

Development Management Sub Committee

Wednesday 13 December 2017

Application for Planning Permission 16/03684/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh

Planning permission for proposed residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (As Amended).

Item number	6.2
Report number	
Wards	A13 - Leith (Pre May 2017)

Summary

The site is located within the Leith strategic business centre and forms part of Edinburgh's strategic office land supply. The non-inclusion of major office development as part of the mixed use proposal is contrary to adopted Local Development Plan policy Emp 1 and Strategic Development Plan policy 2. The proposal is also contrary to LDP policy Del 3 because it is predominantly residential and not commercial led mixed use development.

The proposal would contribute 388 residential units (including 97 affordable homes) towards meeting Edinburgh housing needs and provide 29 commercial units suitable for a range of local services and small businesses. The proposal would develop a vacant urban site and bring economic benefits to Ocean Terminal and businesses in the area.

The proposal has no unacceptable impact on the character and appearance of the adjacent Conservation Area and listed buildings. It is acceptable in terms of design, scale, (albeit an increased density of development would be preferred on such a highly accessible site), layout, impact on the tram proposal, open space and amenity of future and neighbouring residents. Subject to appropriate developer contributions to tram, transport, education and healthcare facilities being secured through a legal agreement, impact on infrastructure is acceptable.

In summary, there are many positive aspects of this proposal. However on balance, these do not outweigh the conclusion that the mix and balance of uses proposed are contrary to the development plan. It is therefore recommended that the application is refused.

Outcome of previous Committee

This application was previously considered by Committee on 8 November 2017.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN06, LEN08, LEN09, LEN12, LEN13, LEN16, LEN18, LEN21, LEN22, LEMP01, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSP, NSGD02, NSLBCA, NSDCAH, OTH, CRPLEI,

Report

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Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site, referred to as Waterfront Plaza, is located in Leith in the north of the city. It covers an area of approximately 3.7 hectares and is currently undeveloped land.

The northern part of the site is vacant land, whereas the southern half has previously been 'greened' with grass and a line of trees planted. The site is relatively flat, although it contains a mound towards the B listed Victoria Dock (ref LB27081, listed 30 March 1994) to the east of the site. Part of the site extends south across the vehicular access point to the Scottish Government building at Victoria Quay and to the east of the Holiday Inn. To the south of the site are the B listed former warehouses on Commercial Street, these have been converted into a range of uses, including residential (ref LB26864, listed 30 March 1994).

The site is bounded by Ocean Drive to the northwest and east, with Ocean Terminal to the northwest and the nine storey office development to the north. To the east is the aforementioned dock with the Scottish Government Building and associated land to the south and east.

Access to the site is currently taken from the northwest. An area of hardstanding running diagonally through the site until it runs out near to one of the existing roundabouts on Ocean Drive.

This application site is located within the Leith Conservation Area.

2.2 Site History

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 (application number 07/03895/OUT).

1 October 2009 - planning permission granted for the construction of a new road, footways, cycleway and street lighting for Edinburgh Tram (application number 08/04193/FUL). Now lapsed.

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 (application number 08/04232/OUT).

Main report

3.1 Description Of The Proposal

The proposal is for a housing led mixed use development comprising 388 residential units and 29 commercial units proposed to be either Class 1 (Shops), Class 2 (Financial, professional and other services) and/or Class 4(a) (as an office, other than a use within class 2 (financial, professional and other services)). Two corner cafes are also proposed. The commercial floorspace is approximately 1,500 sqm in size with units ranging from 44 sqm to 80 sqm. A standalone retail/café pavilion style building (99.9 sqm) is proposed in the far north-eastern part of the site next to the dock.

The proposed development is split into a number of blocks that vary depending on their location within the site.

Blocks A, B, C and D provide perimeter blocks fronting onto Ocean Drive. Block A is at the north-eastern part of the site and is five storeys in height. This adjoins Block B which rises up to six storeys and turns the corner onto Ocean Drive, facing Ocean Terminal. Block B returns back into the site and contains a first floor decked landscape above car parking. Blocks C and D are similar to Block B and provide a horse shoe shape with frontage onto Ocean Drive and landscaped decks above car parking.

Internally within the site are a mix of three storey colony style housing and townhouses located around a network of permeable streets. Affordable housing (97 units) is located at the southern end of the site adjacent to Block D where it forms a mixture of townhouses and four storey flats (Block E) and in two linear blocks (Blocks F1 and F2). Blocks F1 and F2 drop from six storeys at the north to four storeys at the south. The number of units are shown below:

- Block A contains 20 flats;
- Block B contains 78 flats;
- Block C contains 69 flats;
- Block D contains 67 flats;

- Block E contains 12 flats (affordable);
- Block F1 contains 41 flats (affordable);
- Block F2 contains 41 flats (affordable); and
- The proposals also contain 33 townhouses (three affordable) and 27 colonies.

Overall there are 19 one-bed units, 263 two-bed units, 73 three-bed units and 33 four-bed units.

A central public realm spine runs through the site from between Block B and C and leads down to Victoria Dock. Trees are proposed throughout the development, lining the public realm and parts of the road network.

Vehicular access is taken from the northeast of the site and a route weaves its way through the site and returns to Ocean Drive between Block C and D and to the south of Block D. Access to Block F is taken from the road that leads to the Scottish Government offices.

The total number of car parking spaces is 308. Thirty spaces are private townhouse in-curtilage spaces and 48 spaces are directly associated with affordable blocks F1 and F2. Out of the remaining 230 spaces, 111 are located below the extended landscaped decks.

The primary material proposed throughout the development is a stone coloured brick. Timber effect cladding is proposed in various places to break up the window elements and grey recycled uPVC windows are also proposed. These materials are used in all the proposed building types.

The main areas of open space within the proposal are made up of hard standing paved areas, with seating and areas of planting. Areas of public and semi-private greenspace are also provided.

Previous Schemes

Scheme 1:

Contained 425 residential units split into 7 flatted blocks alongside townhouses and colonies. Two commercial units (both 80.4sqm each) proposed in the ground floor corner units of Block C and D.

The scheme contained smaller landscape decks associated with Blocks B, C and D, 374 car parking spaces, further areas of hard standing/ road surfaces, less open space and Block F contained different materials and was higher. The main vehicular route through the site was less defined.

Supporting Statements

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

- Pre-application Consultation Report;
- Design and Access Statement;
- Planning Statement and 2017 Additional Supporting Statement;

- Ecology Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Sustainability Statement;
- Transport Assessment and 2017 Addendum;
- Tree Survey;
- Noise Report;
- Air Quality Impact Assessment;
- Archaeology Evaluation Report;
- Landscape and Public Realm Strategy;
- Economic Impact Assessment and 2017 Revision; and
- Economic Market Overview and 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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

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

- a) the proposed mix and balance of uses are acceptable;
- b) the proposals preserve or enhance the historic environment;
- c) the design, scale and layout is appropriate to the site;
- d) adequate open space has been provided and there is an acceptable level of amenity;

- e) the housing mix is appropriate and an adequate level of affordable housing has been provided;
- f) there are any transport and parking issues;
- g) any other material considerations;
- h) any impacts on equalities or human rights are acceptable; and
- i) comments raised have been addressed.

a) Mix and Balance of Uses

The principle of some residential development on this site as part of a mixed use regeneration proposal accords with Local Development Plan (LDP) policy Hou 1. The application, as first submitted, only included two ground floor commercial units. This was contrary to LDP policy Hou1 as it did not represent a mixed use regeneration proposal. The amended proposal now includes around 1,600 sqm of commercial floorspace in the form of 29 ground floor units opposite Ocean Terminal, two corner cafes and a standalone retail/café pavilion in the north east corner of the site.

In this instance, the term "commercial" is used to refer to a range of retail, office and other small business uses. These will provide employment opportunities in a location well served by public transport and contributing to a sense of community and place. In terms of LDP retail policy, the site is in an out of centre location (albeit on the edge of a commercial centre). Given the size of the units (44 sqm to 100 sqm), their location next to a public transport interchange and their role in supporting an expanding residential and working population, the proposal accords with LDP policy Ret 6.

Whilst the principle of mixed use development is supported, the type and balance of uses proposed is unacceptable. This is because the predominant use is residential not commercial and no major office space is included.

The non-inclusion of major office space as part of a mixed use development on this site is contrary to the LDP, the current Strategic Development Plan (SDP), the Proposed SDP 2 (approved in October 2016) and the Leith Docks Development Framework 2005. Major office development is defined in the LDP glossary as proposals exceeding 1,000 sqm gross floorspace.

The LDP identifies the site as part of Leith strategic business centre. As one of four such centres, it forms part of Edinburgh's strategic office land supply. Policy Emp 1 Office Development supports high quality office developments, including major development on this site. This policy identifies suitable locations for office development, in recognition of the important role of the financial sector and other office based business in providing jobs and contributing to economic growth.

The site is located within the Edinburgh Waterfront and LDP Policy Del 3 Edinburgh Waterfront sets out a number of criteria for assessing development in this area. This includes that it should comply with the development principles for the Central Leith Waterfront (Proposal EW 1b).

The development principles for Proposal EW1b identify the site for commercial-led mixed use. This is expected to include major office development, consistent with its location within a strategic business centre and helping to meet the LDP aim of supporting the growth of the city economy. The LDP position in relation to this site accords with current SDP policy 2 which requires it to support the delivery of the quantity of the established strategic employment land supply identified in the LDP. The non-inclusion of major office space in this application is contrary to SDP policy 2.

Para 4.5 in the Second Proposed SDP indicates that SESplan member authorities will promote investment in the locations identified in Table 4.1 and requires LDPs to safeguard their future expansion by identifying and safeguarding sufficient land. Table 4.1 identifies Edinburgh City Centre and Leith as a significant business cluster for business and financial services, tourism, service and creative industries. It refers to opportunities for continued growth associated with expansion in Leith supported by proposed tram line extensions. Whilst the inclusion of 30 small units for a range of uses will contribute to this aim, the application does not make provision for major office space to support the growth of business and financial services in Leith.

The proposal is also contrary to the Leith Docks Development Framework (LDDF), approved in February 2005 as non-statutory planning guidance. It identified this site for mixed use development (Figure 1.15) and indicated that office development should be focussed within the established office and mixed use core of the LDDF area in the vicinity of Ocean Terminal and Victoria Quay (Section 6).

However, limited weight is given to the LDDF as a material consideration in this instance. Following the LDP examination, Table 11 in the LDP was modified to state that the LDDF as it relates to Central Leith Waterfront is to be reviewed in order to provide a revised approach (including a revised diagram representing this approach). Until the outcome of the review of the LDDF is known, the existing development principles diagram for Proposal EW1b remains a relevant part of the development plan.

The proposed mix and balance of uses does not accord with the SDP or the LDP. However, it is also necessary to assess whether there are material considerations which would justify approval contrary to the development plan.

The applicant's planning statement (and associated updated information) sets out a number of arguments in support of the proposal for a predominantly housing led development. This focuses on the following:

1. There is no justification/viability for major office development in Leith;
2. Proposals for a commercial led masterplan are now out of date and unachievable;
3. A shortfall in housing provision, including the retention Britannia Quay for port related uses; and
4. Economic benefits of the proposal.

Justification/Viability for Major Office Development:

The applicant has submitted a market assessment (and additional market commentary) in support of the proposed uses. This states that:

- the market has not responded to large areas allocated for commercial activity;
- through a period of recession and market growth the market has not responded to the opportunity to build out offices of any significant scale in Leith;
- Leith has failed to attract any interest at a level that could lead to commercially viable development proceeding; and
- residential use provides a viable and deliverable solution for the site.

It concludes that, even with the prospect of a constrained office supply in the city centre, Leith will not become a viable prospect for large scale commercial activity.

The submitted market analysis estimates a latent demand of 800,000 sq ft (approx. 74,000sqm) office space to be satisfied up to 2019. It does not provide any estimate of demand over the 10 year period of the LDP.

The applicant has also considered the potential impact of a possible future tram extension to Newhaven. The applicant notes that there is no analysis of what impact the introduction of the tram has had on the office market and considers that any increase in activity in Edinburgh Park is due to other factors.

In response to this point, trends in office supply and demand suggest that there is a strong demand and a lack of supply of office development in Edinburgh. Ryden's 80th Scottish Property Review May 2017 identifies that overall Edinburgh's office market had a solid performance achieving 36,303 sqm of take-up during the six months to March 2017. Total take-up was 69,227 sqm for the 12-months to March 2017. Edinburgh's peripheral office markets saw a total of 12,929 sqm transacted across 36 deals over the previous six months which was a 13% increase in activity from the preceding six month period. Prime rents in North Edinburgh were reported to be up to £150 per sqm and it reports that anticipating increased demand due to tightening city centre supply, the Leith office market has seen recent investment.

There continues to be a lack of immediate Grade A office space in the City Centre. This issue has been considered through the LDP. Three strategic business centres in addition to the city centre have been identified to provide suitable locations for major office development. One of these in Leith including this site, which provides an opportunity to help meet future demand. The Council's Economic Development service identified that in July 2015, there were over 130 office properties in Leith. Many of these are of an advanced age and not purpose built and which will increasingly not meet the needs of occupiers. As a result, much of the existing stock may be at risk of being converted to other uses and there is therefore likely to be a need for replacement office space.

A report to the Economy Committee in November 2016 highlighted that the Edinburgh office market is performing strongly. But with a subdued development pipeline and loss of properties to alternative uses, there is likely to be a future shortfall of office space. The Edinburgh and Leith markets are not independent of each other and it is projected that demand will rise in Leith as properties in the city centre are taken up. At present, occupiers seeking modern floorplates have limited options in Leith.

The Council's 2015 Development Monitoring Schedule shows a total of 650,564 sqm of floorspace with planning permission. Taking into account revised schemes for alternative uses, the remaining consents are for only 349,095 sqm. Using Ryden's annual take up figure of 105,260 this equates to 3.7 years of supply/take up. (Using the applicant's annual take up figure of 95,000, this equates to four years).

The consultation response from the Council's Economic Development service indicates that supporting this application is not in the long-term interest of Edinburgh's economy given the economic benefits associated with offices. It suggests that there are a number of factors in favour of office development at Waterfront Plaza, in particular the growing shortage of office space in the city centre and the proximity of the proposed tram line.

The argument that the introduction of the tram to the area will have limited impact is not accepted. The applicants' own assessment indicates that connectivity is an important driver for occupiers. There is the potential for the impact of the tram to increase the attractiveness of the area for office use and therefore the marketability of the site.

Comments have been made indicating that vacant units/space exists within Ocean Terminal and the office development at Ocean Point meaning that further commercial space should not be required at this site. Ocean Terminal is designated as a commercial centre, with its purpose to provide retail and leisure uses. These uses are not the same as the office space expected to be delivered on the application site. The space currently marketed at Ocean Point is only 315 sqm, forming only a small part of one floor of a nine storey development.

The evidence provided in relation to the viability of major office development does not justify a departure from the SDP or LDP. The LDP does not allocate the whole site for office only development. Instead it promotes mixed use development with a focus on office/business use but incorporating other uses, including housing. This provides a flexible approach to address viability issues whilst helping to meet the need for major office space in Edinburgh.

Commercial Led Mixed Use Development:

The applicant has indicated that previous attempts to deliver mixed use development in Leith have been unsuccessful and the proposals for a commercial led masterplan are now considered to be out of date and unachievable.

The applicant also points out that the strategic business centre designation covers a wider site than just that of the application site and that land adjacent to the Scottish Government office could be used in the future for office development. It has been suggested that by using some general assumptions for the surrounding area that this could provide in excess of 40,000 sqm of commercial floorspace.

The development principles for EW 1b set out in Table 11 of the LDP direct major office development to the strategic business centre. The entire site falls within the strategic business centre, comprising the undeveloped part of the centre. The proposed development, with 30 small commercial units, does not align with the type and scale of business development envisaged within a strategic business centre. The applicant has indicated that the market has not responded to the LDP allocation but has not submitted any evidence that the site has been actively marketed for mixed use development incorporating major office provision.

LDP Policy Del 3 intends to ensure that regeneration of the Edinburgh Waterfront comes forward in a planned manner within the context of the long term vision. Commercial led mixed use development is considered to remain relevant given the above comments on office demand and supply, potential public transport improvements and the identification of other areas for housing-led development.

Furthermore, the site is in a critical location to benefit from potential future public transport improvements. This is reinforced by the recent Council decision to progress to Stage 2 of the project to extend the tram to Newhaven. It is important to safeguard the potential of this site to provide a strategic business location through any short term downturns in the office property market. The opportunity for clustering of office development at Leith taking advantage of the possible tram extension and the need for such sites to be safeguarded is set out in the approved Proposed SDP2 (2016).

It is acknowledged that whilst there is further land next to the application site that could be developed for office space, no advances have been forthcoming to develop these areas. The application site itself occupies the prime location/frontage adjacent to the proposed tram stop and it would be a missed opportunity to simply accept no office space on this development as it could be potentially developed on adjacent sites under the control of others.

The LDP does indicate the intention to review the LDDF, but there is no justification to move away from mixed use development with a focus on office/business use at this time.

Housing Land:

The applicant suggests that a shortfall in Edinburgh's housing land supply is justification for supporting this proposal. It also states that this site could compensate for the loss of the housing led development at Britannia Quay which was removed from the LDP following the examination stage.

The latest assessment of the housing land supply in the City of Edinburgh is the 2017 Housing Land Audit and Delivery Programme (HLADP) which was reported to Planning Committee on 12 October 2016. The supply of effective housing land and the delivery programme within the HLADP were agreed as reasonable with Homes for Scotland. The 2017 HLADP concludes that there is sufficient effective housing land for the next five years, and in the longer term, to meet the housing land requirements set by the current Strategic Development Plan.

In terms of the Britannia Quay matter, in recommending those changes to the LDP, the Reporter concluded that the removal of these areas would not have a bearing on the effective housing land supply.

There is therefore no justification to support a departure from the development plan on housing need grounds.

Economic Benefits:

Consideration has been given to the economic benefits to be gained from the proposed development. The submitted economic impact assessment estimates that the development could be expected to support £5.3 million of expenditure in Edinburgh per annum by residents, supporting 66 full time equivalent (FTE) jobs and £2.4 million of gross value added per annum. The Council's Economic Development service has indicated that these figures appear reasonable. There would also be employment from construction jobs and 60 jobs from the proposed commercial units.

Representations of support have set out that if the proposed development went ahead it could act as a catalyst for further development in the area, make the area attractive for tourists and be of economic benefit to Ocean Terminal and surrounding uses. These are all duly noted and would be positive impacts, but in themselves do not make the development as proposed acceptable.

In comparison to the above, Economic Development has set out the economic impacts of just a single office building of a similar scale to the nearby Ocean Point 1 office building (5,800 sqm). This could be expected to directly support approximately 484 FTE jobs and £38.61 million of GVA per annum (2014 prices). Taking multiplier effects into consideration would give a total projected impact of 798 FTE jobs and £60.27 million of GVA per annum (2014 prices).

Consequently, the economic benefits of the proposed development do not offset the policy position or the economic benefits of what major office development could bring.

Conclusion

Whilst the principle of housing as part of a mixed use development is supported, the type and balance of uses proposed is contrary to the local development plan. This is because the predominant use is residential not commercial and no major office space is included.

This site is located within Leith Strategic Business Centre and forms part of Edinburgh's strategic office land supply. The non-inclusion of major office space as part of a mixed use development is contrary to policies Emp1 and Del3 in the LDP, policy 2 in the current SDP and paragraph 4.5 of the Second Proposed SDP (approved in June 2017).

Consideration has been given to the arguments submitted by the applicant and in representations in support of the proposed mix and balance of uses. However these do not outweigh the development plan position which is aimed at supporting the growth of the city economy.

b) Historic Environment

Conservation Area:

The site is not within the Leith Conservation Area, but the southern part of the site is on the boundary of the Madeira sub-area of the conservation area. The essential characteristics of the character appraisal include:

Views: The most impressive landmarks are the bonded warehouses along Commercial Street.

Building Types: The north side of Commercial Street is occupied almost entirely by former bonded warehouses on a continuous building line right to the heel of the pavement. Their blackened stone work, small window openings, lack of access doors to the street, long eaves and ridge lines are only relieved by changes in height and the occasional rotunda providing light and ventilation to the floors below.

Materials: The Madeira area retains a largely homogeneous Georgian domestic character, with stone buildings and slate roofs predominating; some of the Georgian buildings retain astragal windows and doors with fanlights.

The only part of the site that sits adjacent to the conservation area is where Blocks F1 and F2 are proposed. The land is currently vacant and appears to have been used as a car park in the past. The two linear blocks have been orientated to help limit any impact on the adjacent conservation area, the proposed development will be different from the existing buildings nearby in the conservation area, but modern designed flats with a stone coloured brick will provide a high quality finish. The use of brick reflects the old buildings and historical uses in the old dock. The height is similar to the adjacent modern hotel and steps down towards the conservation area boundary avoiding a homogenous style building. The proposal will not have a detrimental impact on the character or appearance of the area.

Listed Buildings:

The proposed development is set back from the B listed former warehouses on Commercial Street and separated by hardstanding and parking spaces, which forms the immediate setting for buildings. The proposed blocks have been orientated in a north south manner to still enable some views through the site from adjacent buildings and limit the impact of the built form of the buildings.

The height of the blocks steps down to the south, but matches that of the adjacent hotel. An area of planting is proposed on the southern end of the site will provide further separation and some screening. To tie in with the wider proposal a stone coloured brick is proposed, this will provide some harmony with the stone in the listed buildings. Overall, the proposal has been designed to integrate with the character of the buildings and will not detrimentally impact on the setting of the listed buildings.

In terms of the listed Victoria Dock, the proposals retain the listed dock edge. Residential development will front onto it in parts and the use of the proposed simple chain and post railing to the edge of the dock is a similar treatment to that used in a recent nearby development at Albert Dock. An area of open space and a modern single storey commercial unit are proposed which help enhance the dock edge and make the dock a focal point. The proposed paving around the dock will also enhance its accessibility. The proposal will not be detrimental to the architectural character, appearance or setting of the listed dock.

In summary, the proposals are different in style from those traditionally found in the conservation area and the materials of the listed buildings, but the modern buildings are a suitable design response to the site. The nearest blocks to the former listed warehouses and conservation area have been designed to match the wider development site. The height of the blocks matches that of the wider proposal and that of adjacent hotel, whilst stepping down to the south and brick is an acceptable primary material for this location. The proposals will also enhance the setting of the listed dock. The proposed development will not be detrimental to these historical assets in the area and complies with LDP policies Env 3 Listed Buildings - Setting and Env 6 Conservation Areas - Development.

c) Design, Scale and Layout

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

Layout:

LDP Policy Del 3 requires comprehensively designed proposals which maximise the development potential of the area and that development should accord with the Leith Waterfront Development Principles.

The indicative plan for Proposal EW1b in Table 11 of the LDP, which illustrates the development principles, is based on a block layout with strong east to west and north to south connections.

The area is dominated by large scale buildings such as Ocean Terminal, Victoria Quay, the Ocean Point Office Block, a hotel and nearby high rise residential. The development corresponds to this context by providing five and six storey perimeter blocks along Ocean Drive and then providing a mix of lower buildings within the site.

As a residential development, the site layout has been well thought-out with a network of shared surfaces streets, enabling permeability and access through the site. A mix of building types and heights are proposed to provide frontages, activity and overlooking. The proposal is set around a main central spine of public realm which links Ocean Drive from the east to the dock to the west. The proposed landscape decks aid in screening some of the car parking. A vehicular route weaves from the south east of the site to the north providing additional road capacity within the area if required (see section 3.3f).

The inclusion of 29 ground floor commercial units along Ocean Drive provides an appropriate transition from Ocean Terminal commercial centre and the proposed public transport interchange into the residential environment.

The general layout is acceptable and connects well with the surrounding area.

Design and Materials:

The design of the flats is simple and modern with ordered fenestration with large windows. This is then carried through to the town houses and colonies, which frame and provide frontages to the routes through the site. The use of pitched roofs and external stair cases to the colonies introduces a human scale to the proposals.

Similar town houses have been successfully delivered by the same applicant at the nearby Albert Dock with some of them incorporating a distinctive first floor terrace. Colony style housing is a modern representation of a distinctive Edinburgh building style. The affordable units continue the same design, style and materials to integrate them into the rest of the development.

The proposed commercial units will provide active frontage along Ocean Drive, which is adjacent to the commercial centre at Ocean Terminal and close to the existing bus stops and proposed tram stop. These are intended for smaller businesses and contain glazed shop fronts which tie in with the wider design of the flats above. Their inclusion is an added benefit to the scheme that will help deliver more of a mixed use development and aid in creating a place rather than just solely a residential development.

The pavilion style café building is modern in design and sits within a narrow part of the site next to the docks and an area of open space. The design is acceptable at this location.

There are a variety of materials within the area. The proposed use of brick as the primary material ties the building styles throughout the development together. Brick is reflective of a number of buildings within the dock area and echoes the historical uses. Brick is a quality material that brings a sense of permanence. The grey windows and use of cladding continue the contemporary feel of the buildings and keep the materials palette to a minimum. The materials are appropriate for the location and a modern development.

The design and the proposed materials are suitable for the context and the mix of building forms provides interest.

Height and Density:

A mixture of heights are proposed and buildings are located to acknowledge the context of the site and the surrounding buildings. The five and six storey elements are located along the Ocean Drive frontage. Adjacent to the listed buildings is a six-storey building which then steps down to five and the four storeys. The proposed building corresponds to the height of the adjacent hotel.

The Leith Docks Development Framework (2005) (LDDF) urban framework strategy indicates that the application site could accommodate an ambient building height of between 5-8 'residential' storeys. The northern part of the site also has the potential for 16 storeys, subject to a townscape analysis.

The taller flatted elements of the development are in keeping with the ambient height proposed in the LDDF, including the southern part of the site adjacent to the listed buildings on Commercial Street.

Within the site, the proposed development drops to three storeys, which is lower than would be expected if the development was to come forward as primarily office led development with some housing. The proposed heights enable suitable parking, open space and amenity levels that are expected as part of a predominantly residential development. However regardless of the balance of uses, this site should be developed at a higher density comprising higher buildings given its location and context.

The proposal provides a density of 105 dwellings per hectare (dph). This is comparable with the density of the Stockbridge Colonies at 115 dph, or the Marchmont tenements, which has a density of 99 dph.

The higher elements of the proposal correspond with the height of the adjacent areas and match those anticipated in the LDDF. The three storey elements (and therefore the density) are lower than what would be anticipated on such a site. However, for a residential led scheme, the density and heights enable a mix of housing sizes and types to come forward rather than just a solely flatted development. The proposed density is comparable with other well established urban residential areas in the city. As such the heights and density are acceptable.

In summary, the proposals have been developed to respond to the site and the varying existing features. The block layout addresses the Ocean Drive frontage and the inclusion of the ground floor commercial elements provides activity along this wide commercial style road. Within the development, the layout is interesting with a mix of house types set around high quality public realm. The design is modern, incorporates a modern take on colony housing and integrates townhouses that have been successful used elsewhere in the area. The use of brick as a main material is acceptable at this location. The varied height of the development is one that works well for a residential scheme, though if a genuine commercial led mixed use development came forward it would be expected that a greater density could be achieved. Overall, the proposed design, scale and layout are acceptable.

d) Open Space and Amenity

Open space and landscaping:

Landscaping and public realm have been considered as an integral part of the proposed development, complementing the layout with high quality public realm proposal. The entrance spine contains informal planting is a distinctive element of the scheme and will create a welcoming, non-motorised environment that will encourage people to spend more time outdoors. The concept for the development is to be more orientated towards hard landscape to reflect the dock area with soft landscaping to define the character areas and provide greening, plants used are reflective of the coastal location. There are other areas of open space within the development and the proposals also show areas for play.

Part of the site currently contains an area of informal open space and a number of trees. The area was not audited in the open space audit and was previously subject to a temporary greening. The area has been designated for development and the open space is not protected through the LDP.

The tree survey identifies 43 individual trees within the site. The majority of which are spaced out in a linear manner. The trees are generally in fair condition overall and have established well. A significant proportion do display inferior form and structure, with multi-stemmed and heavily forked crowns.

The trees are not covered by a Tree Protection Order or within a conservation area. The current location of the trees would not allow for the comprehensive redevelopment of the site and therefore their loss is acceptable. Detailed planting has been proposed throughout the development to provide trees which are more suitable to the proposed development.

LDP Policy Hou 3 Private Green Space states out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be open space.

The town houses and colonies have access to individual areas of open space and are well located to make use of the central spine of public realm / open space and the open space created next to the commercial. Approximately 27% of the site is open space/public realm, not including perimeter landscaping.

The three larger blocks contain landscaped decks at the first floor level to provide communal space for the units which do not have access to private garden ground (both ground and first floor level), balconies or terraces. The decks have been extended from the original proposals to provide more open space and coupled with the open space within the development the proposals meet the council's standards. Blocks F1 and F2 have a shared area of open space between the blocks and Blocks A and E have access to shared areas of open space.

In summary, the proposed landscaping and levels of open space provided are acceptable for the level of development being proposed.

Privacy and outlook:

In terms of existing nearby development, Ocean Terminal is approximately 44 metres away. The site to the north, next to Ocean Point, is approximately 27 metres away. The Holiday Inn hotel is separated from Block F1 by 14 metres, the existing windows in the hotel gable are in the corridor next to a stair well. The buildings to the south on Commercial Street are approximately 30 metres distant.

Internally within the development, there are a range of distances proposed, depending on the range of buildings and the proposed streets. Distances between the town house plots are approximately 17 metres and distances between the colonies and the main terrace of town houses is 24 metres. The blocks avoid any overlooking and the distances between the blocks that form the main entrances to the site are approximately 17 metres apart. There are some narrower elements where the street design closes in on itself, but these are generally where there are gable ends.

The design of the proposals avoids any direct overlooking with existing buildings and the distances within the site are appropriate for the proposed layout.

Daylighting:

The proposals have been developed to take account of the Edinburgh Design Guidance.

Consideration has been given to any impact on existing residents in the converted warehouses on Commercial Street. A drawing demonstrating the 25 degree rule has been submitted to demonstrate that the Block F buildings have been designed to avoid any issues with daylighting. Since the original proposals were submitted, the southern sections of Blocks F1 and F2 have been reduced in height to four storeys providing even greater compliance with the 25 degree rule. Objectors have queried the ground levels of this part of the site in relation to any daylighting assessment. The drawings are based on the proposed new ground levels following cut and fill, rather than the current ground levels.

Noise:

A Noise Impact Assessment (NIA) has been submitted considering both road traffic noise and port noise.

In terms of traffic noise, the assessment recommends that all windows with a direct view of Ocean Drive to be fitted with acoustic glazing and trickle vents to comply with the required noise standards. This would need to be conditioned.

In terms of port noise, the assessment has indicated that there is uncertainty with the estimated noise levels due to a lack of access to the port with no direct measurement of noise from port operations taken, which Environmental Protection has concerns about. However, the NIA concludes that noise from port activity has the potential to adversely affect future residents and that it is expected to exceed the Council's internal noise criteria with open windows. Assuming closed windows and the use of trickle vents, internal noise will be acceptable. The principle of housing on this site and other sites closer to the port is supported by the LDP. Furthermore, housing has been granted planning permission in other areas close to the port.

In summary, the proposal does not raise any overriding concerns in relation to open space and amenity.

e) Housing Mix and Affordable Housing

Affordable Housing:

LDP Policy Hou 6 Affordable Housing states that 25% of the total amount of units proposed should be affordable and whenever practical should be integrated with the market housing.

This equates to 97 units for this application. The applicant is committed to provide these on site and there is a proposed mix of flat sizes and also three town houses. The design of the affordable housing matches the design and materials of the rest of the site. It is located to the southern part of the site, within 400 metres of bus stops and other nearby amenities.

Representations have been received regarding the location of the affordable housing and that this should be more fully integrated into the development. The non-statutory supplementary planning guidance indicates that proposals should be tenure blind and ideally no more than 0.5 ha of social rented housing should generally be located together. The development at the south of the site is approximately 0.46 ha and the affordable housing to the north of this is integrated with the private market housing. The main overall consideration should be that 25% affordable housing is being provided.

Although generally supportive of the original proposals, Housing and Regulatory raised concerns with the proposed affordable 12 units in Block E and adjacent three town houses. This was both in terms of the location within the context of the site and the viability of the townhouses as an affordable tenure. Further discussions with the applicant has led to an alternative approach being suggested with nine affordable flats proposed within Block D and six colony flats in a more central location. Housing and Regulatory has confirmed its support for this alternative arrangement. This, or alternative measures, could be agreed and secured through a legal agreement if committee were minded to grant the application.

A letter of support has also been received from Port of Leith Housing Association in relation to working with the applicant on the affordable housing element.

The affordable housing proposed is acceptable. A legal agreement would be required to secure the affordable housing.

Housing Mix:

LDP Policy Hou 2 Housing Mix seeks the provision of a mix of house types and sizes where practical.

The mix of flats (328), townhouses (33) and colonies (27) provides a range of house types spread out within the proposed development. A range of unit sizes are also proposed, with 106 units (25%) containing three or more bedrooms. The requirements of this policy are met.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with these recommended minimum sizes.

Twenty-two flats are single aspect which equates to only 6% of the total number. The Edinburgh Design Guidance recommends that no more than 50% of the total units should be single aspect.

In summary, the level of affordable housing is welcomed and meets the 25% required. The terms of the policy only require that, where practical, these should be integrated with the market housing. The design and detailing of the affordable housing matches that of the wider site even if it is located largely within one section of the site.

f) Transport Matters

A Transport Assessment (TA) has been submitted in support of the application. Considering junctions and the existing road network, the TA concludes that the proposal itself will have minimal impact on the operation of the local road network.

The safeguarded tram route runs to the north and east of the application site. LDP Policy Tra 7 states that planning permission will not be granted for development which would prejudice the implementation of the public transport safeguards. The Tram Team has been consulted on this application and has overlaid the proposals onto the road and tram layout plans to establish if any conflicts exist. The application does not affect the safeguarded tram route itself. However, consideration also needs to be given to the operation of the tram service and the implications of the tram proposals on the wider road network.

In 2009, planning permission was granted for a north - south road through the application site (application reference 08/04193/FUL) in accordance with the LDDF. Its purpose was to take general traffic, except public transport, away from the front of Ocean Terminal and serve as the main distributor road for traffic accessing the Leith Docks regeneration area. This was necessary to facilitate the creation of a bus and tram interchange at Ocean Terminal. This proposal was never implemented and the application has now lapsed.

The Tram team's current intentions are to incorporate the tram, buses and general traffic along the section of Ocean Drive in front of Ocean Terminal. The scale of housing, business and other uses at Leith Docks is now much lower than that envisaged in the LDDF and when the application for the road was granted. However, no up to date modelling information is available to establish whether additional road capacity would be required in future to serve other development sites in Central Leith Waterfront or support the operation of the tram service.

The opportunity to move general traffic onto a new north - south road would be lost if this application is approved. However, there is no longer an intention to divert traffic from Ocean Drive as part of the tram proposal and there is no requirement within the LDP to safeguard this route. There is therefore no clear justification to refuse the application on this basis.

In order to future-proof the proposal as best we can, the applicant was asked to change the proposed road layout through the site. The design and character of the main north south route have been amended to make it capable of accommodating traffic, including buses and HGVs (with supporting swept path analysis). The intention is that this route would be available to divert traffic from Ocean Drive on a temporary basis if required in response to a traffic incident. This would assist the operation of the tram service and allow general traffic to flow.

On this basis, it can be concluded that the application accords with LDP policy Tra 7.

Parking:

The current parking standards allow for between 259 and 576 car parking spaces for the residential units and up to 20 spaces for the commercial element. The 308 car parking spaces are within this range and have been reduced from the original number of spaces proposed. The reduction in parking spaces from the original scheme is welcomed and fits with LDP Policy Tra 4 Private Car Parking. The site is in an accessible location that benefits from good access to public transport and is in walking distance to a range of amenities.

Cycle parking is proposed at 100%, which for the flats is provided internally within the blocks.

The parking levels proposed are acceptable for the location. The applicant has proposed a travel plan to help embed sustainable transport methods to future occupants.

Contributions:

If permission were granted then a number of transport contributions would be required. The tram contribution is £712,971 (£557,971 for 388 residential units, £138,000 for the commercial units and £17,000 for the café/restaurant).

A contribution of £651,489 would be required for other transport measures identified in the North Edinburgh Transport Contribution Zone as set out in the Developer Contributions & Infrastructure Delivery Supplementary Guidance Finalised September 2017.

Other contributions towards suitable orders for footway/carriageway redeterminations (£2,000), waiting/loading restrictions (£2,000) and the enforcement of disabled parking, if required, (£2,000) would also need to be secured. A legal agreement would be required to deal with these matters.

Air Quality:

Air Quality information has been submitted in support of the application. This includes information in relation to traffic generation and also any impact from nearby port operations. An Air Quality Management Area (AQMA) is in place at Commercial Street and Great Junction Street due to concerns over Nitrogen Dioxide (NO₂) levels. The Council has also recently declared an AQMA at Salamander Street in relation to concerns with particulate matter levels.

In relation to traffic implications, the Air Quality Impact Assessment (AQIA) concludes that based on worst case scenario there will be some moderate adverse impacts on Baltic Street from the traffic generated from the proposal. However, the report concludes that the proposal will comply with the European Union Directive annual mean limit value for NO₂. Environmental Protection has raised some concern with the proposed level of car parking and notes that the applicant should incorporate measures to help mitigate any impact.

The applicant has lowered the level of parking from that originally proposed. The 308 spaces are towards the lower end of the Council's current parking standards range for the development.

The AQIA also indicates that mitigation in the form of electric vehicle charging points should be included within the development. If the application were to be granted an informative could be attached. Other forms of mitigation could be related to travel incentives for new occupiers if the application were to be granted. The provision of the tram in this area would also have the potential to alter travel habits.

Separate information has been provided in relation to air quality and port operations. This relates to particulate matters. The applicant has undertaken monitoring over a period of around four months. Environmental Protection does have some concerns with some of the monitoring (such as a lack of information on wind direction and an assessment of operations in the dock that coincide with the monitoring period). However, it is noted that where peaks occur this does compare with the Council's own monitoring at Salamander Street.

The recently declared AQMA is further east of the site and is located around Salamander Street. It covers the eastern part of the dock, but only stretches as far as the casino on Ocean Drive and along parts of the built-up area to where Bernard Street meets the Water of Leith. The scope of the study that led to the declaration of that AQMA did not consider the application site, as there were no relevant receptors.

The application site is not within the AQMA and the applicant's monitoring indicates that the particulate matter levels are below those recorded at Salamander Street and also within the Scottish Government's thresholds.

In summary, in isolation the TA indicates that the local road network would continue to operate satisfactorily, but there are concerns regarding the future traffic capacity in relation to this site as result of the tram extension. Environmental Protection does have some concerns in relation to air quality in this area, but the conclusions drawn from the submitted information are that it will not have a significant impact on air quality. If the application were to be granted it would be expected that mitigation measures were secured.

g) Other Material Considerations

Ecology:

Consideration has been given to any potential impact on the Imperial Dock Lock Special Protection Area (SPA), which is located to the north of the site.

Scottish Natural Heritage (SNH) has commented that it is unlikely that the proposal will have any significant effects on any qualifying interests of the SPA and an appropriate assessment is therefore not required.

The proposal therefore does not raise any concerns in the context of LDP Policy Env 13 Sites of International Importance.

Archaeology:

The site lies within the historic Georgian and Victorian docks and also incorporates part of the site of the former Henry Robb Shipyard. The southern part of the site overlies early 19th century Old West (Queen's) Docks and associated Napoleonic defences along with Victoria Dock. The remains should be preserved in situ in line with LDP Policies Env 8 and Env 9. Principal foundation strategy and designs have been submitted to indicate how the proposals can preserve the dock. Further information would need to be agreed before development takes place and this can be secured by a condition.

The Archaeology Officer has requested that an archaeology condition is placed on any consent to agree a programme of works in relation to any other buried archaeology.

Drainage and Flooding:

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements.

Ground Contamination:

Due to the previously developed nature of the site a condition would be required to ensure the appropriate investigation and mitigation was undertaken.

Sustainability:

A sustainability statement has been submitted in support of the application Part A of the standards is met through the provision of enhanced building fabric, energy efficient boilers and shower heat recovery units.

The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

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

The proposal meets the essential criteria. The proposed uPVC windows will be made from recycled material. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures include a commitment not to use tropical hardwood and the local recycling facilities.

Education and Healthcare Contributions:

The site falls within the Leith and Trinity Education Contribution Zone of the LDP Action Programme and Development Contributions and Infrastructure Delivery Guidance.

The proposed development is expected to generate primary school and secondary school pupils. A standard contribution towards 'Education infrastructure, land remediation and servicing' and 'Land purchase' is therefore required. This equates to £1,566,636 (with appropriate indexing) for education infrastructure, land remediation and servicing. A further £98,856 towards land purchases is also required.

If the appropriate contribution is provided by the developer, Communities and Families does not object to the application.

A healthcare contribution of £1050 per residential unit (£407,400) would be required for a new practice to help mitigate the impact of new residential development in the Leith Waterfront contribution zone as set out in the supplementary planning guidance.

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

h) Equalities and Rights

The application has been assessed in terms of equalities and human rights. Construction stage issues can be covered by separate legislation. Affordable housing would be provided within the site.

i) Public Comments

Scheme 1

Material representations - objection

Principle

- Contrary to planning policy which designates the land for business/office development with other sites within the waterfront area allocated for housing - this is addressed in section 3.3a).
- Impact on the capacities of schools and health facilities - this is addressed in section 3.3g).

Design

- Higher density development should be provided, especially given potential benefits of the tram - this is addressed in section 3.3c).
- Lower density housing should be provided - this is addressed in section 3.3c).
- Impact of high building next to listed buildings on Commercial Street - this is addressed in section 3.3b).
- Inappropriate design next to listed buildings - this is addressed in section 3.3b).
- Impact on daylight/sunlight on existing residential properties - this is addressed in section 3.3d).
- Uninspiring design of houses - this is addressed in section 3.3c).
- Impact on historical surroundings and conservation area - this is addressed in section 3.3b).
- Materials not sympathetic to the adjacent conservation area this is addressed in section 3.3c).

Landscape

- Loss of existing open space - this is addressed in section 3.3d).
- Loss of trees - this is addressed in section 3.3d).
- Insufficient open space provided in the proposal - this is addressed in section 3.3d).
- A greater number of trees should be provided - this is addressed in section 3.3d).
- Higher quality public realm should be provided reflecting the historic area - this is addressed in section 3.3d).
- Unclear boundary treatment, especially around Block F - plant screening is proposed on the boundary.
- Public art should be provided - noted.

Affordable Housing

- More affordable housing required - this is addressed in section 3.3e).
- Affordable housing should not be segregated this - is addressed in section 3.3e).

Transport

- Increased traffic impact not properly taken into account - this is addressed in section 3.3f).
- Increased air pollution - this is addressed in section 3.3f).
- Roundabout at entrance to Victoria Quay should be redesigned for safer cycle access - a contribution to the North Edinburgh Transport Contribution Zone would be required for priority transport interventions.
- Unclear cycle provision - this should be internal and secure - this is addressed in section 3.3f).
- A tram contribution should be required - this is addressed in section 3.3f).
- Lack of parking for the number of units proposed - this is addressed in section 3.3f).

Environment

- Status of land contamination - this is addressed in section 3.3g).
- Potential impact on the Special Protection Area - this is addressed in section 3.3g).

Material representations - support

- Welcome the development of the site - this is addressed in section 3.3a).
- High quality development in terms of design, scale and built environment - this is addressed in sections 3.3c) and 3.3d).
- Mix of house types and affordable housing provided - this is addressed in section 3.3e).
- Attractive entry to Leith for Cruise Liner visitors - noted and addressed in section 3.3a).
- High quality public realm and pedestrian linkages proposed - this is addressed in section 3.3d).
- Economic benefit to Ocean Terminal and businesses in the area - the principle of development is addressed in section 3.3a).

Non-material representations

- Lack of consultation - the proposal was subject to the usual pre-application consultation procedures and standard procedures for neighbour notification.
- The existing hardstanding through the site should be safeguarded for a light rail link - this has no status.

Community Council

Leith Harbour and Newhaven Community Council made the following points:

- Affordable housing should be distributed through the site.
- Concern over the height of the development, especially next to Commercial Street (The Moorings), including impact on daylighting.
- Impact on listed buildings and conservation area.
- Loss of existing greenspace and trees.
- Impacts on air pollution.
- Inadequate car parking provision.

- Lack of infrastructure, including education and medical.

The full response can be found in the appendix.

Scheme 2

Material representations - objection

Design

- Impact on daylight/sunlight for existing residential properties - this is addressed in section 3.3d).
- Block F still too high in relation to buildings in Commercial Street - this is addressed in section 3.3b and c).
- Impact on conservation area and listed buildings - this is addressed in section 3.3b).

Landscape

- Loss of existing greenspace - this is addressed in section 3.3d).
- Lack of open space - this is addressed in section 3.3d).
- Lack of play facilities - a play area is proposed in the central public realm area.
- Loss of existing trees - this is addressed in section 3.3d).
- Adjacent trees/shrubs to the site should be retained - existing planting outwith the site boundary is not shown for removal.
- Trees protected by Tree Preservation Orders (TPOs) - TPOs are not in place on the site.

Affordable Housing

- Affordable housing should be provided - this is addressed in section 3.3e).
- Affordable housing is segregated and not tenure blind- this is addressed in section 3.3e).

Transport

- Increase in traffic in the area - this is addressed in section 3.3f).
- Lack of parking and potential issues, including pedestrian safety for adjacent areas, segregation required with housing on Commercial Street to the south - this is addressed in section 3.3f).
- Increased air pollution - this is addressed in section 3.3f).

Environmental Concerns

- Status of contaminated land on the site - this is assessed in section 3.3g).

Material representations - support

- Severe shortage of housing and affordable housing in the city and the development of a brownfield site should be supported - this is addressed in section 3.3a) and 3.3e).
- Suitable site for housing with a mix of types and tenures provided - this is addressed in section 3.3a) and 3.3e).
- Lack of demand/interest for office development - this is addressed in section 3.3a).

- Empty commercial space both in Ocean Terminal and Ocean Point - this is addressed in section 3.3a).
- Proposed small flexible commercial space for small local businesses is more viable than office space - this is addressed in section 3.3a).
- Quality public realm proposed - this is addressed in section 3.3c and 3.3d).
- Leith Docks Development Framework requires updating to reflect current situation in the area - this is addressed in section 3.3a).
- High quality development - this is addressed in section 3.3c).
- Economic benefit of the development to surrounding uses - this is addressed in section 3.3a).
- Will aid in making area attractive to tourists - noted and addressed in section 3.3a).
- Site benefits from good transport links - this is addressed in section 3.3f).
- Catalyst for further development - noted, the principle of the development is addressed in section 3.3a).

Non-material representations

- Distribution caused through construction works - not relevant to Planning process.
- De-valuing of property prices - not relevant to Planning process.
- Not advised of April consultation - there was no notification at this time. Normal neighbour notification procedures have been carried out.

Community Council

The Community Council did not make comments on the revisions.

Conclusion

The site is located within the Leith strategic business centre and forms part of Edinburgh's strategic office land supply. The non-inclusion of major office development as part of the mixed use proposal is contrary to LDP policy Emp 1 and SDP policy 2. The proposal is also contrary to LDP policy Del 3 because it is predominantly residential and not commercial led mixed use development.

The proposal would contribute 388 residential units (including 97 affordable homes) towards meeting Edinburgh housing needs and provide 29 commercial units suitable for a range of local services and small businesses. The proposal would develop a vacant urban site and bring economic benefits to Ocean Terminal and businesses in the area.

The proposal has no unacceptable impact on the adjacent Conservation Area and listed buildings. It is acceptable in terms of design, scale, (albeit an increased density of development would be preferred on such a highly accessible site), layout, impact on the tram proposal, open space and amenity of future and neighbouring residents. Subject to appropriate developer contributions to tram, transport, education and healthcare facilities being secured through a legal agreement, impact on infrastructure is acceptable.

In summary, there are many positive aspects of this proposal. However on balance, these do not outweigh the conclusion that the mix and balance of uses proposed are contrary to the development plan. It is therefore recommended that the application is refused.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Emp 1 and Strategic Development Plan policy 2 because the mix of uses does not include major office development.
2. The proposal is contrary to Local Development Plan Policy Del 3 Edinburgh Waterfront as the predominantly residential development does not accord with the Leith Waterfront Development Principles (EW 1b) which identifies the site for commercial led mixed use development.

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

In accordance with the Planning etc (Scotland) Act 2006, A Proposal of Application Notice (application number 16/01116/PAN) was submitted on 7 March 2016. Copies of the notice were also issued to:

- Local Ward Councillors
- Leith Harbour and Newhaven Community Council
- Leith Neighbourhood Partnership
- Malcolm Chisholm (MSP)
- Deidre Brock (MP)
- The Council's Economic Committee convenor

A public consultation event was held on 21 April 2016 between 12:00 and 19:00 in Ocean Terminal.

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 27 April 2016. The committee noted the key issues and requested further information on:

- Noise pollution levels.
- The impact of extra traffic at junction.
- Configuration of the site to be sympathetic to the nearby listed buildings.
- Potential improvement to the cycle links.
- Increased links to public transport to discourage car use.
- Traffic impact assessment to take into account existing and proposed developments.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 19 August 2016 and 60 letters of representation have been received. This includes 44 letters of representation supporting the proposal including submissions from the Leith Chamber of Commerce, The Leith Trust and a number of companies operating in Ocean Terminal. Fifteen representations have been submitted objecting to the proposal including submissions from the Edinburgh Light Railway Company and the Leith Civic Trust. This also includes a 42 signature petition from the Moorings Residents Association objecting to the proposal. Greener Leith has also commented on the application.

Scheme 2 was advertised on 8 September 2017 and attracted 52 letters of representation. This includes four letters of objection and forty-eight in support. Representations were received from the Leith Trust, the Leith Chamber of Commerce, Taylor Wimpey, Ocean Terminal Management and also a number of Ocean Terminal unit occupiers.

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	<p>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) and designated as a Strategic Business Centre.</p> <p>The site is next to the Tram Route Safeguard that runs along Ocean Drive.</p> <p>Ocean Terminal adjacent to the site is designated as a Commercial Centre.</p>
Date registered	9 August 2016
Drawing numbers/Scheme	<p>01,02A,03,04A,05,06A-10A,11-17,18A,19,20,21A,22A,23,24,25A,, 26A,27B,28B,29A,30B,31C,32A,33,34,35B,36B,37C,38B,39A,40,41C, 42A,43,44B,45B,46,47B,48B,49B,50,51,52B,53B,54A,55B, 56B,57A,58B,59B,60,61-63,64A,65B,66-73.,</p> <p>Scheme 2</p>

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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 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 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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

Relevant Policies of the Strategic Development Plan

Relevant Non-Statutory Guidelines

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

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

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

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

Appendix 1

Application for Planning Permission 16/03684/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh Planning permission for proposed residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (As Amended).

Consultations

Archaeology response - dated 15 March 2017

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for proposed residential development including affordable housing provision, landscaping, public realm, parking, access, ancillary commercial/ retail units and associated works.

The site occurs at the heart of the historic Georgian and Victorian docks at Leith and also incorporates part of the site of former Henry Robb Shipyard. The southern part of the development site overlies the site of the early 19th century Old West (Queen's) Dock part of Charles Rennie's 1801 designs for the port. Construction started in 1809 and significantly incorporated in this section two seaward facing defensive bastions, a measure in response to the ongoing Napoleonic Wars. The layout of these Georgian dock and defences are clearly seen in the 1849 1st Edition OS map (see attached figure 1) which also depicts two dry docks constructed into the north side of the docks and into the central bastion. Later historic map evidence and the results of AOC Archaeology's 2016 evaluation indicate that the remains of these docks and defences survive on site. The 1849 map depicts the newly constructed Victoria docks which started in 1847.

As such the site, has been identified as occurring within an area of archaeological and historic significance both in terms of Leith's and Edinburgh's Maritime heritage, with the remains of the former Georgian & Victorian docks and defences considered to be of potentially national significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Old West (Queen's) Dock

As stated the site contains the potentially nationally significant remains of the early 19th century Old West (Queen's) Docks and associated Napoleonic defences along with Victoria Dock. It is essential that the remains associated with these structures are preserved in situ as part of the development In accordance with CEC Policies ENV8(b) & ENV9(b). Because of significant concerns raised as to the potential adverse impact of foundation designs upon these archaeological sites, discussions have been held with the applicant and their engineers Goodson Associates to ensure both their protection and minimise impacts by engineering design.

As a result of these discussions, a principal foundation designs and strategy (see attached document Strategy from Goodson Associates and also their drawings P12877-062_D & P12877-604_B) have been agreed which will achieve these outcomes. However, it is recommended that the following condition is attached to consent to ensure the implementation of this outline strategy to enable the protection and preservation of the Old West (Queen's) Dock and its associated dry docks and fortification's:

'No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation of the Old West (Queen's) Dock, associated dry docks and fortifications have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.'

Buried Archaeology

As stated the site contains the potentially nationally significant remains of the early 19th century Old West (Queen's) Docks and associated Napoleonic defences along with Victoria Dock and evidence for later shipbuilding associated with the Henry Robb Shipyard. The proposals will require significant ground breaking works in regards to the construction of the various phases of development. Although the impact will be lessened by design and protection (See section above and suggested condition), significant remains will be impacted upon.

It is therefore essential that if consent is granted for this scheme that an archaeological programme of works is undertaken prior to and during development. This is to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken.

Public Engagement & Interpretation

As stated the site contains the potentially nationally significant remains of the early 19th century Old West (Queen's) Docks and associated defences along with Victoria Dock and evidence for later shipbuilding associated with the Henry Robb Shipyard. It is therefore considered essential therefore that a programme of public/community engagement is undertaken during all subsequent phases of development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points and interpretation.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement & interpretation) 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.

Communities and Families response - dated 3 March 2017

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated December 2016), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.

Assessment and Contribution Requirements

Assessment based on:

338 Flats (19 one bedroom and 27 studio flats excluded)

41 Houses

This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

The Education Appraisal considered the impact of housing on potential development sites allocated in the LDP, such as the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:
£1,698,290

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.

Total land contribution required:
£108,382

Communities and Families further response - dated 7 September 2017

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (Updated March 2017), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

The Council's assessment has identified where additional infrastructure will be required to accommodate the cumulative number of additional pupils from development. Education infrastructure 'actions' are set out in the Action Programme and current Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Residential development is required to contribute towards the cost of the required education infrastructure to ensure that the cumulative impact of development can be mitigated. To ensure that the total cost of delivering the new education infrastructure is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established.

Assessment and Contribution Requirements

Assessment based on:
336 Flats (19 one bedroom flats excluded)
33 Houses

This site falls within Sub-Area LT-2 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Supplementary Guidance.

The Education Appraisal considered the impact of potential new housing sites allocated in the LDP, such as the application site. Appropriate education infrastructure actions to mitigate the cumulative impact of development are identified. The required contribution will therefore be based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:
£1,566,636

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.

Total land contribution required:

£98,856

Note - no indexation to be applied to land contribution.

Economic Development response - dated 18 August 2016

The following are comments from the City of Edinburgh Council's City Strategy and Economy service which relate to the planning application 16/03684/FUL for the creation of 425 residential units and 2,000m² of class 3 (food and drink) space to the southeast of 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 4.0 hectares of land bounded by Ocean Drive to the north and west, Victoria Dock to the east, and ancillary elements of the Victoria Quay office development to the south. The site is currently undeveloped and therefore does not support any economic activity. The site was formerly part of the Henry Robb shipyard, which closed in 1984; since then, it has been disused other than for temporary events.

Key buildings in the immediate vicinity are Ocean Terminal, a 40,877m² shopping mall; Victoria Quay, a 29,162m² office building occupied by the Scottish Government; and Ocean Point One, a 5,803m² multi-let office building. The safeguarded route of the Edinburgh tram runs north and west of the site, with a tram halt proposed to be located outside Ocean Terminal.

Potential for office uses

The emerging Local Development Plan identifies Waterfront Plaza as a strategic business centre. The 2008 Edinburgh Harbour masterplan (08/04232/OUT) envisioned Waterfront Plaza as becoming "an office, hotel, retail and service urban district which works with the Scottish Government building to provide a critical mass of employment uses in the area". The masterplan proposed a total of 98,700m² (gross) of additional office space being delivered on Waterfront Plaza, along with shops, food and drink units, and a hotel. This space was envisioned as being dispersed across eight buildings, three of them to the west of Ocean Drive and five of them to the east of Ocean Drive within the subject site. It is estimated that the five office buildings proposed to be delivered within the subject site by the masterplan would have delivered 67,400m² (gross) of office space, equivalent to 53,920m² (net).

If 53,920m² of office space was to be developed and occupied on Waterfront Plaza, this could - based on average employment densities - be expected to directly support approximately 4,493 full-time equivalent jobs. Taking multiplier effects into consideration would give a total impact of 7,415 full-time equivalent jobs. Based on the average gross value added per employee across the information and communication; financial and insurance activities; real estate activities; and business service activities sectors - £79,847 as of 2014 - the 4,493 jobs could be expected to directly support an annual increase in gross value added of £358.75 million (2014 prices). Taking multiplier effects into account would give a total projected increase in GVA of £559.99 million (2014 prices). This shows the potentially massive impact of office development at Waterfront Plaza if the space could be built and occupied and the opportunity cost of proceeding with a development with no office elements.

The position of the developer is that office development is not viable on Waterfront Plaza due to demand and rents in Leith being too low.

Based on data from the CoStar property database, an average of 3,652m² of office space was leased in the Leith ward annually between 2011 and 2015, with a mean letting of 2,137m². Reported rents ranged from £54/m² to £204m², with a mean achieved rent of £124/m² (£11.48/ft²). As a modern office development adjacent to the subject site, Ocean Point 1 is considered to be the most relevant example of office space in Leith. Completed in 2003, Ocean Point 1 is a 5,803m² office building, currently 97% let, with tenants including VisitScotland and DataCash (part of MasterCard). The current asking rent for the building is £178/m² (£16.50/ft²). As Ocean Point 1 is now 13 years old, it could be expected that a new development would command a significant rent premium. It is noted that the applicant's agent has suggested that a minimum rent of £248/m² (£23/ft²) would be necessary to make development of a new office building viable.

It is suggested that there are a number of factors that must be considered when assessing Leith as an office location. Firstly, there has been no large-scale speculative office development in Leith ward since the completion of Ocean Point 1 in 2003, meaning the market for purpose-built prime office space is relatively untested. Secondly, there is a growing shortage of office space in Edinburgh and a dearth of sites suitable for office development in the city centre, meaning office demand will inevitably be forced to migrate outwith the city centre; while some occupiers may choose to locate in West Edinburgh, a peripheral location with limited amenities will not be desirable to all occupiers. Thirdly, the proposal to extend the Edinburgh tram line to Waterfront Plaza would potentially substantially increase market interest in the area as an office location; the impact of transport interventions can be extremely significant, as seen with the extension of the Docklands Light Railway to Canary Wharf in London in the late 1980s. It is considered that the impact of the potential extension of the tram on the attractiveness of Waterfront Plaza as an office location is a potential "game-changer". Fourthly, the existing office stock of Leith includes a large number of properties of advanced age (with over one-third predating the First World War) which will increasingly be unsuitable for the modern requirements of occupiers, meaning even if demand remains effectively stagnant there will be a requirement for replacement stock to be provided. Fifthly, it is widely recognised that businesses typically prefer to cluster together rather than being dispersed; Ocean Point 1 is currently isolated, but developing additional office space in close proximity could be expected to deliver a more attractive proposition to occupiers.

It is potentially relevant to refer to West Edinburgh, the city's third strategic employment area. In the five year period 2011 to 2015, there was just a single office letting totalling 27m2 in the area bounded by Glasgow Road, Maybury Road, the A90, the M90 and the M9. There is therefore no history of office demand in this area. However, the planning application for phase one of the International Business Gateway (15/05580/PPP) proposes to speculatively deliver 122,158m2 of office space within this area. This highlights the limitations of using historical trends to infer a future absence of demand, particularly in a dynamic context.

Overall, it is noted that the potential economic impacts of office development at Waterfront Plaza are significant, as are the opportunity costs of omitting any office elements from the development. While the applicant's view that office development on the site is unviable is noted, it is suggested that there are a number of factors bearing upon the attractiveness of Waterfront Plaza as an office location that have not been fully bottomed-out. It is recognised that there are advantages to having a mix of uses on the site and that the market is such that the residential elements can proceed immediately. However, it is suggested that allocating 100% of the 4.0 hectare site for residential uses and 0% for office uses is an overly conservative approach and one that may not be in the long-term interests of the city's economy. Additionally, separating Ocean Point 1 from the office developments at Victoria Quay and on Commercial Street could potentially undermine its attractiveness to occupiers. A more balanced approach would potentially be to allocate a number of plots along Ocean Drive for office development and concentrate residential development on the remainder of the site. Increasing the height of the residential blocks would allow the same or greater number of units to be delivered. At a bare minimum, it is suggested it would be appropriate to set aside sufficient land for an office development of a similar scale to Ocean Point 1. A single building of a similar scale to Ocean Point 1 could, if let, be expected to directly support approximately 484 FTE jobs and £38.61 million of GVA per annum (2014 prices). Taking multiplier effects into consideration would give a total projected impact of 798 FTE jobs and £60.27 million of GVA per annum (2014 prices).

Commentary on proposed uses

Residential

The development as proposed would deliver 425 residential units, 105 of them affordable.

Biggar Economics estimated that a development of this scale could be expected to support £5.7 million of expenditure in Edinburgh per annum by residents, supporting 70 jobs and £3.1 million of gross value added per annum. These figures are similar to those arrived at independently by the City Strategy and Economic service and are therefore considered to be reasonable. It is likely that a significant proportion of the expenditure would be absorbed by Ocean Terminal and by the ASDA supermarket at Western Harbour, boosting the performance of these retail developments which have been adversely affected by the slower-than-anticipated pace of regeneration in Leith.

Class 3 - Food and drink

The development as proposed would deliver 2,000m² of class 3 space. Based on average employment densities, this could be expected to directly support 100-133 full-time equivalent jobs. Taking multiplier effects into account would give a total employment impact of 122-163 full-time equivalent jobs. Based on average gross value added per worker for workers in the food and beverage services sector, the 100-133 jobs could be expected to directly support annual gross value added of between £1.25 million and £1.67 million (2014 prices). Taking multiplier effects into account would give an annual GVA of between £1.98 million and £2.63 million (2014 prices). It is assumed that expenditure within these units will primarily be accounted for by residents and these impacts will therefore be subsumed into the wider impacts associated with residents' expenditure set out above.

Sundry

The development as proposed would deliver 23 blocks: three of six storeys, six of five storeys, 13 of three storeys, and one of one storey. It is suggested that this may not take full advantage of the location, which is one of the relatively few areas of Edinburgh where high rise development is likely to be supported. The Leith Docks Development Framework (LDDF) approved by the Council in 2005 proposed an "ambient building height between 5 - 8 residential storeys" for the port area as a whole and identified Waterfront Plaza as a "potential [zone] within which masterplans may be able to justify building heights of up to 16 residential storeys". There is a precedent of high-rise buildings in the area, including Ocean Point 1 (eight storeys) and the northernmost blocks of Portland Gardens (eight-nine storeys); the majority of blocks within the development would therefore be significantly lower than the existing buildings. Ocean Point 1 - originally envisioned as one of the lowest buildings on Waterfront Plaza - would be the highest building. It is questioned whether a move away from the relatively high heights and densities previously envisioned for Waterfront Plaza represents the most efficient and aspirational use of the site, particularly given the shortage of brownfield housing land in Edinburgh, the scope for higher buildings to capitalise on the views offered by the waterfront location, and the desirability of creating a landmark development in this strategic location.

It is suggested that the layout of the development may not take full advantage of the site's proximity to the Port of Leith and the Victoria Dock. The development also does not promote permeability between Victoria Quay and Ocean Point 1, adding to the isolation of Ocean Point 1; it is desirable that Ocean Point 1 be integrated with Victoria Quay and the offices on Commercial Street. It is considered that corridors encouraging this movement would be desirable. While the development provides new open space, this is fragmented throughout the development and there is no clear focal point. It is suggested that there may be an opportunity to create a new civic square alongside Victoria Dock capable of accommodating public gatherings, pop-up, events, etc. The connection of the proposed open space next to Victoria Dock to Ocean Terminal is weakened by the bend in the road which may discourage visitors from taking this route and limit usage of the space to residents. A straight link between the mall and the water would promote a stronger relationship.

SUMMARY RESPONSE TO CONSULTATION

The City Strategy and Economy service welcomes proposals to invest in the regeneration of Waterfront Plaza. Per figures provided by the applicant, the development of 425 residential units could be expected to support 70 jobs and £3.1 million of gross value added per annum in Edinburgh via increased household expenditure by residents.

The development does not include any office space, contrary to the allocation of Waterfront Plaza in the emerging Local Development Plan. While the developer's position that office development in this location is not viable are noted, it is suggested that there are a number of factors in favour of office development on Waterfront Plaza, in particular the growing shortage of office space in the city centre and the proposed tram line. It is considered that allocating 100% of the site for residential and 0% for office is not in the long-term interest of Edinburgh's economy given the economic impacts associated with offices. At a bare minimum, it is suggested it would be appropriate to set aside land for an office development of a similar scale to Ocean Point 1; if fully let, this could be expected to support 798 full-time equivalent jobs and £60.27 million of GVA per annum (2014 prices).

The development comprises 23 blocks of between one and six storeys. This is considered to be a relatively inefficient use of the site, which is one of the few locations in Edinburgh appropriate for high rise development. The buildings would be significantly lower than those already developed in the area; given the growing pressures on land in Edinburgh, it is considered that moving away from the high density development originally envisaged for the area to a low rise development may not represent the most efficient or desirable use of this site. Greater heights would enable same number of residential units to be delivered while safeguarding land for office development.

The layout of the development is not thought to promote permeability between Ocean Point 1 and Commercial Street/Victoria Quay, increasing its isolation. The bend in the road linking Ocean Terminal and Victoria Dock weakens the link between the mall and the water. The open space is fragmented throughout the development with only a relatively narrow strip of open land alongside Victoria Dock; this may represent a missed opportunity to create a sizeable civic square next to the water suitable for hosting events.

Overall, the City Strategic and Economy service highlights a number of issues with the development as proposed. There are extremely significant opportunity costs associated with the removal of all office elements from the development. The modest heights of the blocks that make up the development do not represent an efficient use of the land given the existing building heights. The layout of the development does not promote through movement and does not deliver any large open spaces.

Economic Development further response - dated 8 September 2017

Addendum

This addendum has been prepared in response to alterations to the proposal submitted by the applicant in September 2017.

Commentary on proposed use/uses

Residential

The development as proposed would deliver 388 residential units, 97 of them affordable.

Biggar Economics estimated that a development of this scale could be expected to support £5.3 million of expenditure in Edinburgh per annum by residents, supporting 66 jobs and £2.4 million of gross value added per annum. These figures are similar to those arrived at independently by the Economic Development service and are considered to be reasonable. It is likely that a significant proportion of the expenditure would be absorbed by Ocean Terminal and by the ASDA supermarket at Western Harbour, boosting the performance of these retail developments which have been adversely affected by the slower-than-anticipated pace of regeneration in Leith.

The number of residential units has been reduced by 37 (9%) on the original application. From an economic development perspective, this is a change for the worse.

Commercial

The development as proposed would deliver 1,500m² of commercial space in 29 units. The applicant has not specified a mix of uses but has stated that the units could house "a range of uses from small shops and cafe spaces to offices, workshops or gallery space for small businesses and enterprises."

As the mix of uses has not been specified the economic impact of these units is challenging to predict. If, hypothetically, all units were to be developed as office space and fully occupied, this could be projected to directly support 125 full-time equivalent jobs and £10.0 million of GVA per annum (2014 prices). Other uses would support lower levels of employment and GVA. The economic impact analysis provided by the applicant suggests that the units could support 60 jobs; this is thought to be a reasonable figure.

It is noted that Ocean Terminal shopping centre has multiple long-term vacant units and that there is a large Morrisons supermarket a short distance to the west, along with multiple restaurants and cafés on Commercial Street to the south and The Shore to the east. It is therefore considered that the area is already well provisioned with retail and leisure space and that allowing the delivery of additional class 1 and 3 space is likely simply to result in displacement.

The quantum of commercial space by 500m² (25%) on the original application. From an economic development perspective, this is a change for the worse.

Sundry

The development as proposed remains between one and six storeys in height. It is reiterated that this is not thought to take full advantage of the location and is of significantly lower height than both existing and proposed surrounding buildings.

It is reiterated that the layout of the development is not thought to promote permeability between Ocean Terminal/Ocean Point 1 and the Victoria Dock and that the new open space proposed is fragmented throughout the development with limited capacity to accommodate public gatherings, pop-up events, etc.

SUMMARY RESPONSE TO CONSULTATION

None of the issues raised by the Economic Development service in the original consultation response have been addressed. The number of residential units and quantum of commercial space have both been substantially reduced; from an economic development perspective, this is a change for the worse.

There are extremely significant opportunity costs associated with the lack of office elements within the development; the projected economic impact is minimal. The modest heights of the blocks that make up the development do not represent an efficient use of the land given the existing building heights. The layout of the development does not promote through movement and does not deliver any large open spaces. Given these issues, the Economic Development service has significant concerns about the development as proposed.

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

Environmental Protection response - dated 23 March 2017

The application proposes a residential led development consisting of 425 flats providing a mixture of accommodation and tenure as well as associated infrastructure including 374 car parking spaces.

To the south of the site, there are existing residential properties. The site itself lies within an extensive area of land which was given over to port and industrial activities. Over the years some these uses have declined considerably leaving the area of vacant brownfield land with an intensification of port activities occurring in the main port. Ocean drive bounds the site along its northern and western boundaries. The site has a direct line of site across to the port.

The site is immediately adjacent to the National Cycle Network and core path network, providing a direct link (on and off road) with the city centre and the main rail and bus stations. Victoria Dock and Victoria Quay which accommodates Government offices, forms the eastern boundary of the site. An all weather football pitch and car park for Victoria Quay also border the site along its southern boundary.

To the west of the site and Ocean Drive is the Ocean Terminal shopping centre. To the south west of the site there is a hotel and residential use.

The site is currently well served by existing bus services operated by Lothian Buses. The applicant has advised that car parking is provided in line with the councils standards. This sets out minimum and maximum standards with which the new development complies. The development is well located to take advantage of local amenities and public transport network and also proposes 100% cycle parking. Vehicle parking is located away from the public realm and in many cases beneath landscaped decks to help mitigate impact of cars.

The proposals include 374 parking spaces at a rate of 88%. The applicant advises this provision has been based on the sites proximity to public transport and local amenities at Ocean Terminal and at The Shore.

With regards to the local development plan the main difference is that the proposals represent a residential led masterplan with a provision for commercial space rather than a commercial led masterplan with residential development.

Local Air Quality

Environmental Protection raised concerns regarding potential impacts the port operations may have on the proposed development site. The main pollutant of concern is Particulate Matter 10 (PM10). Another issue is the possible impacts the proposed development traffic will have on the existing Air Quality Management Area declare for Nitrogen Dioxide (NO2) a transport related pollutant.

Air quality monitoring undertaken on behalf of the Council has been set out in a report entitled "Detailed Assessment of Particles for City of Edinburgh Council 2016". It indicates that the Salamander Street area has failed to comply with the Scottish Government target for PM 10 (annual mean concentration of 18 ug/m3) every year since 2010. Evidence gathered suggests that port activities relating to the handling and storage of open material at Port of Leith were a contributory factor to the elevated PM10 concentrations at Salamander Street.

The study was carried out to investigate the extent of the area affected by elevated PM10 levels above the air quality objective and included data collected, at the time, on the main fugitive sources of handling and storage of materials. The assessment did not cover all operations across the entire port including all industrial processes that are regulated by the Scottish Environmental Protection Agency (SEPA). In addition the western end of the docks, near to where the application site is located was considered low risk.

Currently the Local Authority in conjunction with relevant stakeholders, SEPA and Scottish Government is considering all operations in and around the docks to fully understand the impact on local air quality in order to make improvements in the future.

The applicant has conducted onsite air quality monitoring. It commenced on 1st November using a Continuous Beta-attenuation Particulate Monitor (BAM) to measure PM10 and PM2.5. The instrumentation was located at the most northern end of the proposed building line (Victoria Quay). Some of the PM2.5 data is incomplete and the PM10 and PM2.5 monitors ceased to record data between 26th December and 9th January. The monitoring period was extended the results represent the average over a period of 117 days monitoring. The applicant has provided all the data captured, however details of the type of equipment used and whether relevant correction factors have been applied to the data have not been detailed.

Therefore the applicant has obtained 4 months data and they have compared the data from Victoria Quay with the results from the Council's PM10 monitor at Salamander Street. The results at Victoria Quay are lower than the reported data at Salamander Street.

The applicant has averaged the PM10 monitoring data for Victoria Quay for November 2016 - March 2017 to 16ug/m3, and directly compared it to the annual 20ug/m3 recorded at the Council's Salamander Street monitor. The applicants monitoring data also shows that for the month of December and February the levels were 18ug/m3. This gives some indication of the potential for concentrations at this location to be at the statutory legal limit.

The applicants monitoring station has also shown some considerable daily peaks in PM10. The peaks have also been picked up on the councils Salamander Street. These peaks have not been picked up on any other monitoring stations therefore indicating that the source of the PM's was local.

It is welcomed that the applicant has carried out onsite monitoring. Four months of data was collected which is adequate for a short term study. Local air quality management technical guidance (TG16) suggests a minimum of three months (one season) monitoring period is necessary. In order for a comparison with the annual mean objective short-term studies should be annualised in accordance with TG16.

It would have been desirable to have the wind direction details linked to a subjective assessment of the activities being carried out at the docks during the monitoring period; this would have helped drawing out any conclusions.

The applicant's air quality assessment therefore concludes that PM10 levels on the site are below the levels set in Scottish Government Air Quality Objectives. However, the recent declaration of the AQMA for PM10 confirms that there are local air quality issues in close proximity to this site. It should be noted that the scope of the councils Detailed Assessment of Particles did not consider this site as there are no relevant receptors on the site or proposed in the Local Development Plan. There are a number of PM sources that are in close proximity to this development site and have not been assessed. If this application is consented it is likely that the area would need to be assessed for PM10.

Environmental Protection continues to have concerns regarding residential lead development on this site. This site is located adjacent to the some of the likely sources of the pollutants and will introduce new residential properties even closer to the source which is a concern.

Road traffic Local Air Quality Impacts

The applicant has submitted an air quality impacts assessment to predict the impacts this proposed development may have on the nearby AQMA for Nitrogen Dioxide (NO₂). The baseline and scheme annual mean levels of NO₂ are predicted to comply with the Scottish Air Quality Objectives at all sensitive receptor locations within the study area. The most significant increase is in predicted annual mean NO₂, where a moderate adverse increase is predicted in Baltic Street as a consequence of road traffic generated by the proposed development. A slight adverse impact is predicted in North Junction Street. The predicted increase in the annual mean NO₂ as a consequence of the scheme is of negligible significance elsewhere.

The scale of this proposed developments parking numbers therefore problematic. The potential impacts traffic generated by the site will have on the nearby AQMA which has been declared for Nitrogen Dioxide is stated above. The main source of this pollution is traffic generated and this site will introduce a significant number of vehicles onto the network. The 374 proposed numbers of parking spaces is excessive for a site that is well served by public transport, is well located in terms of leisure and employment. It is also noted that existing neighbouring cars parks are underutilised. The applicant has not fully considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*

4. *Public transport incentives for residents.*
5. *Improved cycle/pedestrian facilities and links.*

The applicant has advised that the Transport Assessment has included recommendations for pedestrian and cycle access and a residential travel plan framework. This will include two charging outlets for electric vehicles and possible contributions towards improvements to the traffic signals at the Constitution Street/ Baltic Street junction.

Noise

The proposed site is adjacent to existing port and commercial activity. Noise from the port has the potential to adversely affect residential amenity, particularly from shipping operations at night. The site is also adjacent to a large commercial development (Ocean Terminal) which includes retail outlets, restaurants and cinemas. Road traffic on adjacent roads also has the potential to adversely affect residential amenity.

Road Traffic Noise

Road traffic noise levels inside the proposed dwellings have been calculated in accordance with the required criteria. Noise levels within the worst affected dwelling, based on the most exposed elevation, will require acoustic insulation with trickle vents to comply with the required noise standards. All windows with a direct view of Ocean Drive would need to be fitted with glazing with a minimum sound reduction index of 35 dB Rw and a trickle vent with a minimum sound reduction index of 42 dB Dne.

Port noise

The noise impact assessment has highlighted some issues with the noise monitoring conducted with regards monitoring noise from the Port. The assessment has stated that in the absence of more accurate measurements of port activity. The measurements are subject to uncertainty as there are no direct measurements of noise from port operations closer to source. The potential uncertainty in the estimate of specific sound from port operations cannot be quantified further without access to the port being granted.

The noise impact assessment has correctly concluded that based on this limited assessment, port activity has the potential to have a significant adverse impact at the nearest residential receptors within the proposed development.

The noise impact assessment demonstrates that rooms with windows on the most exposed elevation would not comply with the required noise criteria allowing for the open windows. Outdoor amenity space including terraced areas will also fail to meet the required noise criteria.

Contaminated Land

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

On balance Environmental Protection recommend the application is refused. This is due to the potential noise impacts the Port may have on the development site. The car parking numbers are excessive and will contribute towards the adverse moderate and slight impacts on the nearby AQMA's. Environmental Protection need to do some further detailed assessment work for PM10 levels in and around this development site however based on the information available this is not a reason for refusal.

Housing and Regulatory Services - dated 7 September 2016

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

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

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

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

2. Affordable Housing Provision

This application is for a development consisting of a 425 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (106) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council to identify Registered Social Landlord(s) (RSLs) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 106 (25%) of the new homes across several different parts of the site and will consist of flatted apartments and townhouses which will offer an integrated mix of homes. This is welcomed by the department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

In terms of accessibility, the affordable homes are situated within close proximity (400 metres) of regular public transport links and are located next to local amenities at Ocean Terminal and 5 minutes walking time from the Shore area.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

** The applicant is requested to enter into an early dialogue the Council to identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing*

** The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site*

** In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*

** The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

Housing and Regulatory Services further response - dated 17 October 2017

1. Introduction

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

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

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

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

2. Affordable Housing Provision

This application is for a development consisting of a 388 homes (previously 425 before recent amendment) and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (97) homes of approved affordable tenures. This department requested that the developer enters an early dialogue with the Council to identify Registered Social Landlord(s) (RSLs) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 97 homes (25%). The amended plans for the affordable homes consist of 82 flatted apartments in 2 blocks on the southern edge of the site (to be delivered through an RSL) and 12 flats towards the centre of the site. In addition to this, three colony houses are proposed to be of affordable tenures. The revised plans have seen the loss of all affordable townhouses (From Six).

The mix of affordable homes is therefore not representative of the wider site as 94 of the 97 homes are flats. Therefore, the current layout of the site and breakdown of types of affordable homes when taken into a wider context cannot be supported by this department and the application is recommended for refusal on this basis. A representative mix of colony flats and townhouses would provide a minimum of 12 homes. However, taking into account that the townhouse are not viable as being affordable, a minimum of six colony houses would be supported by this department in this instance.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

In terms of accessibility, the affordable homes are situated within close proximity (400 metres) of regular public transport links and are located next to local amenities at Ocean Terminal and 5 minutes walking time from the Shore area.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. However in the most current layout of the application, the types of affordable homes consist 97% of flats and are unrepresentative of the wider site.

This department cannot support the application on this basis and are recommending that it is refused unless the applicant can commit to provide more of the affordable homes as colony houses either as low cost home ownership or to be delivered through an RSL.

Any agreement in the future provision of affordable housing should be secured by a Section 75 Legal Agreement.

We would be happy to assist with any queries on the affordable housing requirement for this application.

Housing and Regulatory Services further response - dated 19 October 2017

1. Introduction

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

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

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

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

2. Affordable Housing Provision

This application is for a development consisting of a 388 homes (previously 425 before recent amendment) and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (97) homes of approved affordable tenures. This department requested that the developer enters an early dialogue with the Council to identify Registered Social Landlord(s) (RSLs) to take forward the affordable homes and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 97 homes (25%). The amended plans for the affordable homes consist of 82 flatted apartments in 2 blocks on the southern edge of the site (to be delivered through an RSL) and 12 flats towards the centre of the site. In addition to this, three colony houses are proposed to be of affordable tenures. The revised plans have seen the loss of all affordable townhouses (From Six). The mix of affordable homes is therefore not representative of the wider site as 94 of the 97 homes are flats. A representative mix of colony flats and townhouses would provide a minimum of 12 homes.

Following discussions with the applicant, and taking into account that the townhouses are not viable as an affordable tenure, it has been confirmed that a minimum of six colony houses could be provided. This alteration to the revised plans would be supported by this department in this instance and the applicant is encouraged to liaise with RSLs to explore the possibility of delivering these homes as affordable rent or Low Cost home Ownership.

The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

In terms of accessibility, the affordable homes are situated within close proximity (400 metres) of regular public transport links and are located next to local amenities at Ocean Terminal and 5 minutes walking time from the Shore area.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. In the most recent layout sketches, the applicant has committed to provide more of the affordable homes as colony houses (a minimum of 6) either as low cost home ownership or to be delivered through an RSL. This is in addition to the 82 flats in the southern edge of the site and 9 flats towards the centre. The affordable integration within the site is commended by this department.

Any agreement in the future provision of affordable housing should be secured by a Section 75 Legal Agreement.

We would be happy to assist with any queries on the affordable housing requirement for this application.

Leith Harbour and Newhaven Community Council response - dated 3 October 2016

I would like to register our support for the detailed comments and petition submitted by Jennifer Marlborough on behalf of The Moorings residents association, about the Cala Development at "Waterfront Plaza". Our comments have been put together with input from the aforementioned residents and colleagues in the Friends of the Water of Leith Basin (FOWLB) and Leith Civic Trust

Affordable Housing

In particular we would draw attention to the proposal for all of the affordable homes to be located in one corner of the site. I understand that developers are encouraged to distribute the affordable dwellings throughout the site. We appreciate that this is an advisory issue. However we would wish to make the point that the LDP states that affordable housing should be integrated into developments but in this development affordable housing is segregated from main site by a road. The argument for this is apparently that the RSLs prefer to keep all together as easier to manage.

It is also stated in official documentation that affordable housing should be built across all stages of phasing but it is identified as being planned for stage 4, Cala did say at a recent residents meeting that they may have to bring in another builder to enable this.

Building Height

We are concerned that the plans remain committed to 6 storey buildings, though supposedly reduced to 5, adjacent to The Moorings. This is still creating a great deal of stress to residents of that development. It is appreciated that Cala are trying to address some of the issues raised by those residents, but the height of buildings is a major issue -the Cala proposal is not, in addition, sympathetic to Listed buildings in the Conservation area.

Green Space

We would also like to express our regret that the recreation area that was created around the Victoria Dock is to be built upon with the loss of 43 trees.

This area of Leith has very few green recreational spaces and analysis shows that local residents only visit parks or green spaces within a 10 minute walk of their homes. Consequently all the benefit of exercise for the local community will be lost together with the attendant well-being that is generated by such spaces. We would be grateful for your advice as to whether the landscaped area and path is a public right of way as has been in place since 1996 meeting 20 year requirement.

Air pollution

This development is going to add a further 426 homes to Leith and it already has the highest density housing in Scotland. There is apparently no provision in the application for any development of the infrastructure that will be needed to support the new residents. Car parking is already an issue in many areas of Leith and this development is going to make things worse. The provision for parking within the planning guidelines is wholly inadequate because it does not reflect what happens day to day.

Parts of Commercial St already fail to meet the air quality standards this development can only make things worse.

We would urge the planning committee to significantly reduce the number of dwellings allowed thereby retaining the green space and all the benefits for the community as well as reducing the impact on the already stretched infrastructure in Leith.

Wider Infrastructure

RCGP Scotland has commented recently that house building plans must consider GP practice capacity. Patient care could be undermined and practices could buckle under pressure if plans to build new housing do not consider the impact on GP services, RCGP Scotland has warned.

The RCGP warned that local planners should have an obligation to ensure 'the continuation of the safe provision of healthcare'. Failing to factor in the impact of new homes on GP services could undermine patient care and leave practices unable to cope.

This and other areas of wider infrastructure development such as education need to be considered carefully when planning housing developments of this density.

In closing, Leith Harbour and Newhaven Community Council understands the urgent need for housing in Edinburgh as a whole. This does not though in any way obviate the need to ensure that development is sustainable or for house builders and the council to consider the issues raised above. We do not object per se to the principle of building on brownfield sites like this one, but we are concerned that what is built should be attractive and sustainable while meeting the urgent need for new housing.

Additional Comments:

1. Massing and Height - Affordable Block:

Design and Access Statement 2 doc. No:3390964 pp.56/57 and p.72 & 96

Building Types:

Design and Access Statement 2 doc. No:3390964 pp.60/61/62/63

Elevations B-D. Doc. no:3390955

Massing and Height document identified entire Affordable Block F as 5 Storey blocks but on pp.72 & 96 [of the Design and Access Statement] diagrams there are 6 storeys apart North facing gable-end sections of each block that are shown as 5 storey (also Elevations B-D Document) to meet daylighting requirement as identified in page 72.

2. Views and Daylighting & Community Involvement

Design and Access Statement 2 doc. No:3390964 p. 72 & 96

Calculation has been made using 25degree method and matches method example diagram 2 on page 6 of referenced document but actually should match example diagram 4 as plane used in above document shows Commercial Street is on slightly higher plane and Block F on slightly lower plane. Block F site is in fact 1.2-1.5 metres higher at variable points from East to West (144-146 Commercial Street) making 5 Storeys too high. The site area is level with Holiday Express Inn - level at Northern aspect and higher at Southern aspect of site.

Road Authority Issues - dated 17 March 2017

The application should be refused.

Reasons:

Whilst there are no objections to the development in principle, the proposed layout does not provide a suitable general traffic alternative to Ocean Drive as identified in the Edinburgh Tram Network drawings ULE90130-01-HRL-00003 Rev.7 and ULE90130-01-HRL-00004 Rev.6 (both dated 2006, revised 2011). The lack of such a route is likely to lead to significant operational difficulties for the proposed tram.

Should approval for this development be given, the following should be included as conditions or informatives as appropriate:

- 1. The applicant will be required to:*
 - a. Contribute £593,073 under the Developer Contributions & Infrastructure Delivery Consultation Draft Supplementary Guidance, December 2016 (see Note a. below);*
 - b. Contribute the sum of £623,991 (based on £605,750 for 425 residential units and £18,241 for 260.7m² in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. This contribution may be adjusted to take account of any land contributions;*
 - c. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - d. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. For the avoidance of doubt, the road layout is not approved at this stage;*
- 3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;*
- 5. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
- 6. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;*
- 7. Any off-street parking space should comply with the Council's Guidance for Householders (see http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders) including:*

- a. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide;
- b. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- c. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
- d. Any gate or doors must open inwards onto the property;
- e. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
- f. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point
8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport;
9. 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.
10. The developer must submit a maintenance schedule for any SUDS infrastructure for approval.

Note:

- a. The Developer Contributions & Infrastructure Delivery Consultation Draft Supplementary Guidance, December 2016 sets out costs per unit type for the North Edinburgh Transport Contribution Zone. These are £1,345.90 per residential unit and £80.80 per retail m². The contributions are therefore £572,008 for 425 residential units and £21,065 for 260.7m² of retail space;
- b. Current Council parking standards for this area require between 270 and 612 car parking spaces for the proposed development (319 private residential units and 106 affordable units). The applicant proposes to provide 321 spaces which is considered acceptable.

Road Authority Issues further response - dated 11 October 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 the sum of £651,489 to the North Edinburgh Transport Contribution Zone (£522,209 for 388 residential units and £129,280 for 1,600m² commercial / retail / etc.);
2. Contribute the sum of £712,971 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report, indexed as appropriate and the use period to be 10 years from date of payment.(based on 388 residential units (£557,971), 1,500m² commercial (£138,000), and 100m² retail / pub (£17,000 in Zone 1);
 - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;

- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- c. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that the proposed development takes account of the proposed tram line and does not adversely impact on its design and construction. For the avoidance of doubt, the road layout, including the layout of Ocean Drive, is not approved at this stage;
4. The applicant must ensure that refuse collection vehicles are able to adequately service the site. The applicant is recommended to contact the Council's waste management team to agree details;
5. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and car club vehicles. A contribution of £1500 per order plus £5,500 per car would be required;
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
8. It is noted from the submitted drawings that a number of parking spaces are proposed to be allocated. This is not agreed at this stage and will form part of the Quality Audit and Road Construction Consent considerations. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
9. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guide_lines);
10. The applicant should ensure that the access road and associated accesses are large enough, and of a shape, to accommodate any vehicles which are likely to use it, in particular refuse collection and emergency service vehicles. The applicant should provide a swept-path diagram to demonstrate that a vehicle can enter and exit the development in a forward gear, in the interests of road safety;

11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

12. 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;

13. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer.

Note:

o Current Council parking standards allow between 259 and 576 spaces for the 388 residential units (97 affordable and 291 private units) with up to 20 spaces for the commercial element (1,500m²). The proposed 308 spaces is considered acceptable.

o As part of the former proposals for the redevelopment of Leith Docks, a new road, parallel to Ocean Drive at Ocean Terminal, was proposed through the site to take all motor vehicles except public transport. The purpose of the road was to enable Ocean Drive at Ocean Terminal to operate as a public transport interchange for tram and bus and to create a more pedestrian friendly streetscape. Whilst this road formed part of the Leith Docks proposals, it has not been taken forward as part of the Local Development Plan (2016) nor did it form part of the Leith Docks Design Framework (2005). The former proposals for Leith Docks have been significantly scaled down and it is understood that the current tram design no longer requires this road to accommodate any future tram extension. Whilst the tram modelling did not specifically consider additional traffic from this development, it is considered likely that the lack of a new road will limit the capacity of this section of Ocean Drive and therefore its absence may limit the potential level of development in the area. It should be noted that the proposed development does include a through road which could be used by all traffic on occasion but that it is not suitable for day-to-day use. In addition, the proposed development will obviously provide potential customers for tram.

SEPA response - dated 29 September 2016

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

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 partly within, or adjacent to, the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high flood risk. The sources of flood risk at the site are: fluvial from the Water of Leith; coastal from the Firth of Forth and docks; and surface water.

1.3 Information provided within the FRA from Edinburgh Council indicates that this area lies at approximately the level of the 1 in 200-year flood event on the Water of Leith and that no further mitigation measures are therefore proposed as part of the Water of Leith Flood Prevention Scheme.

1.4 The 1 in 200-year coastal still water level in this area is 3.97mAOD (+/- 0.3m) as calculated by the Coastal Flood Boundary Method. As outlined within the FRA, this does not include the potential effects of wave action and climate change.

1.5 The FRA indicates that some overland flow is possible during extreme surface water events and where the drainage network is surcharged although depths are not expected to be significant. We would recommend that ground levels are landscaped to slope away from buildings toward open space and roads to avoid any ponding of water against properties.

1.6 Edinburgh Council have recommended for previous applications in this area that ground levels are set at a minimum of 5.5mAOD and finished floor levels a minimum of 6.0mAOD. Whilst we continue to support this recommendation, from the information provided the proposed ground levels of 5.0 - 5.8mAOD and finished floor levels of 5.6 - 5.8mAOD are reasonable to provide an acceptable level of freeboard above predicted 1 in 200-year flood levels and we have no objection to the application.

Caveats & Additional Information for Applicant

1.7 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/>

1.8 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.

1.9 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 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/>

2. Surface Water and Foul Drainage

2.1 *The treatment and discharge of surface water should be in accordance with the General Binding Rules of the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) and in this regard we note and welcome the applicant's intention to utilise porous paving for the parking areas prior to discharging to coastal waters.*

2.2 *Although the development is only for 476 residential units, if it is part of a larger overall development area with more than 1,000 parking spaces or houses then a Simple Licence under CAR will be required for the larger site.*

2.3 *Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.*

2.4 *In Section 5.0 of the site drainage report, the applicant mentions a new, small sewage pumping station (SPS). Given that this is a new development with new sewer network infrastructure, SEPA would expect the SPS to be designed such that there is no requirement for a new CSO or Emergency Overflow (as per Section 2.3.4 of WAT-RM-07 - Sewer Overflows).*

Regulatory advice for the applicant

3. Regulatory requirements

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 regulatory team in your local SEPA office.

Scottish Natural Heritage response - dated 3 October 2016

Position

In our view, it is unlikely that the proposal will have any significant effects on any qualifying interests of Imperial Dock Lock, Leith SPA, either directly or indirectly. An appropriate assessment is therefore not required.

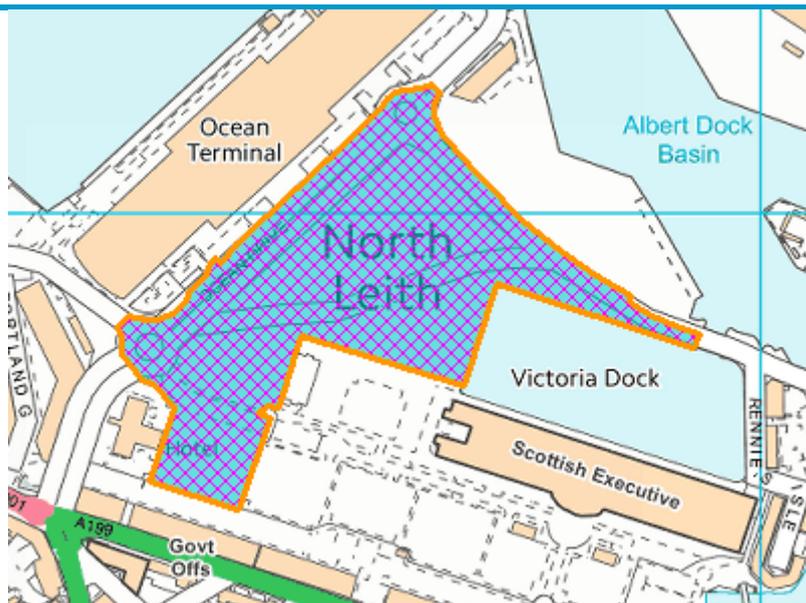
Appraisal

The proposal lies close to Imperial Dock Lock, Leith Special Protection Area (SPA) classified for its population of breeding common terns. Therefore the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended; (the "Habitats Regulations") apply. Consequently, the council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal (HRA)). See <http://www.snh.gov.uk/docs/A423286.pdf> for a summary of the legislative requirements.

As we understand, this proposal lies within the original proposed outline for the Edinburgh Harbour application which was subject to appropriate assessment. The principle of development here is therefore established.

However, a change of use is proposed for the site, in that housing led development is now proposed instead of commercial led. This change in use is unlikely to raise any new likely significant effects which would require further assessment.

Location Plan



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