

## Minutes of the ordinary meeting of Leith Harbour and Newhaven Community Council, held in the Holiday Inn Express (Britannia Way, Ocean Drive, Leith, Edinburgh, EH6 6JJ) on Wednesday 2 April 2014 at 7.30pm

Actions and decisions are **RED ITALIC UNDERLINED SMALLCAPS**. **NEM CON** means that no-one spoke or voted against a decision. URLs added by minutes secretary.

### 1 Introduction, attendance and apologies

The meeting was chaired by Robert Weir.

#### 1.1 Attendance

Janis Brown	LHNCC (secretary)	George Rosie	Resident
Sandra Burns	LHNCC (treasurer)	Robert Weir	Newhaven Parish Church
Heather Ford	LHNCC	CLlr Gordon Munro	Leith Ward (Labour)
Denise Jones	LHNCC	CLlr Adam McVey	Leith ward (SNP)
John Langton	LHNCC	Malcolm Chisholm MSP	Edinburgh North & Leith (Labour)
Maureen Macgregor	LHNCC	Alex Wilson	Leith Business Association
Yvonne Murray	LHNCC	Don Giles	Friends of Water of Leith Basin
Neil Wilson	LHNCC	George Johnson	
Bruce Ryan	minutes secretary	Community police officer	

#### 1.2 Apologies for Absence

Alan Mackie	LHNCC (chair)	CLlr Chas Booth	Leith ward (Green)
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### 2 Minutes of 5 March 2014 meeting

These were adopted with no changes (proposed J Brown, seconded G Rosie, nem con)

### 3 Matters arising from 5 March 2014 meeting

#### 3.1 Police Report

- Numbers of reported crimes fell in March 2014 to 84. These included many multiple-charge crimes. They included 18 disorder/antisocial behaviour, 26 thefts (mostly shoplifting), 4 housebreakings, 7 drugs offences, 5 vandalism, 6 road traffic offences, 2 weapon offences. The numbers are generally improving, and such improvements are expected to continue. Police Scotland is currently targeting housebreaking.
- A member asked why people disobeying the one-way system on the Shore appear to be stopped but not arrested. The CPO replied that there is a zero-tolerance policy – offenders will receive tickets. There is an issue with signs – there is no no-entry sign.
- Concerning parking on zigzag markings on Junction Street, even though these have recently been repainted, the CPO replied that so far the strategy has been to warn/educate offenders. Ticketed offenders are fined £100 and receive 3 license points. This issue will now be brought to the CPO's Inspectors' attention. Suggestions from LHNCC members included eye-tests and ticketing serial offenders, including road markings in planning considerations, cut-ins for delivery vehicles if pavement sizes allow.

#### 3.2 Treasurer's Report

Ordinary account balance £987.50. This results from a £100 donation to Victoria Primary School.

Special events account £205.58. This will be used to pay for LHNCC's Leith Gala activities.

A request for a donation to The Junction (<http://the-junction.org>) was considered.

**DECISION: DONATION AGREED IN PRINCIPLE**

**ACTION: SECRETARY TO ASK THE JUNCTION FOR A LIST OF PRIORITY ITEMS FOR LHNCC TO CONSIDER SUPPORTING.**

**ACTION: ALL MEMBERS TO CONSIDER CRITERIA FOR DONATIONS, AND HOW LHNCC SHOULD BUDGET FOR SUCH REQUESTS, E.G. SETTING ASIDE PART OF THE ANNUAL BUDGET.**

Information: LHNCC annual budget is £700. Grants are available for specific projects from Leith Neighbourhood Partnership, for example. See <http://leithcentralcc.co.uk/2014/04/02/meet-the-funders/> and <http://leithcentralcc.co.uk/2014/04/01/leith-funding-panel-community-grants-fund-2014-15-2>.

### 3.3 Planning

#### 3.3.1 Proposed Port of Leith Housing Association development

The response from POLHA to a letter from residents who may be affected by this development is basically 'we have noted your words'. (This letter is in Appendix 1.)

The planning convenor suggested that POLHA would follow the planning concordat process ([http://www.edinburgh.gov.uk/downloads/file/2434/edinburgh\\_planning\\_concordat](http://www.edinburgh.gov.uk/downloads/file/2434/edinburgh_planning_concordat)), reporting to CCs when consultation has been done. No action is possible until the actual planning application is submitted.

M Chisholm asked whether it was acceptable that planning applications were unchanged after PAN consultations. Cllr McVey replied that the point of such consultations was to reduce objections at planning application stage, and that PAN-stage comments are usually reflected in final applications. No action can be taken unless developers have not followed statutory process.

It was questioned why there was no mention in the letter that LHNCC has inspected the site and that POLHA has consulted Leith residents.

***DECISION: NO ACTION POSSIBLE NOW: AWAIT WITH INTEREST FINAL APPLICATION, AT WHICH POINT OBJECTIONS CAN BE SUBMITTED***

#### 3.3.2 Farmers' market, Tower Street

***DECISION: LHNCC HAS NO CONCERNS ABOUT THIS.***

### 3.4 Problems on Old Port Road

The current main issue is lack of signs giving motorists adequate warning that this road is closed. Cllr Booth is pursuing this issue.

There has been no response from Edinburgh Council about when this road will be adopted and/or opened. Reportedly, this is due to the retaining wall – Edinburgh Council may be adopting a holding position until the road's ownership reverts to Forth Ports.

***DECISION: NO ACTION UNTIL CLLR BOOTH REPORTS***

### 3.5 Silt in Leith Harbour, Water of Leith etc

Cllr McVey reported that a meeting had been held on 25<sup>th</sup> March. A report on silt trends and options will be made to Edinburgh Council. This will take in extra measures not used by the SEPA standard model (e.g. those in the Arup report) and rights, roles and responsibilities. The main issue here is potential flooding that would affect employment.

FOWLB representatives reported that

- FOWLB will soon meet with SEPA
- the Leith conservation area terms will be strengthened in May, following meetings with Historic Scotland).
- Water flow is controlled by the dock gates. These should be opened if there is warning of flooding but this has never been done. (A member suggested that a channel is needed to provide a 'breathing space'.)
- Forth Ports maintain water levels but this agreement is old and it is uncertain that this will continue. Water level records are sought.
- Concerning raising the profile of this issue, FOWLB has decided to keep a low profile for now, wishing to see how the matter plays out before going to press.

Cllr Munro reported that Edinburgh Council has no powers to charge for silt removal. The 2006 planning permission states that owners are responsible for silt removable, and that if silt is not removed, owners cannot put boats into the river. Hence if EC removed the silt, they would be doing the owners' job. Hence EC would need absolute clarity that silt removal is essential.

***DECISION: NO ACTION, KEEP A WATCHING BRIEF VIA FOWLB.***

### 3.6 Proposed research facility on Rennie's Isle

In the first version of these minutes, this item was titled **Floating Homes**.

The planning application (reference 14/01061/FUL) is on Edinburgh Council's planning portal at <https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=summary&keyVal=N2O8UAEWK0Z00>

FOWLB representatives stated that

- The planning application describes an office and 2 'mock-up' research units simulating the proposed eventual homes.
- In FOWLB's opinion, the application is poor, for example not meeting sewage and storage area requirements. Many of the issues with this application could be removed by simply 'smartening up' the application. (Subsequently, FOWLB has given fuller detail – see appendix 2).

- If the mock-ups do not adequately simulate the eventual floating homes, then questions over the latter remain, as do issues with using the land for the current application – it's in a flood area. The application provides no proof that real research has been or will be done.
- FOWLB views the present application as a 'Trojan Horse' for future piecemeal development of the basins for substandard housing on floating platforms and questionable and undefined solar panels. This aspect of the future piecemeal development is outlined in the planning and design statement that accompanied the application.
- FOWLB is opposed this application and any future development as portrayed in the planning and design statement because it will cause irreversible damage to the historic character of the area and it will undermine the attractiveness of the area to visitors. It is also against the conservation area status that has been established for this area of Leith.

DECISION – OBJECTION TO BE SUBMITTED BY N WILSON (BEFORE 18 APRIL) FOWLB WILL SUPPLY DETAILS OF THEIR OBJECTION

See appendix 3 for objection submitted.

## 4 Marketing Leith

A Wilson reported that

- LBA has been working with Scottish Government and Edinburgh Council to create a business improvement district. BIDS are funded by a 'tiny' levy on business rates, and are about increasing footfall, trade, employment etc.
- Because Leith is quite large, there will be 2 BIDs – a 'high street' BID (up to Piccadilly Place), and a 'tourist' BID (around Constitution Street and the Shore), hence netting two funds. There are 1000 businesses in Leith, compared with 200 in the Grassmarket BID.
- Marketing strategies include a seamless connection with the city centre.
- The BID application was submitted last Friday – formal announcement should be in mid April. The next step will be getting businesses to agree to the scheme. For now, an office will be opened and a project manager will be appointed.

It was suggested that a symbol of 'old Leith' be created: a line of ornate ironwork (such as the one present until the mid-1900s). Designs could be created by Leith youth, helping strengthen their roots in Leith.

## 5 Capacity Building

- The meeting chair requested all members to think of ideas.
- LHNCC chair will convene a capacity-building meeting 'soon'.
- A member of Edinburgh task force will share ideas at that meeting.
- Minutes secretary (who also works with Leith Central CC) will contact other Leith CCs to suggest an event where Leith CC members can get to know each other and begin to work together. Meanwhile, it was suggested that LHNCC members attend other Leith CC meetings.

## 6 AOCB

### 6.1 Petitioning Edinburgh Council

D Jones reported that such petitions need 250 signatures. They will be taken to committees to see requests are viable, and will be taken seriously.

DECISION DJ TO CIRCULATE HER NOTES VIA SECRETARY

### 6.2 Parking outside Persevere Court

Rogue parking is making bins inaccessible. It will also prevent emergency services vehicles getting close enough. There is 'dead' land available nearby – if enough of this was cleared, these issues would be resolved.

Cllr Munro stated that that responsibility lies with the relevant Fire Marshall – she or she could assess the required access. He also recommended contacting Loraine Duckworth of Leith Neighbourhood Partnership.

## 7 Date Of Next Meeting

7 May 2014

## Appendix 1 – letter from POLHA



Mr and Mrs [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

27 March 2014

Dear Mr and Mrs [REDACTED]

### **Proposal of Application Notice 14/00075/PAN**

Thank you for your letter dated 2<sup>nd</sup> March in relation to the above proposed scheme and I apologise for the late response. Your observations and specific concerns will be documented within the Pre-Application Consultation Report which will accompany the Planning Submission for the development site but I would like to address the main issues you have raised:

#### Layout

A number of layouts were considered for the scheme and access had originally been shown from Ocean Drive. The current approach to the site has been dictated by Highways/Tramworks design requirements and many options were considered before adopting this one. The decision to have an internal garden area is because it actively encourages play within a safe environment and away from the streets/docks. The original height of the building was significantly greater but this has subsequently been reduced to comply with planning policy and is well within the building heights recommended for this location.

In relation to the building structure, we have tried to develop a scheme which incorporates a modern design whilst still complementing the historic context within which it is located.

#### Daylighting

The proposed scheme will be fully compliant with the city of Edinburgh's daylighting and overshadowing standards and this is determined through a vertical skyline calculation.

#### Parking

The Association has recently conducted a customer survey and from the data collected the level of car ownership is relatively low amongst our residents. These results, in conjunction with our experience of developing within Leith, means that the proposed 17 parking spaces are sufficient and also compliant with Council policy.

#### Street edge proposals

It has become apparent from our community consultations that the established landscaping edge along Ocean Drive forms an appropriate edge to the development.

The footpath at Ocean Way will have a fence or hedge at the rear to define the edge of the pavement. A landscape buffer or grass verge will be planted between the footpath and the proposed building line.



**Chief Executive: Keith Anderson BA, CIHCM, MRICS, FRSA**  
**Port of Leith Housing Association Limited**  
108 Constitution Street, Leith, Edinburgh, EH6 6AZ  
Telephone: 0131 554 0403 Fax: 0131 555 1504 Email: [info@polha.co.uk](mailto:info@polha.co.uk)  
[www.polha.co.uk](http://www.polha.co.uk)  
Scottish Charity SC027945 Property Factor Registration PF000283



Onwards

The development proposals will continue to evolve in order to accommodate, where possible, feedback received through the PAN process. The conclusion of the PAN Consultation Report will be circulated to key stake holders in advance of any Planning Submission being made.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gordon Cameron'.

Gordon Cameron  
Director of Property and New Business  
Port of Leith Housing Association Ltd

## **Appendix 2 – FOWLB's issues with floating homes application (REF 14/01061/FUL)**

These are provided in these minutes for information only. Changes to the text emailed to LHNCC secretary are **in bold green**. These are mostly replacing we/us etc with **[FOWLB]** etc

### **Rennie's Isle - eco lodges, office and research facility - REF 14/01061/FUL**

Detailed below is our assessment of the application that we feel gives us grounds to submit comments objecting to the proposed development.

#### **In General**

The Friends of the Water of Leith Basin (FOWLB) are very concerned that this application is the first stage towards the larger development in the lower and middle basins including the Shore. This is outlined in the Planning & Design Statement included with this planning application. **[FOWLB believes that]** such a development will bring irreversible damage to the historic character of the area.

This application deals with proposed eco lodges and offices on Rennie's Isle. **[FOWLB is]** concerned with the effect of this development on the area but even more concerned about the references made in the Planning & Design Statement to further development of the water, identified as the Water of Leith Business Centre. The statement makes reference to the approved barges used for commercial purposes under planning ref 01/0195/FUL and amended planning ref 06/1471/FUL and states the site plan shows this as an area for development. **[FOWLB's]** reading of this approval does not identify any area in the lower basin for future development and no such site exists to **[FOWLB's]** knowledge. The approval for the middle basin is for three more barges, again for commercial use. This paragraph of the statement and the included photo below is of concern. So any reference to these approved applications is misleading, inaccurate and should be removed from all documents relating to this application.

It is also stated that it is anticipated to introduce a solar panel concept and houseboats into this study. Further a site has been identified and a lease agreed with Forth Ports and the applicant. It is **[FOWLB's]** understanding that this area opposite the Malmaison is not in the ownership of Forth Ports, but **[of]** Water of Leith 2000. **[FOWLB feels]** that the wider development inferred in this application is architecturally incongruous with the historic port area. **[FOWLB considers]** it will undermine the attractiveness of the area to visitors. It is also against the conservation area status that has been established for this area of Leith. The planning department of CEC are currently setting up a review in coordination with FOWLB as proposed by Historic Scotland. Again reference to this is misleading, inaccurate and should be removed from all documents relating to this application.

Reference is also made to the lodges being for 'research' although no specific details are given about the research to be undertaken and who will be responsible for the protocols used to ensure meaningful results. There is a vague mention of Cambridge which in the context of housing we judge as irrelevant to this application.

Does the research nature of the proposed lodges mean they are temporary buildings. If so what is **[the]** life span**[?]** If not they are of an inadequate standard to qualify as new housing. The plans of the lodges show furniture layout suggesting they will be used as dwellings. **[H]**owever, the Application Form clearly states that no dwellings are proposed. This is misleading and needs to be clarified.

No account is taken in the application for the potential for flooding, even though SEPA has identified the area covered by the application as having 'medium risk' of flooding, and have advised local property owners accordingly. The Application Form states that the area is not at risk of flooding and as such no Flood Assessment is required. This is clearly incorrect and should render the application flawed and therefore should be rejected.

The Application Form states that there are no trees on or adjacent to the area. This is clearly incorrect as trees are visible on the photograph of the site submitted and on the drawings and again should render the application flawed and be rejected accordingly.

The drawings submitted with the application are very short of detail in terms of materials to be used; makeup of the green roof are missing; details shown in one elevation do not appear in related elevations and so on. In addition the 3D photomontage bears no relation to the supplied drawings and should be withdrawn as irrelevant.

From the drawings submitted with the application it bears a strong resemblance to a sales suite and showhouse found on a new private housing development. So what is the intended use of the dwellings? It has all the signs of creating new substandard housing with the intention of circumnavigating the planning and building control requirements.



There are also a number of other irregularities with this document that [FOWLB] detail below and which cause more concern.

[FOWLB suggests] that the planning committee requests more information about the design concepts suggested and the future plans for the project.

### **In Detail - these comments relate to the documents submitted with the application**

#### Notice to Owners and Agricultural Tennants

- 1a. Why is the consultation period stated as starting on the 20<sup>th</sup> March and the Notice to Owners dated 26<sup>th</sup> March? This results in the consultation period being reduced at a stroke by 6 days. This should be amended to give the correct period of consultation starting from the 26<sup>th</sup> March. [FOWLB notes] from the briefing paper to Councilors for Ward A13 that the date has since been amended so that the consultation period now starts on the 28<sup>th</sup> March 2014 and ends on the 18<sup>th</sup> April.
- 1b. In the Notice to Owners there is a conflict between the Owner identified as Mr Ray Clark on page 1 but noted as Mr Ray King on page 3. This Notice is incorrect and should be rejected.
- 1c. The Application Form states the applicant is the Owner of the site. This is legally incorrect and the application should have been rejected on this basis. This Form has been accepted and loaded onto the CEC website. In our view the CEC should not have registered this application as being valid.

#### Planning Application

[FOWLB wishes] to challenge some of the details in the Application:

- 2a. Site Area: Described as a former bandstand area. This is misleading as for many years the area has been in the general area of the Scottish Government's controlled Parking outside the security fence.
- 2b. Existing Use: See item 2a above.
- 2c. Access and Parking: There is no provision for parking for visitors, workers or residents. However the application indicates that the 'research units' are for short and long term tenants. The only access to the site is through the area controlled by the Scottish Government that is designated as part of their controlled car parking outside the perimeter fence.
- 2d. Water supply and Drainage arrangements: It is indicated that no provision is being made for surface water without indicating how it will be dealt with. It is unlikely that the green roof is capable of dealing with heavy rainfall. There is no storage.
- 2e. Assessment of Flood Risk: The development is within the flood risk area designated by SEPA but no provision has been made for a flood risk assessment
- 2f. Trees: The site is bordered by trees, shrubs and greenery that is part of the Scottish Government building adjacent to the site. This is denied in the Application Form.
- 2e. Waste Storage: No provision is indicated for waste storage and collection although in the Planning & Design Statement reference is made to short and long term tenants. Consequently provision needs to be made for these services
- 2f. Residential Units Including Conversion: The application indicates no additional houses. This conflicts with the Design Statement where reference is made to short and long term tenants. Consequently new (sub-standard admitted in the application) dwellings are being proposed. As well as the 'dwellings' being sub-standard in a number of ways there is also no external amenity space shown.
- 2g. All Types of Non Housing Development – Proposed New Floor space: The title of the application is for 'research lodges' – consequently there is an increase in floorspace and this creates a conflict with the application.
- 2h. Certificates and Notices: The registered Application Form states that the applicant is the sole owner, yet our information leads us to believe that the area is part of Forth Ports estate. The registered "Updated Ownership Certificate" states the owner to be Forth Ports. This is a serious conflict of information and very misleading to anyone referencing this application online.
- 2i. Land Ownership Certificate: As 2h above.
- 2j. Checklist: As the site is adjacent to the Scottish Office there is a potential crown interest but this is not shown on the Application.
- 2k. Who is the applicant? The Form states Mr Tom King, the Planning & Design Statement states SRT EcoBuild. This is a serious conflict of information and very misleading to anyone referencing this application online.

Finally in this section the application indicates that an environmental statement is not applicable. As the site is adjacent to the Water of Leith with a thriving wild bird population, the provision for management of surface water and waste pollution of the water course needs to be assessed.

As already indicated the development is located within the flood risk area designated by SEPA. A flood risk assessment needs to be included.

#### Planning & Design Statement

The Planning Design Statement is for SRT EcoBuild and no mention is made of this in the application.

The photomontage on the second page bears no relationship to the application as it shows an entirely different part of the river.

The Statement indicates that the 'lodges' will be offered as short term and long-term rentals, thus defining them as dwellings. However, as shown on the drawings submitted with the application, they do not meet the minimum standards for housing required by the Scottish Building Regulations.

The proposed development is in very close proximity to a structure designated as an Ancient Monument but no provision is made for an assessment of how it may be affected.

Reference is made to the provision of Car and Cycle parking. This contradicts the application w[h]ere it is stated that no parking is needed.

The Statement makes reference to static barges and boats adjacent to the approved Water of Leith Business Centre. This has no relevance to the application



## Appendix 3 – Objection written by N Wilson for LHNCC

### Leith Harbour & Newhaven community council

Head of Planning  
City Development Department  
Level G3  
Waverley Court  
4 East Market Street  
Edinburgh EH8 8BG

Our Ref  
Contact  
Your Ref Elaine Watson  
Date 7 April 2014

Dear Sir

**Former Bandstand Rennie's Isle Edinburgh**  
**Application for Planning Permission Ref: 14/01061/FUL ("Planning Application")**

These comments are submitted on behalf of Leith Harbour and Newhaven Community Council ("LHNCC") as statutory consultee in respect of the above applications.

Please treat this letter as commenting upon the Planning Application.

The Community Council is aware of the detailed objections lodged by Friends of Water of Leith Basin ("FOWLBS"), and shares concerns with the local residents and business owners which constitute the membership of FOWLBS.

The application in content and detail is lacking in detail, clarity of design and clarity of purpose and intention. It does not constitute fair notice of the proposed development to interested parties or to enable the proposal to properly be assessed against the constraints and planning policies which apply.

The supporting statement description confuses commercial, research and residential development criteria and appears to try and target as many criteria as possible but without being consistent in applying these. There are references to academic facilities although no explanation as to why this is a suitable location. It is not in proximity to any University or academic facilities nor does it disclose any support or link with any accredited academic research project. The nature and aims of the research proposed are far from clear, other than that some form of lodge will be built next to an office and someone will live in it.

As a business use it claims consistency of appearance with other developments some way away on the other side of the Water of Leith, and which developments are neither part of this application or any related application. Any future application necessary for the proposals referred to as future development should be ignored in the context of this application. Such reference is speculative, misleading and from our awareness, if such future application should be submitted it is likely to meet with strong resistance.

There are frequent references to an eco-village which suggests a residential development of a permanent nature. The statement claims the development site to be "ideal" for this purpose, but the subject of this application does not constitute an eco-village and again these references appear to be pointed at speculative future development in other locations which are neither part of this application or any related application. There are references to proximity to recreational facilities and shops and restaurants within easy walking distance which seem more consistent with estate agency particulars.

It is submitted that the detail of the proposal falls short of residential requirements, indeed the design statement itself acknowledges this.

The application fails to meet the requirement that the description of the proposal must be accurate, convey the substance of what is applied for and give full and fair notice to possible objectors.

In addition, LHNCC considers inadequate the conclusions and statements presented as fact in the Design Statement as to how design principles and concepts comply with planning policies and development plans. Many statements are simply assertions without supporting detail.

Although LHNCC has not itself had an opportunity to consult with planning specialists, we understand that aspects of the application may be formally deficient in relation to incorrect particulars including mis-stating the identity of the owner of the application site, and the application does not take proper account of the constraints which apply to the application site including, without limitation, the fact that the application site is within a Coastal Flood Risk Area designated by SEPA.

Finally when acknowledging this letter, will you please confirm whether this developer applicant has signed up to the Council's planning concordat?

Yours sincerely



A. N. Wilson

PP Allan Mackie  
Chair, Leith Harbour & Newhaven Community Council