

Development Management Sub Committee

Wednesday 22 February 2017

Application for Planning Permission in Principle 16/02815/PPP

At Car Park 137 Metres Northeast Of 98, Ocean Drive,
Edinburgh

Erection of Hotel development (Class 7), associated facilities
and ancillary works, including Boardwalk (As Amended)

Item number	4.6
Report number	
Wards	A13 - Leith

Summary

The proposed hotel development is acceptable in principle at this location and provides an extension to the waterfront promenade. Insufficient information has been provided to assess the impact of a 55 metre building at this location against Local Development Plan Policy Des 11 Tall Buildings - Skyline and Key Views in relation to the enhancement of the skyline and the impact on key views. Accordingly, details in relation to height and massing cannot be granted at this stage, but can be reserved alongside design and layout.

In terms of transport impacts, air quality, ecology, archaeology and drainage these are all considered acceptable or can be dealt with through subsequent detailed submissions. The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LDES11, LEN09, LEN13, LEN16, LEN21, LEN22, LEMP10, LRET04, LTRA02, LTRA03, LTRA04, LTRA09, LRS06, NSG, NSGD02, NSP, NSDCAH,

Report

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Edinburgh**

**Erection of Hotel development (Class 7), associated facilities
and ancillary works, including Boardwalk (As Amended)**

Recommendations

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

Background

2.1 Site description

The site relates to the existing Ocean Terminal Shopping Centre that provides a mix of retail, leisure and tourist facilities. The redline boundary of the site covers the surface car park and associated area located to the northeast of the shopping centre and also wraps round the existing building and along the edge of the waterside.

The existing centre is a large symmetrical building orientated north-east/south-west alongside Ocean Drive and forming the eastern frontage to the main harbour of the Port of Leith. The building is a large covered shopping mall with two multi-storey car parks at either end.

Areas of landscaping and trees are located to the front of the shopping building.

At the northern part of the site is the previously B listed Paint Shed. This is an early 20th century two storey structure built using shipbuilding techniques and constructed from riveted iron plates. The Council received notification from Historic Environment Scotland on 14 December 2016 that the building has been delisted.

Bus stops are located immediately outside the main pedestrian entrance on Ocean Drive.

The wider area consists of a mix of uses including retail, offices and residential. Adjacent to the site is a nine storey office block. There is some vacant land opposite the shopping centre which sometimes houses temporary uses, e.g. funfair.

2.2 Site History

14 January 1999 - Outline planning permission granted for a mixed use development comprised of the following elements: Cruise liner arrivals/departures; Restaurants/Bars; Multiplex cinema; Health facilities; Entertainment venue; Retail (food hall, large retail stores, variety stores, unit shops); Offices; Night club; Museum; 120 bed hotel; and 100 flats/townhouses (application number A/02288/95).

2 December 1999 - A variation to the original planning permission granted for Phase 1 of the Ocean Terminal development comprising a mixture of retail and leisure uses, incorporating the Britannia Exhibition and Visitor Centre. The proposal included 21,328 square metres of retail floor space; 652 square metres of class 2 office space; 5,535 square metres of restaurant floor space; a 2,500 square metre cinema; and 3,081 square metres of leisure uses including the 'Britannia' complex (application number 99/00018/FUL).

10 February 2005 - The site is covered by the Leith Docks Development Framework (LDDF). This non-statutory planning guidance was approved on 10 February 2005 after an extensive period of community consultation.

10 September 2008 - outline planning permission for a mixed use development to regenerate Leith Docks, including the application site. This included a detailed masterplan and was referred to as the Leith Docks Outline Planning Application (LDOPA). The Development Management Sub-Committee resolved to grant the application on 10 September 2008, subject to a legal agreement and referral to Scottish Ministers. The application was then subsequently withdrawn.

The masterplan and indicative visualisations showed a 28 storey building on the north side of Ocean Terminal. The committee report indicated that it was not possible at the outline stage to determine whether the indicative building heights were acceptable and these would need to be considered and provision secured through reserved matters applications. Consequently, height (amongst other matters) was to be conditioned as a reserved matter (application number 07/03895/OUT).

26 January 2009 - Prior approval for the erection of a tram stop, including a tram stop shelter, overhead line equipment (OLE), street lighting, hard landscaping and relocation of bus shelters (application number 08/04267/PA).

23 June 2010 - outline planning permission for mixed use development at Leith Docks, including the application site, minded to grant by Development Management Sub-Committee on 23 June 2010 and then subsequently withdrawn. The proposals related to the first two 'urban villages' within the overall Leith Docks regeneration proposals.

The application proposed two tall buildings within the Leith Docks area - a 26 storey building in the Britannia Quay area (Plot BQ9) and a 16 storey hotel to the north of Ocean Terminal (Plot OT9).

The committee report sets out that there were concerns over the impact of the tall buildings on key views from the Castle and Carlton Hill. The report noted that there was insufficient detail design at the outline stage to conclude if the two tall buildings will enhance the city skyline and not adversely affect the landscape and visual impact as experienced from several key viewpoints. A condition was proposed stating that the height and massing parameters of the tall buildings on development plots BQ9 and OT9 were not consented. The height and massing parameters of the tallest buildings were to be deferred for consideration at the detailed application stage (application number 08/04232/OUT).

12 August 2015 - planning permission granted for the front extension to units comprising Class 1 retail on the ground floor, staff welfare facilities on the first floor and mechanical plant on the second floor (application number 14/04482/FUL).

Main report

3.1 Description Of The Proposal

The planning permission in principle is for a hotel development of up to 230 bedrooms, associated conferencing, restaurant and ancillary facilities alongside a shared surface plaza and elevated boardwalk.

The proposed hotel would sit on an area currently containing a surface car park and physically join the Ocean Terminal building. It will result in the removal of 78 car parking spaces, currently on site.

A massing plan or 'application envelope' has been provided to define a three dimensional boundary which the final building form will be designed within. This has been used to carry out the Townscape and Visual Impact Assessment (TVIA). The applicant is seeking permission for this 'envelope' as part of the application.

The application envelope can be viewed as a series of adjoining blocks which step the building up to a maximum height of 55 metres.

A plaza area with extended shared surface is proposed adjacent to one of the existing entrances to Ocean Terminal and the proposed entrance to the hotel.

An elevated walkway is proposed to create a new pedestrian/cycle route around the northern edge of Ocean Terminal at first floor level, linking to the hotel and then dropping down to the ground floor adjacent to the plaza area.

Scheme 1:

The previous scheme contained a proposed building with an application envelope that rises up to a maximum height of 100 metres and a capacity of approximately 400 rooms.

Supporting Statements

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;

- Transport Assessment; and
- Flood Risk Assessment.

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 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 on this site;
- b) the design, scale and layout is appropriate to the site;
- c) the development of the site would not be detrimental to protected species;
- d) there are any transport and air quality issues;
- e) any other material considerations are addressed;
- f) any impacts on equalities or human rights are acceptable; and
- g) comments raised have been addressed.

a) Principle

Ocean Terminal is identified as a commercial centre in the adopted Edinburgh Local Development Plan (LDP).

LDP Policy Emp 10 Hotel Development supports hotel development in locations within the urban area with good public transport access to the city centre.

The nearest bus stops to the site are located on Ocean Drive, within 150 metres of the site and directly adjacent to Ocean Terminal's main entrance. These bus stops provide access to a number of services provided by Lothian Buses, including the service numbers 11, 22, 34, 35, and 36 which collectively provide links to the airport, city centre, west Edinburgh, and south Edinburgh. A proposed tram stop is also located near to the site on Ocean Drive.

The site is in close proximity to established and future transport connections. A hotel use in this location would complement the existing leisure/retail and office uses.

The supporting text to LDP Policy Emp 10 notes that tourism is the third biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The City Strategy and Economy section are supportive of the application given the positive economic impacts the development would have.

The proposed hotel development is acceptable in principle at this location.

b) Design, Scale and Layout

Height and Massing:

LDP Policy Des 11 Tall Buildings - Skyline and Key Views states that planning permission will only be granted for development which rises above the height prevailing generally in the surrounding area where it creates a landmark that enhances the skyline, the scale of the building is appropriate and there are no adverse impact on important views, features and the skyline.

Ocean Terminal is itself a large building, approximately 30 metres in height. The Ocean Point office development next to the site is approximately 42 metres in height.

The Leith Docks Development Framework (LDDF) provides general support in principle for tall buildings in appropriate locations within the docks.

Although the LDDF urban framework strategy that covers this site is largely silent in relation to the application site, the document does refer to a potential new major landmark on the northern end of Ocean Terminal. Elsewhere, the LDDF identifies that 16 storeys may be acceptable in nearby locations subject to appropriate analysis and justification.

Previous outline applications have considered tall buildings to the north of Ocean Terminal. However, in both cases it was stated that there was not enough information or design detail to assess whether the tall buildings would enhance the skyline and not have an adverse visual impact. The details were therefore to be deferred for consideration at the detailed application stage.

The applicant reduced the height of the original scheme from 100 metres to 55 metres due to concerns over the adverse impact the proposal would have on key aspects of the city's skyline from a number of important viewpoints.

The City of Edinburgh Skyline Study (2010) building height limitations map was identified as a basis upon which to carry out further detailed assessment for any proposals for a tall building in this location. This indicated that building heights between 50 - 55 metres AOD may be acceptable. These sightlines do not necessarily imply that a site is suitable for high buildings or provide a datum to comply with.

The sightlines which cross the Port of Leith were set out to protect 'the open backdrop of long views of the Castle Hill, Calton Hill, Salisbury Crags and St Mary's Cathedral spires. In addition, there is a key view of Inchkeith Island from the Castle ramparts to be safeguarded.'

The revised Townscape and Visual Impact Assessment considered the visual impact of a 55 metres high proposal from a number of viewpoints across the city.

This assessment can only examine how the mass and height of the proposal will affect the quality of the visual experience for visual receptors based upon the nature of existing views, not how these assumptions might be affected by the final form and external appearance including texture, colour, shade, reflectivity and opacity.

The proposal contains limited information on the final intended form or external finishes of the hotel, which could assist in mitigating adverse visual effects. It is therefore not possible to state with confidence whether the tests of LDP Policy Des 11 a) can be met in terms of enhancing the skyline.

The proposed building envelope indicates a bulky form, which contrasts with the city's historic tall buildings, where historically, spires, steeples, domes and monuments punctuated the skyline. Viewpoints 1 (Edinburgh Castle), 6 (Arthurs Seat), 7 (Calton Hill) and 11 (Lighthouse Park), show a relationship between the proposal and existing 1960's tower blocks, Ocean Point and industrial buildings whereby the final form and external finish could either clash with or complement these elements of the skyline resulting in uncertainty with regard to the impact of the proposal.

In terms of LDP Policy Des 11 c) the height of the proposal at 55 metres impacts on the skyline of Calton Hill when viewed by highly sensitive visual receptors from Blackford Hill (viewpoint 4). The upper stories of the proposal would impact on the Dugald Stewart Monument and remove open sky space and water between it and Old Observatory House, reducing their legibility in views and altering the hill's iconic profile. This change would be permanent and irreversible. Whilst the principle of a tall building may be acceptable on this site, it is not possible to determine a maximum height without detailed design information.

Design:

The proposal contains only block images to inform the visual impact assessment work. Detailed design would come forward as part of subsequent submissions.

The applicant has indicated that the hotel will contain 230 bedrooms. This will be reliant on the detailed design of the hotel and therefore the number of bedrooms will be dealt with as a reserved matter.

The area contains large commercial buildings and there is scope for an innovatively designed building to create a landmark building at this location. As noted in the above paragraphs, the design of the building will be critical to understanding the potential impact (or enhancement) of the skyline.

The paint shed to the north of the site is shown to be retained in its current location. As the structure is no longer listed, there is no requirement to assess the application against the listed building policies contained in the LDP.

Layout:

The location of the building, on the north-eastern edge of Ocean Terminal replaces an existing surface car park. It is on the more publically accessible edge of the site. Development here would not interfere with the safeguarded tram route and makes best use of one of the existing vehicular accesses to the site.

The Design and Access Statement sets out a vision for a new shared surface plaza area at the proposed entrance to the hotel, which in turn would spill out onto the access road. Although only indicative, this would enhance the public realm in the area and enhance pedestrian movement.

The indicative proposals also show a boardwalk at the first floor level wrapping around the waterside edge of Ocean Terminal. Such a cycle/footpath is supported by the Council and safeguarded in the LDP. Policy Tra 9 Cycle and Footpath Network states that planning permission will not be granted for development that prejudices the implementation of proposed cycle paths/footpaths or the continuity of the off-road network. The proposals will aid in delivering the proposed waterfront promenade. Further details of this walkway would be required at the detailed design stage.

Amenity:

As a hotel development within a commercial centre and next to an office block, the proposal does not raise any amenity issues. The indicative layout shows the proposed building being 32 metres away from the adjacent office block. The office block is approximately 20 metres from the redline boundary of the application site. Environmental Assessment has no concerns in relation to amenity.

In summary, the general siting of the proposed development is acceptable and the proposal will contribute to the long term vision of a waterfront promenade. However, the lack of detailed design work to inform the TVIA results in a proposal that provides uncertainty on whether it would enhance or adversely affect the skyline and therefore is not justified against LDP Policy Des 11 a). It also shows that there will be an adverse effect on the historic skyline in relation to Calton Hill's iconic landmark buildings at a sensitive juncture where the crag rises from the surrounding townscape contrary to LDP Policy Des 11c). Accordingly, it is recommended that details in relation to height, massing, design and final layout are reserved.

c) Biodiversity

The site is located approximately 250 metres from the Imperial Dock Lock, Leith Special Protection Area (SPA). This contains the largest breeding tern colony in Scotland. LDP Policy Env 13 Sites of International Importance seeks to protect such sites from development that will have a significant effect on them.

Scottish Natural Heritage (SNH) provided a holding objection to the application based on the original proposal of a hotel up to 100 metres high. This objection was due a lack of information and it was recommended that a Shadow Cast Study was submitted. This would assess any potential impact on the tern colony during the breeding season.

As the height of the proposed development has been reduced to 55 metres, SNH has confirmed that a development of this height would not require such a study and has removed its objection.

Edinburgh Airport has no objections to the application, subject to conditions in relation to a bird hazard management plan and a landscaping scheme.

Consequently, there are no overriding biodiversity concerns arising from the application, subject to the proposed development being limited in height to not warrant a Shadow Cast Study. However, the selection of materials for building finishes, glazing and lighting overlooking sensitive areas for coastal birds should be developed in consultation with SNH, in order to ensure no detrimental impact on the SPA.

d) Transport and Air Quality

Transport:

A Transport Assessment (TA) has been submitted. This is based on the original 400 bed proposal. It demonstrates that the traffic impact from the development will have a negligible impact on the operation of the local road network.

In terms of parking, the applicant has conducted a survey of the current car parking at Ocean Terminal. It has been concluded that the estimated parking demand can be accommodated within the shopping centre north multi-storey car park. Accordingly, no additional car parking is required. This approach is supported.

As concluded in section 3.3a), the site is close to good public transport links. The proposed tram line will provide enhanced accessibility to the site and general area. A tram contribution of £692,000 is required. The site is also located within the North Edinburgh Transport Contribution Zone, where a contribution of £80.80 per sqm of floorspace is required towards the range of actions identified in the LDP Action Programme. The Draft Supplementary Guidance: Developer Contributions and Infrastructure Delivery sets out the basis for calculating the contribution levels for the proposed development.

The contributions will need to be secured through a legal agreement.

The applicant has also proposed that a travel plan will be adopted by the hotel operator, with the aim of reducing the reliance upon the private car and promote alternative means of travel. To compliment the range of transport measures proposed, it is also recommended that real time bus information is provided within the hotel foyer. The implementation of these matters would be at the discretion of the applicant.

Air Quality:

As there is no additional parking proposed with the hotel use, Environmental Assessment do not raise any concerns with air quality. It does recommend that electric vehicle charging outlets should be included in the design.

In summary, the site is in an accessible location, the potential impact on the local road network is considered acceptable and the existing parking at Ocean Terminal is well placed to absorb any demand from the hotel without the need for additional parking to be provided.

A legal agreement will be required in relation to tram contributions and other transport contributions.

e) Other Considerations

Drainage:

A Level 1 Flood Risk Assessment, Self Certification Certificate and checklist has been submitted.

As this is a planning permission in principle application, it is intended that a condition is used to secure the submission of a Surface Water Management Plan. The applicant proposes to drain surface water directly to Leith Docks.

SEPA has no objection to the planning application. It does recommend that finished ground levels should be in excess of 5.5m AOD and finished floor levels should be in excess of 6.0m AOD. If this is not achievable, the ground floor should be used as ancillary/conference facilities with flood resilient and resistant measures considered. Sleeping accommodation should be on the upper levels.

Accordingly, there are no overriding flooding issues. Further information would be required at the detailed stage and this can be secured by a condition.

Archaeology:

Development works have the potential to reveal archaeological remains associated with the former Henry Robb Shipyard and potentially earlier maritime remains. The Archaeology Officer has considered the application and has recommended that a condition is used to secure a programme of archaeological work.

f) Equalities and Human Rights

The application has been assessed in terms of equalities and human rights and at the planning permission in principle stage it raises no concerns. Further assessment will be required at the detailed stage, including consideration of the proposed walkway.

g) Public Comments

Material Representations - Objection:

- Design - the proposal does not contain any design and looks like a 1960's building - the proposal is for planning permission in principle. Design related matters are assessed in section 3.3b).

Community Council:

The community council did not make any comments on the application.

Conclusion

The proposed hotel development is acceptable in principle at this location and provides an extension to the waterfront promenade. Insufficient information has been provided to assess the impact of a 55 metre building at this location against Local Development Plan Policy Des 11 Tall Buildings - Skyline and Key Views in relation to the enhancement of the skyline and the impact on key views. Accordingly, details in relation to height and massing cannot be granted at this stage, but can be reserved alongside design and layout.

In terms of transport impacts, air quality, ecology, archaeology and drainage these are all considered acceptable or can be dealt with through subsequent detailed submissions. The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, details of the under-noted matters shall be submitted and approved by the Planning Authority, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- (a) the gross floor area including the number of bedrooms of the hotel and details of ancillary uses;
- (b) design and external appearance of all features including glazing, materials, urban realm and other structures;

- (c) height, massing and siting including analysis of views through a Townscape and Visual Impact Assessment.
 - (d) access, road layouts and alignment, classification of streets, servicing areas, cycle parking and electric charging points.
 - (e) waste management and recycling facilities.
 - (f) full details of sustainability measures in accordance with Edinburgh Design Guidance;
 - (g) footpaths and cycle routes and details of the boardwalk.
 - (h) surface water and drainage arrangements.
 - (i) site investigation/decontamination arrangements
 - (j) hard and soft landscaping details taking cognisance of airport safeguarding requirements and including:
 - (i) walls, fences, gates and any other boundary treatments;
 - (ii) water features:
 - (iii) the location of new trees, shrubs and hedges;
 - (iv) a schedule of plants to comprise species, plant size and proposed number/density;
 - (v) programme of completion and subsequent maintenance;
 - (vi) Existing and proposed services such as cables, pipelines, substations;
 - (vii) Other artefacts and structures such as street furniture, including lighting columns and fittings;
 - (viii) details of phasing of these works.
 - (ix) existing and finished ground levels in relation to Ordnance Datum.
2. That the site layout to be submitted as part of the AMC application required under condition 1 above shall include a Surface Water Management Plan providing details of the location and design of the surface water drainage scheme to be installed within the application site and shall be submitted for the approval of the Planning Authority. For the avoidance of doubt the scheme shall comply with the Scottish Environmental Protection Agency's (SEPA) principles of Sustainable Urban Drainage Systems (SUDS).
3. Prior to the commencement of construction works on site:
- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.
- Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building conservation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
 - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached
 - reinstatement of grass areas
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow
 - which waste materials can be brought on to the site/what if any exceptions e.g. green waste
 - monitoring of waste imports (although this may be covered by the site licence)
 - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
 - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to enable the Planning Authority to consider this/these matter/s in detail.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the interests of archaeological heritage.
5. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

Informatives

It should be noted that:

1. Legal Agreement:

A legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

- Tram - £692,000 (based on a 230 bed hotel); and
- North Edinburgh Transport Contribution Zone - £80.80 per sqm of floorspace towards the range of actions identified in the LDP Action Programme.

2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. The Bird Hazard Management Plan must ensure that flat/ shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access ladders or similar. The owner/ occupier must not allow gulls, to nest roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by BAA Airfield Operations staff. The owner/ occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences from the Scottish Executive Environment and Rural affairs Department (SEERAD) before the removal of nests and eggs.

6. In relation to condition 1 full details of soft and water landscaping works must be submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:
- any earthworks;
 - grassed areas;
 - the species, number and spacing of trees and shrubs; and
 - details of any water features.
-
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
 - others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

7. It should be noted that although a Shadow Cast Survey was not required for a 55 metre high building, this requirement will be kept under review and is dependent on the final proposal. The selection of materials for building finishes, glazing and lighting in areas overlooking sensitive areas for coastal birds should be developed in consultation with SNH.
8. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area.
9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
10. A draft travel plan to the satisfaction of the Planning Authority to be submitted for approval prior to occupation and a finalised travel plan to be submitted within 12 months of that date.
11. The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;

- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
- See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>.

Financial impact

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

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

In accordance with the Planning etc (Scotland) Act 2006, A Proposal of Application Notice (application number 15/05875/PAN) was submitted on 24 December 2015. Copies of the notice were also issued to:

- Local Ward Councillors
- Leith Harbour and Newhaven Community Council
- Leith Links Community Council
- Leith Central Community council
- Trinity Community Council

- Leith Neighbourhood Partnership

Public exhibitions were held on 10 February and 24 February 2016 between 15:30 and 19:30 in the Ocean Terminal Community Room.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

A pre-application report on the proposal was presented to the Development Management Sub-Committee on 24 February 2016. The committee noted the key issues and requested further information on:

- Assessment of wind on pedestrian amenity;
- Information on the paint shed;
- Consideration to be given to the inclusion of a cultural space within the development;
- Consideration of how height and design, views and sightlines across the Forth will be impacted; and
- Consideration of how the development would contribute to the overall nautical vision of Ocean Terminal.

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 14 June 2016 and attracted one letter of objection. The revised scheme was advertised on 30 December 2016 and attracted one further letter of objection.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is part of the urban area and within the Leith Waterfront area as identified in the Local Development Plan. It is part of the area referred to as Central Leith Waterfront (Proposal EW1b)

The site is adjacent to the Tram Route Safeguard and a Cycle/Footpath Safeguard.

Ocean Terminal is designated as a Commercial Centre.

Date registered 6 June 2016

Drawing numbers/Scheme 01,

Scheme 2

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Planning Officer
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP 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.

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Ret 4 (Commercial Centres) sets criteria for assessing proposals for additional retail floorspace in a commercial centre.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

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

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

Appendix 1

Application for Planning Permission in Principle 16/02815/PPP

**At Car Park 137 Metres Northeast Of 98, Ocean Drive,
Edinburgh**

**Erection of Hotel development (Class 7), associated facilities
and ancillary works, including Boardwalk (As Amended)**

Consultations

Economic Development response - dated 14 June 2016

The following are comments from the City of Edinburgh Council's City Strategy and Economy service which relate to the planning application 16/02815/PPP for the creation of a hotel and boardwalk at Ocean Drive, Edinburgh.

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.

Commentary on existing uses

The site in question is 1.4 hectare land to the west, north and east of Ocean Terminal shopping and leisure centre. The land to the east of Ocean Terminal is currently occupied by a surface car park. The land to the north and west is a hard-standing area primarily used for the servicing of the centre. The Ocean Point One office development lies immediately southeast of the development. As the land is either vacant or used only for parking/servicing it will support a negligible level of employment.

Commentary on proposed uses

Class 7 - Hotels and hostels

The development as proposed would deliver a class 7 (hotel) building with up to 400 bedrooms along with conferencing and restaurant facilities. This would be the largest hotel in Edinburgh by a margin of 97 bedrooms. Based on average employment densities, and assuming a mid-scale operator, this could be expected to directly support approximately 133 full-time equivalent jobs. Taking multiplier effects into account would give a total impact of 169 full-time equivalent jobs.

Based on average gross value added per worker for workers in the accommodation sector (£29,948) (2013 prices), the 133 jobs could be expected to directly support GVA of approximately £3.98 million per annum (2013 prices). Taking multiplier effects into account would give a total impact of approximately £6.00 million of GVA per annum (2013 prices).

The hotel could also be expected to support additional visitor expenditure in Edinburgh. Hotel occupancy in Edinburgh averages 81.5%; this suggests that the hotel could be expected to support £118,990 bed-nights in Edinburgh per annum (400 × 365 × 0.815). Visitor expenditure in Edinburgh averages £92 per night; this would therefore represent £10.95 million of additional visitor expenditure per annum. Based on average visitor spend profiles, it is anticipated that 38% (£4.21 million) of this expenditure would be on accommodation (and would therefore support the 133 jobs within the hotel) while 62% (£6.73 million) would be in the wider economy on eating and drinking; shopping; entertainment; and travel and transport. This would include £1.23 million of expenditure on shopping per annum which could be expected to benefit the retailers within Ocean Terminal. It is calculated that this £6.73 million of visitor expenditure could be expected to support 185 jobs and £4.39 million of GVA per annum (2013 prices).

Sundry

The proposed boardwalk is on a safeguarded cycle/footpath route and would form part of the revised Promenade route, contributing to the Council's aspiration to deliver a continuous cycle/footpath along the Waterfront from Cramond to Joppa. The creation of new public realm linking Ocean Terminal and the water could be expected to help animate Ocean Terminal. As part of the Promenade, the boardwalk should be delivered to the standards set out in the Edinburgh Waterfront Promenade Design Code. These include a clear paved surface of at least 8 metres wide wherever possible and a textured natural stone surface, resin-bound aggregate surface, or timber surface utilising non-slip techniques.

The mooted height of 28 storeys reflects a highly efficiency use of the site and is consistent with the aspirations for Waterfront Plaza set out in the Leith Docks Development Framework. At 100m, the building would be the tallest in Edinburgh; a flagship building such as this could raise the profile of Leith and catalyse further development on Waterfront Plaza.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the development as proposed could, once fully-built and fully-let, support approximately 318 full-time equivalent jobs and GVA of £10.39 million per annum. By comparison, the site does not currently support any economic activity.

The proposed boardwalk would contribute to the delivery of the Edinburgh Promenade. As such, it is essential that the boardwalk adhere to the standards set out in the Edinburgh Waterfront Promenade Design Code.

This response is made on behalf of City Strategy and Economy.

Economic Development Addendum response - dated 22 December 2016

Following changes to the PPP reducing the maximum number of beds in the hotel from 400 to 230, the Economic Development Service would like to update our previous comments due to the reduced economic impact.

The development as proposed would deliver a class 7 (hotel) building with up to 230 bedrooms along with conferencing and restaurant facilities. Based on average employment densities, and assuming a mid-scale operator, this could be expected to directly support approximately 76 full-time equivalent jobs. Taking multiplier effects into account would give a total impact of 160 full-time equivalent jobs.

Based on average gross value added per worker for workers in the accommodation sector (£29,948) (2013 prices), the 76 jobs could be expected to directly support GVA of approximately £2.27 million per annum (2013 prices). Taking multiplier effects into account would give a total impact of approximately £3.41 million of GVA per annum (2013 prices).

The hotel could also be expected to support additional visitor expenditure in Edinburgh. Hotel occupancy in Edinburgh averages 81.5%; this suggests that the hotel could be expected to support 68,420 bed-nights in Edinburgh per annum (230 x 365 x 0.815). Visitor expenditure in Edinburgh averages £92 per night; this would therefore represent £6.2 million of additional visitor expenditure per annum. Based on average visitor spend profiles, it is anticipated that 38% (£2.39 million) of this expenditure would be on accommodation (and would therefore support the 76 jobs within the hotel) while 62% (£3.9 million) would be in the wider economy on eating and drinking; shopping; entertainment; and travel and transport. This would include £1.05 million of expenditure on shopping per annum which could be expected to benefit the retailers within Ocean Terminal. It is calculated that this £3.9 million of visitor expenditure could be expected to support 62 jobs and £1.31 million of GVA per annum (2014 prices).

The Economic Development Service note that the reduction in hotel rooms will have an effect to the overall economic impact of the development reducing the economic contribution from this development. However, as the site does not currently support any economic activity there will still be an economic benefit to this development, even at the reduced level.

Archaeology response - dated 21 June 2016

I would like to make the following comments and recommendations concerning the above PPP application for the erection of hotel development (class 7), associated facilities and ancillary works.

Ocean Terminal lies at the centre of the historic docks for Leith occupying the site of the former 20th century Henry Robb shipyard. Although demolished in the 1990's the site contains the B-listed former paint store, a unique structure built from steel ship panels. Based on the historical and archaeological evidence (detailed by CFA Archaeology in the DBA for the application) the site has been identified as occurring within an area of archaeological significance. Accordingly this application must be considered under terms the Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV3 & 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.

Historic Buildings

The construction of the proposed broad walk will impact upon the current setting of the B-listed Paint Store, though this is not considered to be significantly adverse nevertheless detailed designs must be submitted which will minimise any such impact and designed in such a way as to respect this important historic buildings. Similarly given the close proximity of construction works to this structure, a mitigation strategy must be submitted prior to development which will detail how it will be protected through the development process.

Buried Archaeology

The development in particular the construction of the proposed hotel will necessitate significant ground breaking works which could reveal archaeological remains associated with the former Henry Robb Shipyard and potentially earlier maritime remains associated with development of the port from the medieval period. However having assessed these potential impacts I concur with CFA's overall conclusions that the development will have a generally low archaeological impact. It is recommended therefore that if consent is granted that a programme of archaeological work is undertaken prior to /during development in order to fully excavate and record any significant remains which may be impacted upon. This work should be secured by the following recommended condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building conservation, 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 response - dated 24 June 2016

We have no objection to this planning application. Please note the advice provide 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 their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 Review of the SEPA Flood Map indicates that the site lies outwith, but immediately adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high flood risk. The main potential sources of flooding to the proposed development site are from fluvial flows from the Water of Leith which discharges into the docks area to the southeast of the site, tidal flooding from the Firth of Forth, infrastructure failure of the docks and pluvial flooding.

1.3 The predicted 1 in 200-year coastal flood level in this area is 3.98mAOD (+/- 0.3m) based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take account of the potential effects of climate change, wave action, funnelling and local bathymetry and as such actual flood levels may be significantly higher.

1.4 The application site is adjacent to the Albert Dock which is owned and operated by Forth Ports. Information from Forth Ports indicates that water levels are generally maintained at 2.6 - 2.8mAOD. However, a complete failure of the control infrastructure could lead to water levels in excess of 5.27mAOD at which point water would start overtopping the sealing dam and discharge into the Firth of Forth.

1.5 It is also noted within the Flood Risk Assessment (FRA) that landscaping of the site is likely to be required but that this will be undertaken to prevent any ponding of surface water at the site and also to ensure there is no increased flood risk to the existing buildings. We support this proposal for managing surface water flood risk.

1.6 Information provided within the FRA indicates that the site is relatively level with a minimum elevation of 5.35mAOD. This provides a freeboard above the predicted coastal flood level in excess of 1m. However, the freeboard above the predicted flood level from infrastructure failure is only 0.09m. As this flood risk comes from infrastructure failure we cannot assign a flood probability to it. SEPA have been consulted on previous applications in the Leith Docks area and the recommendations provided have been that where feasible, finished ground levels should exceed 5.5mAOD and finished floor levels should exceed 6.0mAOD. SEPA would continue to recommend this for the current application where feasible in order to provide freeboard allowance beyond the potential flood level of 5.27mAOD in the event of apparatus failure at the docks. However, we would recommend contact is made with Forth Ports and the Flood Prevention Team at Edinburgh City Council to agree final ground and floor levels. Should the higher levels not be achievable we would have no objection

given the ground floor is to be used as ancillary/conference facilities and sleeping accommodation on upper floors, although we would advise that flood resilient and resistant measures are considered to minimise any impacts of flood risk in the ground floor.

2. Surface Water Drainage

2.1 The treatment of surface water runoff by sustainable drainage systems (SUDS) is a legal requirement for most forms of development, however the location, design and type of SUDS are largely controlled through planning. As responsible authorities under 2(2) Water Environment and Water Services (Scotland) Act 2003, planning authorities are required to work to prevent deterioration in and promote improvements in Scotland's water environment. Ensuring development sites are serviced with appropriate SUDS is one of the key ways in which SEPA consider planning authorities can discharge these duties. We encourage surface water runoff from all developments to be treated by SUDS in line with Scottish Planning Policy.

2.2 We note from the Supporting Planning Statement that the surface water drainage is being discharged to coastal waters. Therefore is no strict requirement for SUDS for the development on this basis, however SEPA would encourage a form of source control SUDS to be implemented in order to further protect the coastal water environment.

3. Contaminated Land

3.1 We note the submission of a Geo-environmental Desk Survey which included a Preliminary Contaminated Land Risk Assessment and Potential geotechnical hazards.

3.2 Advice on land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters under Part IIA of the Environmental Protection Act 1990 except for matters relating to radioactively contaminated land or special sites.

3.3 SEPA agrees that a Ground Investigation and the proposals presented for it, in particular in relation to the Water Environment, are considered adequate; as presented on the Phase 1 Geo-Environmental Desk Study for the site. Once the ground investigation is undertaken and an Interpretative Report is available SEPA would welcome the opportunity to be involved in any such consultation and recommend that such request is directed to the Local Authority Environmental Health Department. Detailed advice for the applicant

4. Flood Risk

Caveats & Additional Information for Applicant

4.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² 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. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>.

4.2 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.

4.3 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 in line with the phases of this legislation and can be downloaded from

<http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

5. Regulatory requirements

5.1 Our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.

5.2 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 your local SEPA office.

Scottish Natural Heritage response - dated 8 July 2016

Thank you for consulting us with the above application. This application is for a hotel of up to 28 storeys or 100m high to the north east of Ocean Terminal, with an elevated boardwalk alongside Ocean Terminal. The application site is approximately 200-250m from the Imperial Dock Lock, Leith Special Protection Area (SPA), classified for its breeding tern colony, and around 600m from the Firth of Forth SPA, classified largely for its wintering wildfowl.

Summary

The proposal could affect internationally important natural heritage interests and we therefore object to this proposal until further information is obtained from the applicant. This is set out in our appraisal below and in Annex 1. Once this information has been provided we will be able to give this proposal further consideration.

Appraisal

The proposal is close to Imperial Dock Lock, Leith SPA and Firth of Forth SPA. This means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Edinburgh Council is required to consider the effect of the proposal on the SPAs before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements (<http://www.snh.gov.uk/docs/A423286.pdf>).

In our view, there is insufficient information to determine whether the proposal is likely to have a significant effect on the breeding terns on Imperial Dock Lock, Leith SPA. In order for this to be determined, we recommend that the following additional information is obtained:

? Shadow cast study of the tall building to assess any potential shadowing of the tern colony during the breeding season

Annex 1 contains full details and reasoning of these requirements.

If the planning authority intends to grant planning permission against this advice without the requested information, you must notify Scottish Ministers.

AMENDED - Scottish Natural Heritage response - dated 26 January 2017

The proposal is around 200-250m from the Imperial Dock Lock, Leith Special Protection Area (SPA), classified for its breeding tern colony. The amended proposal is for a reduced height of hotel, at 55m maximum rather than 100m maximum.

Summary

Our previous response was based on a proposed hotel of up to 100m, located to the north east of ocean terminal. The increase in height and change in location from the original Edinburgh Harbour proposal (08/04232/OUT) meant that an assessment of the changes on the SPA was required and that further information was necessary to do this. We therefore responded with a holding objection based on the requirement for a new shadow cast study to be undertaken. The reduced height of the proposal to 55m means that a new shadow cast study is no longer required and therefore we withdraw our holding objection. Our comments on the amended proposal are given below.

Appraisal

The previous proposal was for a hotel of maximum height 100m and in a location to the north east of ocean terminal. This differed to that in the original Edinburgh Harbour application, which was subject to appropriate assessment to assess its effects on the Imperial Dock Lock, Leith SPA. This meant that further information was necessary to assess these changes on the SPA, in the form of a new shadow cast study (see our previous response of 8 July 2016 for details).

At an amended 55m, the current proposal will be at the same height as the original Edinburgh Harbour application, with just the location of the building having changed. This means that the previous appropriate assessment only requires to be reviewed in terms of its findings against a different location rather than with a revised scope of study.

From the Edinburgh Harbour proposal, we know what shadows were cast on the breeding tern colony and at what time, in the previous location. This proposed location is further south than the original and therefore shadows will be cast towards the tern colony earlier in the day, which means the shadows will be shorter and unlikely to reach the tern colony. Therefore a new shadow cast study of the proposals is not required.

As our objection was a holding objection based on the requirement for a shadow cast study, which is no longer required, then we withdraw our holding objection. Our advice is that there are unlikely to be significant effects on the SPA interests raised from the change of location, and a further appropriate assessment will not be required.

Our comments regarding other issues such as the boardwalk remain the same as our previous response.

Edinburgh Airport response - dated 10 July 2016

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- monitoring of any standing water within the site temporary or permanent*
- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and loafing birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached*
- reinstatement of grass areas*
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- monitoring of waste imports (although this may be covered by the site licence)*
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- signs deterring people from feeding the birds.*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks*
- grassed areas*
- the species, number and spacing of trees and shrubs*
- details of any water features*
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].*

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

We would also make the following observations:

Lighting

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

As the application is for planning permission in principle, it is important that Edinburgh Airport is consulted on all reserved matters relating to siting and design, external appearance (including lighting) and landscaping.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Environmental Assessment response - dated 2 December 2016

The applicant proposes the development of a hotel, shared surface plaza and elevated walkway (boardwalk) on a site adjacent to Ocean Terminal Shopping Centre. The hotel site is located on Ocean Drive, 150m from the centre's main entrance and bus stops, on land currently used as surface level car park. There are no residential properties located in close proximity to the proposed development. The site is located in close proximity to an Air Quality Management Area therefore local air quality impacts must be carefully considered.

The application proposal may accommodate a maximum of 400 rooms. The proposal also assumes 1 car parking space per 2 rooms and would make use of the existing 'blue' car park at the north of the site. No additional car parking will be provided as part of this application.

As there is no additional parking proposed Environmental Protection will not be raising an objection. Notwithstanding this it is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of Electric Vehicle (EV) charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

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

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that at least two Electric vehicle charging outlet should be of the following standard with access provided for taxis;

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Grants are also available for the installation of EV charge points for workplaces more information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

When detailed plans are produced EV spaces should be clearly marked on the drawings.

With regards to air quality Environmental Protection do not object to this development. However, we encourage the developer to work with this department to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

1. Car Club facilities (electric and/or low emission vehicles).
2. Provision of electric vehicle charging facilities.
3. Public transport incentives for staff/customers.
4. Improved cycle/pedestrian facilities and links.

Environmental Protection also advise the applicant that all energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass.

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore Environmental Protection offers no objections subject to the following conditions;

1. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning

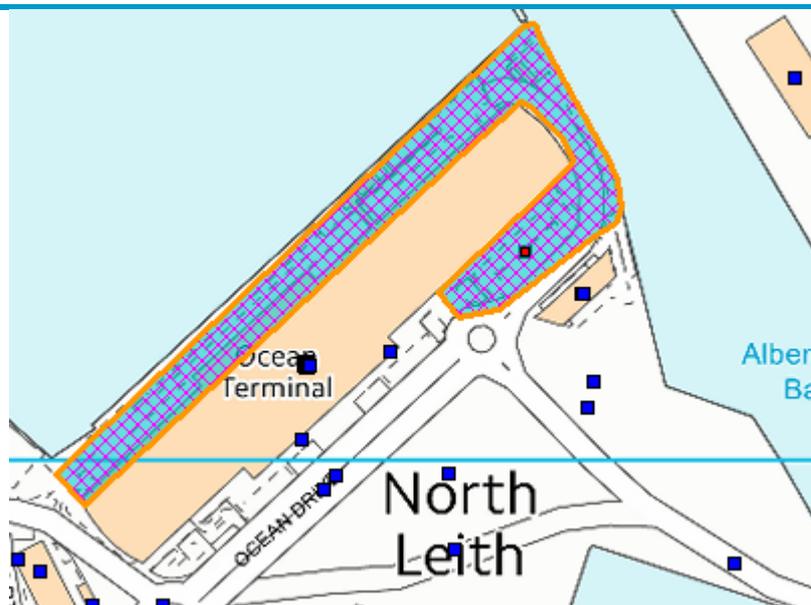
2. Electric vehicle Charging outlet(s) should be of the following standard:
70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Informative

Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

Location Plan



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END