditure in these categories will be made with retailers and other businesses in the local area, including the Asda supermarket and the Ocean Terminal shopping centre.

It is noted that the development omits the 625m<sup>2</sup> of ground floor retail units identified in the approved masterplan for the area on the basis of development viability and suitability. It is recognised that the area currently has an overprovision of retail space, with existing vacancies within the Ocean Terminal shopping centre, and that the provision of retail units beneath residential units has been unsuccessful a number of locations in Edinburgh that are not established retail centres (such as Salamander Street, where a number of retail units have been vacant since being constructed). On this basis, the removal of the retail units is considered to be pragmatic.

### Summary response to consultation

The proposed development would not result in the loss of any existing commercial space.

The proposed 138 residential units would support an estimated £3.22 million of household expenditure per annum. This will inevitably include expenditure in the local area which will benefit retailers such as the Asda supermarket and the Ocean Terminal shopping centre.

The removal of the 625m<sup>2</sup> of retail units identified in the masterplan is consistent with the existing overprovision of retail space in the area.

### Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the erection of 138 new residential units.

Although forming part of the 20th century western harbour to Leith, historically the two development sites R3 & S1 were situated across the foreshore of the historic harbour and fishing village (Newhaven Fisherman's Guild est.1572) of Newhaven. Forming part of the lands associated with the adjacent medieval burgh of North Leith, this area was chosen by James IV in 1504 to build a royal dockyard to construct naval vessels including his flagship the (Great) Michael (constructed between 1507 & 1511). The Royal Charter of 1510-11 giving the settlement to Edinburgh describes the harbour and settlement as including both a harbour and separate shipyard with the adjacent foreshore being used for tying up vessels. Although the site of the main harbour and shipyards are historically centred on the current site of the harbour the full extent of the shipbuilding works have not been archaeologically determined. It is interesting to note therefore what appears to be a man made inlet on Kirkwood's 1817 map of the site underlying the adjacent Victoria Primary school and extending across this development site.

Accordingly this site has been identified as occurring within an area of archaeological significance in particular relating to medieval and later maritime archaeology of Newhaven & Edinburgh. 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 (2010) policy 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.

Although it is considered that development of site S1 has no known archaeological implications, the development of the adjacent site R3 is considered to have some archaeological potential. Although affected by modern truncation this has likely removed modern landfill overlying historic foreshore deposits and the possible man-made inlet shown on the 1817 map. As such construction within R4 may have the potential to disturb important remains relating the early ship building industry dating back to foundation of the port in the early 16th century.

Accordingly it is essential that phased programme of archaeological work is undertaken within site R3. In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation (minimum 10% of the site) undertaken prior to construction. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and /or excavation, recording and analysis of any surviving archaeological remains during landscaping works.

Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that a programme of archaeological works is undertaken prior to construction in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.

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

The work would 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.

## **SEPA**

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

Advice for the planning authority

### **1. Flood Risk**

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 We commented on this site (sites EW1a to EW1e) in our response of 03 October 2014 to the Second Proposed Plan (our reference PCS/135476) and observed that a Flood Risk Assessment (FRA) has been undertaken for the area and should be reviewed before any development is undertaken and agreed mitigation (ground and floor levels above a significant risk of flooding) should be implemented. Review of the surface water 1 in 200 year flood map (which was not available during earlier consultations on this site) indicates that a small area may be at risk of flooding. This should be investigated further and it is recommended that contact is made with the flood prevention officer to determine whether they hold any knowledge of flooding and if further assessment is required. We also commented on this site on 30 April 2014 (our reference PCS/132867, your reference 14/01150/AMC) and we did not object as ground floor finished floor levels ranged from 5.95mAOD to 6.4mAOD.

1.3 The documentation supporting the application includes a FRA which mentions that the modelled 1:1000 year fluvial (should the flood control structure within the harbour fail to operate) and still water tidal flood level is 5.3mAOD and 4.7mAOD, respectively. To mitigate the risk from fluvial and/ or tidal events the minimum residential property floor level is 5.6mAOD. The internal habitable ground floor finished floor levels set out in this application, however, have been set to a minimum of 6.8mAOD. As such, we are satisfied that the fluvial and tidal flood risk has been considered and we recommend strongly that the application (or any future permission) is not varied from a minimum of 6.8mAOD for habitable ground floor finished floor levels.

1.4 We previously provided comments on the basement car parks which are to be set between 3.5mAOD and 4.1mAOD. From the description provided, the ground levels will slope upwards before dropping into the basement parking which should mitigate the risk from surface water flooding. Due to the floor level of the car parking area, however, compared with the fluvial and tidal levels provided, water ingress is likely without tanking of the basement. Flood resistant and resilient materials will be required, therefore, to be incorporated, as stated in the FRA. We recommend strongly that in addition to tanking, the applicant installs a pump within the basement to ensure that, should water ingress occur, there is a way to remove the standing water.

## 2. Sustainable Urban Drainage Systems (SUDS)

2.1 From the information supporting this application, it does not appear that any SUDS are being provided for this site. Western Harbour, however, the ultimate discharge point of surface water drainage from the proposed development, is designated as a 'Coastal Waterbody' and, as such, no formal SUDS provision is required. We would encourage the applicant, however, to consider SUDS provision on this site.

Detailed advice for the applicant

## 3. Flood Risk

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

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

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

Regulatory advice for the applicant

#### 4. Regulatory requirements

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

### **Flood Prevention**

In support of the above planning application the Flood Prevention Unit have reviewed the following documents,

\* Design Statement dated May 2015

\* Flood Risk Assessment dated May 2015

In order to better inform the planning process and allow for the approval of matters specified in conditions, further information is required with respect to drainage.

1. Please confirm the impermeable area of the proposed development.

2. Please confirm the discharge rates of the proposed development. CEC Flood Prevention request a discharge rate equal to the 2 year Greenfield runoff rate or 4.5 l/s/ha is used, whichever is smaller. As per Sewers for Scotland Second Edition the outflow control must not be smaller than 75mm in diameter.

3. Please provide a drainage layout drawing.

4. Please provide microdrainage outputs for all underground pipework including rainfall data, manhole and pipe schedules (to mAOD), pipe surcharge report for all underground pipe connections. The manholes in the calculation should be cross-referenced to the drainage drawing to enable interpretation. The results should include the 30yr, 200 year and 200 yr plus climate change results. Should the model identify flood or flood risk in the system then drawings will be required to indicate where exceedence flow will be directed, how it will be contained within the site and lastly how it will be drained once the event has subsided.

5. Please identify existing and proposed surface water flow paths on a drawing. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. Please identify how surface water flow will be prevented from entering the underground car park.

### **Further comments received 26th November 2015**

The applicant is proposing to discharge surface water from both of the sites, R3 and S1, at an unrestricted rate during the 1:200 year plus climate change event. Usually CEC Flood Prevention request that surface water discharges are attenuated to greenfield runoff rates however as this discharge is to the coastal environment then the unrestricted rate is acceptable as SEPA and Scottish Water have given approval.

Usually we would expect an applicant to assess a drainage network for all standard storm durations including the 15 minute and 30 minute duration which have not been provided in this report. However due to the amount of freeboard provided within this design, there is sufficient comfort that this will not be necessary on this occasion.

As a result flood prevention have no further comments on this application.

### **Affordable Housing**

#### **1. Introduction**

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

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

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

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

## 2. Affordable Housing Requirement

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

This application proposes that all 138 homes will be provided as midmarket rent homes through the National Housing Trust, as agreed between FP Newhaven Two and the Council. The homes are located on two adjacent sites in an easily accessible location which is close to local amenities and public transport and will provide 100% of homes of approved affordable housing tenures. This application will provide 138 affordable homes, following the delivery of sections R2, S2 provided as affordable housing through Port of Leith Housing Association and R1 currently under construction and being delivered through the National Housing Trust.

This department welcomes the delivery of these affordable homes which will provide 447 homes and will exceed the AHP requirement of 434 affordable homes for the Masterplan area.

### **Transport Planning**

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £2,000 to progress a suitable order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to stop up sections of footway as necessary;
2. Cycle parking layout, numbers and specification to be to the satisfaction of the Head of Transport;
3. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
4. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
5. Any gate or gates must open inwards onto the property;
6. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
7. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured;
8. The works to form a footway crossing must be carried out in accordance with "Development Roads – Guidelines and Specification". See pages 5, 15 & 16 of [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders).

All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Note:

Electric vehicle charging outlets should be considered for this development which includes:

- \* Dedicated parking spaces with charging facilities.
- \* Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

### **Further comments dated 29th October 2015**

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £2,000 to progress a suitable order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to stop up sections of footway as necessary;
2. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
3. Cycle parking layout, numbers and specification to be to the satisfaction of the Head of Transport;
4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
6. Any gate or gates must open inwards onto the property;
7. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
8. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadwork's consent must be applied for and secured;
9. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)
10. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order.

All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Note:

\* Current Council parking standards require approximately 1 space per unit for residential development in this area (Zone 3a). The developer proposes to provide 151 spaces for the 138 units;

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

## **Edinburgh Trams**

No comments

## **Education**

The application falls with the Leith Western Harbour area which is covered by a Section 75 Agreement under Planning Application 01/0329/OUT. The Section 75 Agreement makes provision for an educational contribution of £821 per dwelling based on the following:

Leith Western Harbour Contributions  
Amount

Non Denominational Primary School	£731
Non Denominational Secondary School	£ 75
RC Primary School	£ 15
Total per dwelling	£821*

\*The payment of the education contribution is indexed to the General Index of Retail Prices with a base date of 1 January 2000.

Based on a development of 138 dwellings an education contribution of £113,298 is sought (index linked as mentioned above).

## Environmental Assessment

The applicant seeks to erect 138 residential units across 2 sites at land 50m east of 20 Newhaven Place, and in the process discharge conditions attached to consent previously granted for this site. The eastern site is located within approximately 15m of the busy Lindsay Road to the south and a similar distance to Sandpiper Drive to the northwest. To the southeast is an existing development of residential units with commercial uses (ASDA and Chancelot Mill) to the north and northeast respectively. The western site is also bordered by Lindsay road to the south and Sandpiper Drive to the east (both approximately 15m away from the building). Beyond Sandpiper Drive is the retail use (ASDA), to the west and north are existing and developing residential sites respectively.

The applicant has submitted a noise impact assessment to address the standard noise conditions attached to the previous consent. This assessment looks at potential noise ingress from road traffic to the south and from commercial noise to the north/northeast and finds that without mitigation both sources would generate internal noise levels that Environmental Assessment could not support (the eastern site being the most at risk given its proximity to both traffic and commercial noise).

In an effort to achieve a situation where no mitigation would be required the agent has explored possible alternative layouts of the accommodation to distance and shield noise sensitive rooms from the more likely amenity reducing noise of the mill to the northeast; no practical alternative has been found. As a result the mitigation measures proposed - upgraded double glazing and a ventilation system - appear to be the only way to ensure residents are protected from the various noise sources. The ventilation system proposed will reduce the need for penetrations through the external building fabric therefore providing increased acoustic protection for the proposed development. The ventilation system should be equivalent to (or better than) the natural ventilation requirements of building, be sustainable in terms of energy consumption, and not breach the NR20 noise curve within the dwellings.

Environmental Assessment has no objections to this proposed development, subject to the following condition:

\* As recommended in section 5 of the New Acoustics noise impact assessment: 'Western Harbour Residential Development, Edinburgh: Sites R3 and S1' (dated 7th August 2015), Pilkington 10mm/12mm/6mm double glazing (or equal and approved) shall be installed throughout (all windows) the proposed development.

