

Development Management Sub Committee

Wednesday 13 December 2017

**Application for Planning Permission 17/04428/FUL
At Land Adjacent To, Ocean Drive, Edinburgh
Proposed distillery (sui generis) and ancillary uses,
including visitor experience/tasting area and shop; office
and restaurant, bar and use of the external yard for distillery-
related servicing and storage**

Item number	4.9
Report number	
Wards	B13 - Leith

Summary

The proposed distillery and ancillary uses are acceptable in principle at this location and will bring economic benefits. The scale, design and layout will not have an adverse impact on the character of the surrounding area. No concerns have been raised regarding the impact on traffic, road safety, parking, flooding, ecology or amenity. The proposal will not have an unreasonable impact on the archaeological significance of the site subject to the inclusion of a condition securing an agreed programme of work. Overall, the proposal accords with the Development Plan and the relevant Non Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES03, LDES04, LDES05, LDES06, LEN08, LEN09, LEN12, LEN16, LEN21, LEN22, LRET07, LTRA02, LTRA03, LTRA04, LTRA07, LTRA09, SDP, NSG, NSGD02, NSDCAH, OTH,

Report

Application for Planning Permission 17/04428/FUL At Land Adjacent To, Ocean Drive, Edinburgh Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery- related servicing and storage

Recommendations

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

Background

2.1 Site description

The application site is located to the north east of Ocean Terminal Shopping Centre and measures approximately 800 sqm. Leith Docks bounds the site to the north west and south east. Part of the waterfront promenade runs along the north east boundary of the site.

The site currently contains a previously B Listed Paint Shed which is being used as an artist space. The paint shed was delisted in December 2016 by Historic Environment Scotland. An area of landscaping surrounds the existing paint shed and trees line the site to the east.

There is restricted vehicle access to the site provided from Melrose Drive. There are bus stops immediately outside Ocean Terminal Shopping Centre on Ocean Drive.

The wider area consists of a mix of retail and associated multi storey car parking, hotel and offices. The closest residential properties are 500m to the south.

2.2 Site History

31 December 2013 - An application for outline planning permission for the mixed use development of The Harbour: Leith Docks (the area comprising the first two 'urban villages' within the Leith docks regeneration project) was withdrawn. This application was submitted in December 2008 and the Council was minded to grant planning permission subject to a legal agreement on 26 June 2010. However, the application was withdrawn because it has been inactive for a substantial period of time (application reference 08/04232/OUT).

13 January 2014 - An application for outline planning permission for a mixed use development was withdrawn. This application was submitted on 12 September 2007 and the Council was minded to grant planning permission subject to a legal agreement on 26 June 2010. However, the application was withdrawn because it has been inactive for a substantial period of time (application reference 07/03895/OUT).

22 February 2017 - The Council was minded to grant planning permission in principle for the erection of Hotel development (Class 7), associated facilities and ancillary works, including Boardwalk (as amended) subject to a legal agreement (application reference 16/02815/PPP). The agreement has not yet been signed.

Main report

3.1 Description Of The Proposal

The proposal is seeking planning permission for a distillery (sui generis) including a visitor centre, retail area, office, restaurant and bar. Externally, the proposal includes a service yard and storage facilities.

The proposal is for a total of nine storeys in height. The distillery forms the first five floors (658 sqm) with ancillary retail (151 sqm) and a visitor centre (170 sqm) at ground and first floor level. The fifth floor comprises of office space (157 sqm) and the top three floors comprise a restaurant and bar (332 sqm). The proposal is finished in brick and corrugated cladding. Metal fencing surrounds the service yard area.

The site is accessed via the existing one way system to the rear of Ocean Terminal. Vehicular access is for service vehicles only and there is access into a service yard in the west of the site.

Ten cycle racks are provided adjacent to the north east elevation of the building.

Supporting Documents:

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

- Planning Statement;
- Design and Access Statement;
- Air Quality Assessment;
- Flood Risk Assessment;
- Noise Assessment; and
- Habitat 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 development is acceptable;
- b) the design, scale and layout are appropriate to the site;
- c) the proposal's impact on the amenity of the area;
- d) parking, access and road safety arrangements are acceptable;
- e) the proposal has any impact on biodiversity;
- f) the proposal has any impact on archaeology;
- g) the proposal is acceptable in terms of flooding, drainage and sewage;
- h) there are any other relevant material considerations:
- i) the proposals has any equalities or human rights impacts; and
- j) the representations raised have been addressed.

a) Principle of Development

The site is located within the Central Leith Waterfront (Proposal reference EW1b) as identified in the Edinburgh Local Development Plan (LDP). The site lies adjacent to Ocean Terminal which is identified as a commercial centre in the LDP.

LDP Policy Del 3 relates to the Edinburgh Waterfront and supports development proposals that will contribute to the creation of new urban quarters at Leith Waterfront, specifically proposal reference EW1b. The proposal would accord with this policy as seeks to provide a new visitor attraction to the waterfront that would complement the existing facilities within the area.

LDP Policy Ret 7 supports high quality visitor attractions within Leith Waterfront provided that the proposal can be integrated into the surroundings; is compatible with surrounding uses in terms of noise and residential amenity; and, is easily accessible by public transport, foot and cycle.

The proposal would replace an existing artist space in the same location. Given the unique location of the site and the mix of surrounding land uses (office and retail) the proposed use of the site as a distillery and visitor centre is compatible with the character of the area.

Given that the proposal site is not within close proximity to existing residential development it will not have an unacceptable impact on the amenity of the area. This is discussed further in Section 3.3c) of this report.

The site is within close proximity to both existing and planned future public transport connections. There are existing bus stops located adjacent to Ocean Terminal on Ocean Drive providing regular links to the city centre, airport and other tourist attractions. In addition, the proposed tram line would also include a stop on Ocean Drive.

In addition to the above, it is noted that one of the aims of the LDP is to support the growth of the Edinburgh economy. As outlined in the Economic Development referral response the proposal would positively contribute to the economic growth of Leith Waterfront through the provision of employment and increased patronage to the area when visiting the tourist attraction.

Based on the above, the proposal accords with LDP policies Ret 7 and Del 3 and is acceptable in principle.

b) Design, Scale and Layout

LDP Policy Des 4 Development Design - Impact on setting, requires that it be demonstrated that a development proposal would have a positive impact on its surroundings. While the proposed distillery would be sited behind Ocean Terminal Shopping Centre, given that it would be nine storeys in height there would be views of the building from the surrounding area and from the water. In terms of height, it would sit below the Ocean Point office development but above Ocean Terminal. Key view analysis submitted with the application demonstrates that proposal would not adversely impact views to landmark buildings and features within the city skyline.

With regard to the proposed building materials and detailing, the development would be finished in brick at ground level then corrugated sheeting in the remaining storeys of the building. The buildings in the surrounding area are a mix of different architectural styles. The proposal is a modern design that reflects the industrial history of the dockyard area. The proposed material colours are still to be confirmed and a condition is attached to require this information to be submitted and agreed prior to commencing development.

The Edinburgh Access Panel provided comments to the application and raised concern regarding the width of the main entrance. The applicant has confirmed that the building entrance will be compliant with the relevant Building Standards (4.2.4).

In terms of the site layout, a service yard is proposed to the west of the distillery building and will contain all necessary site services including silo, boiler and forklift charging zone.

The proposal would include the removal of fourteen trees around the site boundary. LDP Policy Env 12 seeks to prevent the removal of significant trees worthy of retention. It is proposed that four trees will be replanted within the immediate surrounding area. Given the limited landscaping opportunities within the site this is reasonable.

Overall, the design and finish of the proposal are appropriate within the context of the surrounding area and accord with LDP Policy Des 4.

c) Amenity

As previously discussed the site is surrounded by a mix of uses, including residential. The nearest existing residential development would be Portland Gardens approximately 500m to the south. However, it is noted that there are other surrounding sites that have been identified for housing led development in the LDP.

LDP Policy Hou 7 - Inappropriate Uses in Residential Areas stipulates that developments that would have a detrimental effect on the living conditions of nearby residents will not be supported. As discussed in section 3.3 (a) a Noise Assessment was submitted as part of the application. The noise impact assessment concluded that the proposal would not have an unreasonable impact on the nearest existing and future habitable rooms in terms of noise.

In addition to the above, the proposal is located within 600 metres of Great Junction Street Air Quality Management Area. An Air Quality Assessment was submitted with the application. The assessment found that the proposed development was acceptable in terms of air quality impact.

With regard to odour, given the location of the site, the prevailing wind direction and the distance to the nearest sensitive receptor, in this instance the proposal will not have an unacceptable impact on amenity.

Environmental Protection has reviewed the supporting documentation and have raised no concerns in relation to odour, noise and air quality.

d) Parking, Access and Road Safety

The application seeks to utilise the existing, adjacent, Ocean Terminal car park and there would be no provision for on-site car parking. Given the extent of existing parking provision within Ocean Terminal and that the site is within close proximity to existing and future public transport links, this is acceptable.

In accordance with LDP Policy Tra 7, the proposal includes ten cycle parking spaces on site. Racks are proposed to the north of the distillery accessed via the existing stretch of waterfront promenade along the edge of the port.

LDP Policy Tra 9 safeguards proposed cycle and footpaths identified within the Local Plan. A waterfront promenade is proposed (proposal reference T7) along the north east and north west boundary of the site. The Edinburgh Promenade Design Code identifies a desirable width of 10 metres to be protected for the promenade. However, it does note that this is not always achievable in certain sections. The proposal will not impact on the existing completed section of promenade along the north east boundary. The application does not include any works to this section of the proposed waterfront promenade as it is outwith the site boundary at this stage the design of the connection past the restricted access behind Ocean Terminal is still to be determined. Notwithstanding this, it is acknowledged that the area to the north west allocated for the promenade would not meet the desirable 10 metre width however, would adequate to facilitate an extension to the promenade in this section.

Vehicle access to the site for servicing will be provided via the existing one way system along Melrose Drive.

There are no transport objections to the application subject to contributions towards the tram and other transport infrastructure in line with the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. A contribution of £67,659 (based on 658m² Industry use for the Distillery room (£18,649) and 332m² Restaurant and Bar use (£49,010) in Zone 2) to the Edinburgh Tram. A contribution of £79,992 (based on 658m² industry use and 332m² restaurant use at £80.80 per m²) towards identified actions in the North Edinburgh Transport Contribution Zone would be required.

A legal agreement will be required to secure the tram contributions and other transport contributions.

The Edinburgh Access Panel raised concern in their consultation response about the proposal not making provision on site for accessible parking. In response to these concerns an accessible parking strategy was submitted showing accessible parking at Ocean Terminal car park.

e) Biodiversity

The site is located within 600 metres of the Imperial Dock Special Protection Area and a minimum of five pairs of Common Terns have been identified nesting on wooden pilings just 50 metres offshore from the Application Site. LDP Policy Env 13 - Sites of International Importance seeks to protect such sites from significant effect from development.

A habitat survey was submitted with the application and found no significant ecological constraints associated with the development of the site. However, as a precautionary measure it is proposed that an informative be included highlighting when clearing should take place to minimise any disturbance to nesting birds.

f) Archaeology

The existing former paint store that is currently located on the site has been identified as having archaeological and historical significance. The paint shed is the last main surviving building relating to the former shipyard. On this basis the Archaeology officer has objected to the removal of the building on the grounds that it would be contrary to LDP Policy Env 8 - Protection of Important Remains.

Furthermore, the development works, have been assessed as having the potential to reveal archaeological remains associated with the former Henry Robb Shipyard and potentially earlier maritime remains.

Notwithstanding the above, it is noted that the paint shed was delisted by Historic Environment Scotland in December 2016 and can be removed from the site without permission. Therefore on balance, the proposal is acceptable in this instance subject to a condition requiring that the applicant undertake a programme of works ensuring that a historic record of the building is kept.

g) Flooding

A Flood Risk Assessment was submitted with the application. The Assessment and further supporting documents were reviewed by Flood Prevention and no concerns have been raised.

h) Other Considerations

Dangerous Substances:

It is the applicant's responsibility to ensure that the proposal complies with the requirements of the Planning (Hazardous Substances) Act 1993 and the Planning (Hazardous Substances)(Scotland) Regulations 2015. Given the nature of the proposal an informative has been added highlighting requirement for consent if the minimum thresholds are not met.

i) Equalities and Human Rights

The proposal does not raise concerns with regard to equalities and human rights.

j) Public Comments

Material Representations - Objection

- Choose Leith Signage is inappropriate - this proposal does not include signage, a separate application for advertisement consent will be required at a later date.
- Trees proposed to be removed should be replaced at a ratio of 2:1 within close proximity to the application site - Addressed in Section 3.3 (b).

Material Representations – Support

- Proposal contributes to regeneration of the area - addressed in Section 3.3 (a).
- Provide economic growth within the area - addressed in Section 3.3 (a).

- Appropriate land use - addressed in Section 3.3 (a).
- Good design - addressed in Section 3.3(b).
- Attract tourism addressed in Section 3.3 (a).

Community Council

- The Community Council did not make any comments on the application.

Conclusion

The proposed distillery and ancillary uses are acceptable in principle at this location and will bring economic benefits. The scale, design and layout will not have an adverse impact on the character of the surrounding area. No concerns have been raised regarding the impact on traffic, road safety, parking, flooding, ecology or amenity. The proposal will not have an unreasonable impact on the archaeological significance of the site subject to the inclusion of a condition securing an agreed programme of work. Overall, the proposal accords with the Development Plan and the relevant Non Statutory Guidance.

The proposal is acceptable. 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. No demolition/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.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

The applicant will be required to contribute:

a. The sum of £67,659 (based on 658m² industry use for the distillery room (£18,649) and 332m² restaurant / bar use (£49,010) in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report.

b. The sum of £79,992 to the North Edinburgh Transport Contribution Zone (based on 658m² industry use and 332m² restaurant use at £80.80 per m²);

The above sums are to be indexed linked using the all-in tender price index from the last date of signing the Agreement until the date of payment. The use period for both contributions should be 10 years from the last payment.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Given the nature of the proposed development, it will be subject to various requirements of the Health and Safety at Work etc 1974 (HSWA), and associated legislation, including the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR). We would, therefore, draw the applicants/agent's attention to the requirement to consult with the Health and Safety Executive to ensure compliance prior to the new use being operational.
6. The applicants should review the onsite inventory of dangerous substances as defined in Schedule 1 of the COMAH Regulations 2015 and consider if a notification is required to the COMAH Competent Authority under this regulations.
7. Clearance of vegetation/trees or structures have the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

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 assessed 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 meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application attracted 14 letters of representation all in support of the proposal.

No comments were received from the Community Council.

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

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 located within the Urban Area as shown on the Local Development Plan proposals map.

The land is identified as being within a commercial centre within the Edinburgh Waterfront.

Date registered

26 September 2017

Drawing numbers/Scheme

01-19,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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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 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 Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

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

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 Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

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.

Relevant Policies of the Strategic Development Plan

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, parking, streets and landscape, in Edinburgh.

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

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 17/04428/FUL At Land Adjacent To, Ocean Drive, Edinburgh Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery- related servicing and storage

Consultations

Economic Development - dated 05/10/2017

The application relates to 0.08 hectares of reclaimed land bounded by the Western Harbour to the west, the Albert Dock Basin to the north and east, and Ocean Terminal shopping centre to the south.

The site in question is currently occupied by The Paint Shed, a circa 200m² industrial structure manufactured using shipbuilding techniques during the Second World War. The Paint Shed was formerly part of the Henry Robb Shipyard; it was relocated to its current location upon the development of Ocean Terminal in 2000. The Paint Shed was category B listed in 1994 but this designation was removed in 2016. Since June 2016, The Paint Shed has been occupied by the not-for-profit organisation DOK Artist Space, which has turned the structure into an artistic hub for studios, exhibitions and events. DOK Artist Space also occupies a 30m² shipping container that has been placed next to The Paint Shed. It is understood that DOK Artist Space has been offered the use of land a small distance to the east to relocate the shipping container. The applicant has stated that The Paint Shed will be carefully dismantled and placed in storage.

Per the Employment Densities Guide (3rd edition) published by the Homes and Communities Agency, the mean employment density for studios is one full-time equivalent (FTE) employee per 30 sqm. This indicates that the 230m² of creative space currently on the site could, if fully occupied, be expected to directly support approximately 8 FTE jobs (230 ÷ 30). The average gross value added (GVA) per annum for the arts, entertainment and recreation sector in Edinburgh was £11,607 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the creative space if fully occupied of £0.09 million per annum (8 x £11,607).

As reported to the Economy Committee on 22 November 2016, there are pressures on the supply of cultural and creative space in Edinburgh. The loss of 230m² of space is therefore unfortunate. However, it is recognised that the space in question is of a modest scale and that measures have been taken to deliver alternative space elsewhere.

Commentary on proposed use/uses

Sui generis

The development as proposed would deliver 658m² sqm of sui generis space comprising a micro-distillery complex over the ground, first, second, third, and fourth floors and grounds of the development. Per the Employment Densities Guide (3rd edition), the mean employment density for light industrial uses is one FTE employee per 47 sqm. This indicates that the complex could be expected to directly support approximately 14 FTE jobs (658 ÷ 47). The average GVA per annum for the manufacture of food, beverages and tobacco products sector in Edinburgh was £71,490 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the complex of £1.00 million per annum (14 × £71,490).

Class 1 - Shops

The development as proposed would deliver 151m² sqm of class 1 (shops) space comprising a gift shop on the ground floor of the development. Per the Employment Densities Guide (3rd edition), the mean employment density for shops is one FTE employee per 17.5 sqm. This indicates that the shop could be expected to directly support approximately 9 FTE jobs (151 ÷ 17.5). The average GVA per annum for the retail sector in Edinburgh was £30,116 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the shop of £0.27 million per annum (9 × £30,116).

Class 3 - Food and drink

The development as proposed would deliver 332m² sqm of class 3 (food and drink) space comprising a restaurant, bar and private tasting room on the sixth, seventh and eighth floors. Per the Employment Densities Guide (3rd edition), the mean employment density for restaurants etc is one FTE employee per 17.5 sqm. This indicates that the food and drink uses could be expected to directly support approximately 19 FTE jobs (332 ÷ 17.5). The average GVA per annum for the food and beverage service sector in Edinburgh was £32,236 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for these uses of £0.61 million per annum (19 × £32,236).

Class 4 - Business

The development as proposed would deliver 157m² sqm of class 4 (business) space comprising a staff office on the fifth floor of the development. Per the Employment Densities Guide (3rd edition), the mean employment density for corporate offices is one FTE employee per 13 sqm. This indicates that the office could be expected to directly support approximately 12 FTE jobs (157 ÷ 13). The average GVA per annum for the manufacture of food, beverages and tobacco products sector in Edinburgh was £71,490 as of 2015. Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the office of £0.86 million per annum (12 × £71,490).

Class 11 - Assembly and leisure

The development as proposed would deliver 170m² sqm of class 11 (assembly and leisure) space comprising a viewing platform and tasting room on the first floor of the development. Per the Employment Densities Guide (3rd edition), the median employment density for visitor and cultural attractions is one FTE employee per 165 sqm. This indicates that the visitor experience area could be expected to directly support approximately 1 FTE jobs (170 ÷ 165). The average GVA per annum for the arts, entertainment and recreation sector in Edinburgh was £11,607 as of 2015.

Multiplying this figure by the estimated number of jobs would give a projected direct GVA for the visitor experience area of £0.01 million per annum (1 x £11,607).

The creation of a new visitor attraction in this location could be expected to attract more people to the area, benefiting both Ocean Terminal shopping centre and the nearby Royal Yacht Britannia visitor attraction.

Edinburgh Promenade

The Edinburgh Local Development Plan (LDP) states that developments in the Central Leith Waterfront should "create a publicly-accessible waterside path connecting east and west". The LDP shows the safeguarded route of the Edinburgh Promenade running along the western and northern edge of the site in question.

The Edinburgh Promenade Design Code describes the Promenade as a "continuous walkway/cycleway" providing a "safe and attractive corridor for pedestrians and cyclists". The Promenade should therefore be a segregated corridor reserved for the use of pedestrians and cyclists rather than a surface shared with motor vehicles. The Design Code specifies that the standard for the Promenade should be an 8m wide paved surface with 1m of landscaping on either side.

There is a gap of approximately 10m between the western perimeter of the site and the water's edge. This is sufficient to enable the delivery of the Promenade in this location at a future date. The gap between the northern perimeter of the site and the water's edge is approximately 6m, which is inadequate to deliver the Promenade to the standard specified width. However, it is recognised that the development in question occupies a highly constrained site and it would be challenging to reconfigure it to increase this gap. Additionally, the Edinburgh Promenade Design Code acknowledges that in some locations it will not be possible to deliver a 10m wide Promenade.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the development as proposed could be expected to directly support approximately 55 full-time equivalent (FTE) jobs and £2.75 million of gross value added per annum (2015 prices). By comparison, it is estimated that the uses currently on the site directly support 8 FTE jobs and £0.09 million of GVA per annum (2015 prices). The development therefore represents a large projected net increase in both FTE jobs (+47) and economic output (+£5.61 million per annum).

The creation of a new visitor attraction in this location could be expected to draw more people to the area, potentially increasing the patronage of Ocean Terminal shopping centre and the Royal Yacht Britannia.

The footprint of the development leaves an inadequate corridor to the north to deliver a 10m wide Promenade as specified by the Edinburgh Promenade Design Code along the route safeguarded by the Local Development Plan. However, it is recognised that it would be highly challenging to vary the footprint of the building to allow for a wider corridor and that the Design Code acknowledges a 10m wide corridor will not in all cases be possible.

This response is made on behalf of the Economic Development service.

Waste Services - dated 03/10/2017

If this development is purely commercial then you don't need to agree a waste Strategy with us. As this is a commercial development, the Council will not be the provider of waste management services to this property.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts.

Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling (paper, card, metals, plastics, glass and food). This means there would need to be storage space off street for segregated waste streams arising from commercial activities. Depending on the size and use of the property it may also be that they are able (or require) to segregate other streams such as fluorescent lamps, batteries and electrical equipment as well. Any waste collection contractors appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste from bin store and access to the site.

Transportation Bridges and Flooding - dated 04/10/2017

Flood Prevention have some comments to be addressed:

- 1. Even though the surface water is discharging to a coastal environment at an un-attenuated rate CEC Flood Prevention still require evidence to ensure that pluvial flooding has been addressed through the provision of a suitable drainage network. Please identify proposed surface water flow paths on a drawing. This can be achieved by taking the proposed-development layout and over-marking arrows to denote falls. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. Firstly to understand if there is any significant re-direction of surface flows to surrounding land and secondly to identify if surface water will flow towards property entrances.*
- 3. Please provide an outline of any proposed SUDS treatments.*
- 4. Please stipulate who will adopt and maintain the surface water network, including any SUDS.*

Amended - Transportation Bridges and Flooding - dated 01/11/2017

Flood Planning have no further comments regarding this application and have no objections to the development.

Archaeology - dated 08/11/2017

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for a proposed distillery (Sui Generis) and ancillary uses, including visitor experience/tasting area and shop, office and restaurant, bar and use of the external yard for distillery-related servicing and storage.

The application site lies on the northern side of Ocean Terminal, built at the centre of the historic docks for Leith and occupying the site of the former 20th century Henry Robb shipyard. Although the shipyard was demolished in the 1990's its former paint store was preserved and moved to this location. This building is unique structure is built from riveted sections of steel panels designed for ships being built in the yard during the 1940's.

Not only is this building a 'One off' but it is the last main surviving building relating to this former shipyard, the last in the line of major shipyards in Leith dating back to the medieval period. Accordingly, this building is regarded as being of archaeological and historic significance and an important contributor to the character of Leith's historic port. Therefore, 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 Local Development Plan (2016) policies DES 3, ENV8 & ENV9.

Buried Archaeology

As discussed above development will necessitate significant ground-breaking works which could reveal archaeological remains associated with the former Henry Robb Shipyard, the pre-1849 West Pier and potentially earlier maritime remains associated with development/use of the port from the medieval period. However, having assessed these potential impacts it has been concluded that the development will have a generally low-moderate archaeological impact upon the sites buried heritage.

Historic Buildings

The construction of the proposed development however will require the removal of the historic and archaeologically significant Henry Robb Paint Store. Although the industrial heritage of this building has been recognised by the applicant in Section 2.8 of their Design and Access Statement. They further state that they "have therefore committed to the careful dismantling and storage of the shed to allow for its future relocation."

Although this is welcome they have produced no detailed mitigation strategy as to how this to be undertaken. Given that the building is by and large comprised of riveted plates its considered very unlikely that this could be dismantled in such a way as not cause irretrievable damage to the structure and in such away as make its re-building extremely difficult if not impossible.

Furthermore, there is no detailed plans as to what will happen to the building post-demolition/removal both in terms of temporary storage and permanent re-sighting. Significant concerns over wither the building will be rebuilt and where are raised by the statement further section in 2.8 of this report that: "The 'Paint Shed' however is not in their ownership and it would be to the discretion of the owner, Ocean Terminal, to offer appropriate relocation." Accordingly, with no definitive plans for its relocation this application gives no guarantee that, even if this building if it could be carefully dismantled, it will be resurrected at all.

Given these significant concerns of over the loss of this important monument to Leith's shipbuilding past, I have concluded that this application has a significant adverse archaeological impact. According, it is considered that this application is contra to CEC Planning Policy ENV8 (b) and that it is recommended that this application is refused consent on archaeological/heritage grounds.

However, should the Planning Authority grant consent, it is recommended that a programme detailed historic building survey is undertaken combining drawn plans and elevations combined with photographic and written surveys in order to provide an accurate record of the Paint store before it is lost. This will also be combined with a programme of archaeological work to fully excavate and record any significant remains which may be impacted upon by ground breaking works. This programme of work should be secured by the following recommended condition;

'No demolition/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 must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Environmental Assessment - dated 02/11/2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

17/04428/FUL | Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery-related servicing and storage |Land Adjacent To Ocean Drive

The proposed development site lies immediately north of Ocean Terminal shopping centre, accessed from Ocean Drive. The site is located by the quay side, opposite the Forth Ports Port of Leith deep water docks. The closest existing residential receptors with the potential for direct lines of sight on to the proposed development are on Western Harbour Drive, Newhaven, located across the entrance basin to the Port at a distance of approximately 800m. There is also existing residential use on Portland Row and Portland Gardens, close to the access to the service route into Ocean Terminal from Melrose Drive. The site is located within 600m of the Great Junction Street Air Quality Management Area.

The applicant proposes development of a distillery with associated visitor facilities, restaurant / bar and private dining area as well as catering facilities and office accommodation. The building is proposed over 8 floors with processing occurring over the first 4 floors; fifth floor and above will be dedicated to the ancillary uses described. HGV servicing will tie into the existing servicing arrangements for Ocean Terminal, and vehicles will use the existing one-way service route

The applicant has submitted supporting assessing which have assessed noise and possible local air quality impacts this development may have in the area. As the proposed development is not located near any sensitive receptors Environmental Protection except the conclusion of the noise impact assessment. The noise impact assessment states there will be no adverse impacts on local residential amenity.

Due to the proximity of the air quality management area the applicant has provided an air quality impact assessment which has concluded that there will be no adverse impacts. Taking into consideration the existing use and its potential for associated traffic generation compared to this proposed use Environmental Protection offer no objection.

Therefore, Environmental Protection offers no objections.

Edinburgh Access Panel - dated 31/10/2017

Submission 17/04428/FUL - Proposed Distillery etc at Ocean Drive.

I'm a retired architect on the Access Panel, advising the Panel on planning submissions in terms of access. Unfortunately we have only recently been able to arrange a system where we can all see appropriate submissions on a screen at our monthly meetings at Waverley Court.

One of those that we felt we should comment on was the above Proposal. I realise that the Comment period has passed, but nevertheless an important point should be made.

We note that there are suitable internal facilities for disabled visitors, and some staff, but note that there seems no provision for accessible parking near to the building. We're also concerned at the seeming narrow width available for access to the main entrance.

The Panel would be grateful if you could investigate these issues.

Roads Authority - dated 02 November 2017

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

1. The applicant will be required to contribute:
 - a. the sum of £67,659 (based on 658m² industry use for the distillery room (£18,649) and 332m² restaurant / bar use (£49,010) in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - b. the sum of £79,992 to the North Edinburgh Transport Contribution Zone (based on 658m² industry use and 332m² restaurant use at £80.80 per m²);
2. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

- a. The Tram Contribution calculation is based upon:
 - No contribution being required for the current use of the site (DOK Artist Space).
 - No contribution being required for the visitor experience area, office and shop due to their size being lower than the threshold requirement;
- b. Motor vehicle parking is understood to be accommodated in the existing Ocean Terminal car park. Cycle parking, 20 spaces, is provided on site;

