

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/00846/FUL
At Land 120 Metres South East Of 98, Ocean Drive,
Edinburgh**

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Item number	7.2
Report number	
Wards	B13 - Leith

Summary

This proposal is of an acceptable scale and density and will provide 245 new homes at the Leith Waterfront area. Furthermore, it will contribute to the wider regeneration of Leith waterfront through the provision of new housing and a commercial unit on a vacant urban gap site. The proposal is of an acceptable layout and design and will not have an unreasonable impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking. The applicant has demonstrated that the proposal would not prejudice the delivery of safeguarded transport routes including the tram and promenade.

The proposal to provide the required 25% affordable housing provision through a combination of 50 affordable rented units and Golden Share or commuted sum (11 units) is acceptable.

Concerns have been raised regarding air quality and noise pollution, however these form part of the consideration in the determination of the planning application and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

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

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSGD02, OTH,
---	---

Report

Application for Planning Permission 18/00846/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The application relates to a site of one hectare which is located on an area of land between Albert Dock to the north and Victoria Dock to the south with Ocean Drive forming the southern boundary. The site opposite (Waterfront Plaza) has consent for a residential development which is currently under construction. The Ocean Point office development and Ocean Terminal are located to the west.

The site is currently vacant brownfield land.

There is currently no vehicular access to the site. A dilapidated jetty is located along the northern site boundary. A replacement quay wall is currently under construction in this section of the site.

2.2 Site History

05 July 2002 - planning permission granted for two 16 storey residential blocks (application reference 01/02765/FUL).

15 January 2018 - planning permission was granted for the construction of a new quay wall extension (application reference 18/00186/FUL).

adjacent site

14 August 2018 - planning permission was granted for a development of 388 residential units and 29 commercial units on the site opposite the application site (Waterfront Plaza) (application reference 16/03684/FUL).

21 August 2002 – planning permission was granted for two office blocks on the site immediately to the west of the application site. One block fronts Ocean Terminal (built) and a nine storey block fronting Ocean Drive was never built but the consent is still live.

Main report

3.1 Description of The Proposal

The proposal is for the development of four residential blocks, one with a commercial unit at ground floor level. The proposal would comprise of 245 units in total (11 Studio apartments, 44 one bedroom apartments, 142 two bedroom apartments and 48 three bedroom apartments).

Block A would be seven storeys in height and comprises 50 units in total (seven one bedroom apartments, 36 two bedroom apartments and seven three bedroom apartments). The residential apartments in this block would be affordable units.

Block B would be 13 storeys in height and comprises 105 units in total (11 studio apartments, 17 one bedroom apartments, 63 two bedroom apartments and 14 three bedroom apartments).

Block C would be 11 storeys in height and comprises 59 units in total (12 one bedroom apartments, 29 two bedroom apartments and 18 three bedroom apartments).

Block D would be 9 storeys in height and comprises 31 units in total (eight one bedroom apartments, 14 two bedroom apartments and nine three bedroom apartments). This block would have a 151 sqm commercial unit at ground floor level.

The proposal includes the provision of under-croft car parking and at grade parking along the northern elevation of the proposed residential blocks. The proposal would include 154 vehicle parking spaces comprising of 13 accessible spaces and 11 motorcycle spaces. The site would have infrastructure to support 27 electric charging points within the under-croft car park.

Cycle storage associated with each residential block is proposed with a total of 320 cycle spaces. They will comprise of two tier racks within the communal store area of each block.

Vehicular access to the site is proposed along the western site boundary. This would form a private access allowing for bin collection to block B and access to the car parking associated with each block.

Landscaped areas are provided at first floor level. The landscaped areas will be accessible from each of the residential blocks. There will be links from the raised deck to the promenade proposed along the northern site boundary. At ground level, the waterfront landscaping creates further amenity space through the use of the landscape strip and boardwalk areas. The ground floor apartments of Block A which face onto the garden deck each have private garden space. These have been designed to allow for a defensible space to allow for privacy without being disconnected from the main garden. The flats in Blocks, B, C and D all have balconies.

The proposal would be finished in blonde brick cladding with concrete panelling at ground floor level. Acid etched concrete banding will wrap around each floor of the development. The blocks will have single ply roof membrane and bronze toned windows and doors. The same materials will be used for both the affordable housing and the rest of the housing.

Previous Schemes

The scheme has been amended to include the following changes:

- Remove any works to the listed dock;
- Alter the housing mix and numbers across the site;
- Changes to the entrance to block A;
- Updated parking provision;
- Updated landscaping plans and promenade design;
- Changes to the proposed building materials;
- Respond to waste comments; and
- Revised plans to show proposed works with the Ocean Drive to accommodate tram delivery.

Supporting Statements

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

- Pre-application Consultation Report;
- Design and Access Statement (and addendum);
- Planning Statement;
- Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Energy Strategy;
- Tree Survey;
- Noise Report;
- Air Quality Impact Assessment; and
- Daylight, Sunlight and Privacy Assessment.

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

3.2 Determining Issues

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) The principle of development is acceptable;
- b) The design, scale and layout are acceptable;
- c) There are any impacts on amenity for future occupiers;
- d) Parking, access and road safety arrangements are acceptable;
- e) The proposal meets the sustainability criteria;
- f) The proposals have any equalities or human rights impacts;
- g) Impact on infrastructure can be mitigated;
- h) There are any other material planning considerations; and
- i) The representations raised have been addressed.

a) Principle of Development

The site is within the Central Leith Waterfront in the adopted Edinburgh Local Development Plan (LDP) and is identified for housing led mixed use development (Proposal EW 1b).

LDP Policy Del 3 – Edinburgh Waterfront supports development that will contribute towards the creation of new urban quarters at Leith Waterfront. Policy Del 3 requires development proposals to include the provision of a series of mixed use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability. The development includes a mix of unit sizes and tenures and proposes an extension of the existing boardwalk to connect with the waterfront.

The proposal also includes a commercial unit on the ground floor of Block D. While the unit is of a modest floorspace, it is conveniently located to front Ocean Drive and also connects to the pedestrian and cycle links along the promenade. The proposed unit will complement the existing and emerging mix of land-uses within the surrounding area.

LDP Policy Hou 1 Housing Development supports residential development that contributes towards meeting Edinburgh's housing need. The estimated housing capacity of the Central Leith Waterfront Area is 2720. The proposal would provide 245 units which will contribute towards meeting the identified housing need in Edinburgh.

The principle of the proposal accords with LDP Policies Del 3 and Hou 1. Residential development in this location is supported.

b) Scale, Layout and Design

Initial proposals were presented to the Edinburgh Urban Design Panel on 27 October 2017. The Panel was supportive of the design concept for this proposal and acknowledged that it represented an exciting opportunity for the area. The panel's report is provided in Appendix 1.

LDP Policy Des 1- Design Quality and Context seeks to encourage development that will contribute towards a sense of place and draws upon the characteristics of the surrounding area. Policy Des 2 stipulates that new development should not compromise the effective development or regeneration of surrounding land.

The application site is located within a mixed use area with uses including office, retail, industrial and residential. The historic character of the area is changing as adjacent sites are developed. The land along the port edge is linked via a pedestrian promenade.

Policy Des 4 – Development Design requires that new development has a positive impact on its surroundings having regard to height and form, scale and proportion, and materials and detailing.

The four apartment blocks have been positioned within the site in a north-south orientation with gardens located between each building. The apartment blocks vary in height with the tallest blocks being in the centre and the two on either side being smaller in height. The surrounding area comprises of a mix of uses and architecture including building of high density. The proposal in its current form will add to this mix through the provision of a high quality, high density residential development. The density of the development is characteristic of the waterfront area with examples of tall office and residential buildings along the waterfront. Density of this scale was always envisaged in the Leith Docks Development Framework (2005). The previous approved development for this site (now expired) was for 16 storey high blocks. Moreover, high density development on brownfield sites in the waterfront is essential to achieve the housing figures set out by in the LDP.

The design and access statement includes view analysis which provides an understanding of the visual impact of the proposal. Given the scale of the proposal, it is accepted that it will be highly visible within the immediate area. However, given the waterfront location and the existing tall buildings in the area including the neighbouring office building, the site is capable of accommodating a development of this scale. Furthermore, the generous setback from the port boundary and the use of landscaping will enhance and soften the impact of the development when viewed from the surrounding area.

LDP policy Des 10 – Waterside Development requires developments on sites on the coastal edge to provide an attractive frontage to the water and maintain, provide or improve public access along the water's edge.

The proposed development provides an attractive frontage to the water's edge and has a wide area of landscaping between the access road and the promenade which will be extended along this section of the coastline as part of the application.

The proposal has two frontages. On the frontage to Ocean Drive, each of the blocks has a clear and distinctive entrance door along with landscaping which activates the road frontage. A footpath along Ocean Drive and the proposed promenade along the port edge provides pedestrian and cycle links between the site and adjoining land uses.

Each of the buildings is linked through the proposed building materials which include blonde brick cladding and concrete panelling. Windows will be full height with metal frames and glass balustrades. The window design also links the buildings and provides cohesion through the site. The simple design, in association with the landscaping, will positively contribute to the changing sense of place within the Leith Waterfront area.

Given the importance of the building finish, a condition of the permission will require that building material samples be submitted to and approved prior to the commencement of the development.

LDP Policy Hou 2 – Housing Mix seeks to ensure a mix of housing types and sizes are provided to meet a range of housing needs. The proposal provides a mix of sizes including one, two and three bedroom apartments. The Edinburgh Design Guidance recommends that developments provides at least 20% family accommodation. This proposal includes 19.6% of units having more than three bedrooms and a further 5% of units would be two / three bed units. Since these units have large floor areas, they are capable of accommodating a family.

LDP Policy Hou 3 – Private Green Space in Housing Development requires development to make adequate provision for green space to meet the needs of future residents. Flatted developments should have 10sqm per flat and a minimum of 20% of the overall area should be open space. The proposed private market flats have balconies providing private amenity space for occupants. Blocks B, C and D also have access to two central courtyard green spaces via ramps from each of the blocks. These areas would be private communal amenity space for residents that also links to the public promenade.

Block A has private amenity space accessible via a walkway for all the residents with the exception of ground floor residents which would have private amenity ground. Overall, the proposal provides adequate amenity space within the site and provides links connecting the site to adjoining public amenity space in the immediate surrounding area.

The proposed planting is of a simple design with species appropriate for the location. The planting will enhance the site and also provide a buffer between the public promenade and private car parking area north of the residential development. A condition has been attached requiring that the landscape scheme is implemented prior to the completion of the development.

Overall, the scale, layout and design of the proposal is acceptable and accords with LDP policies Des 1, 2, 4 and 10; and Hou 2, 3 and the Edinburgh Design Guidance.

Notwithstanding the above, concerns have been raised regarding the impact that the proposal would have on the World Heritage Site and listed buildings within the surrounding area. LDP policies Env 3 – Listed Buildings – Settings and Env1 – World Heritage Sites require consideration of these points. Considering the distance from the World Heritage Site and the view analysis submitted, it is concluded that the proposal would have a neutral impact on the World Heritage Site. The proposal was amended to no longer include works to the listed Victoria Docks. The landscaping along the dock frontage further reduces the impact the proposal would have on the historic character and appearance of the listed dock.

Overall, the proposal is acceptable in terms of LDP policies Env 1 and Env 3.

c) Amenity of occupiers and neighbours

LDP Policy Des 5 – Development Design – Amenity seeks to ensure that development does not adversely impact on the amenity of existing neighbours and that future occupiers will have an acceptable level of amenity.

Noise

The Noise Impact Assessment (NIA) considers the potential noise impact of road traffic and neighbouring port and industrial uses.

(i) Noise from road traffic

A Noise Management Area has been established on Lindsay Road at Portland Street relating to transport noise. The Noise Impact Assessment acknowledges that this development would add to the number of sensitive receptors in the area through transport noise. The NIA predicts that noise from road traffic will be most significant at ground floor levels on the south facing elevation of Block A but the predicted levels are lower further up the building. The ground floor of Block A does not contain any habitable rooms. The NIA suggests that the noise can be effectively controlled through appropriate design with mitigation in the form of acoustic double glazing and whole house mechanical ventilation heat recovery (MVHR) systems. The level of acoustic mitigation required will depend on the elevation, the height above ground level, the size of windows and the use of the room.

The applicant therefore proposes that the performance requirement of windows for each room will be determined in accordance with the detailed method set out in BS 8233:2014 prior to the installation of glazing. In addition, the applicant proposes that all habitable rooms shall be provided with opening windows and a centralised mechanical extract system.

Environmental Protection has recommended that mitigation measures including the specific details on the glazing units required for each affected habitable room would be required and notes that this has not been submitted. A condition has been included to address this. Environmental Protection also notes that details of the proposed MVHR have not been submitted but again, this can be conditioned.

(ii) Noise from Port Operations

The NIA has concluded that port activity has the potential to have a significant adverse impact at the nearest residential units within the proposed development. This demonstrates that rooms with windows on the most exposed elevation would not comply with the noise criteria allowing for the open windows. Outdoor amenity space would also fail to meet the required noise criteria. The assessment has highlighted that the main sources of noise from the port was recorded during the daytime when there was increased port activity. There are no restrictions on the port activities which may be carried out at any time and in any part of the port.

The applicant has suggested mitigation in terms of acoustic glazing and MVHR. Environmental Protection has the same concerns as raised with the proposed transport mitigation measures as no detail has been provided and as a result, has recommended that the application is refused on the grounds of noise impacts. As stated previously, a condition is required to ensure that the suggested mitigation measures are implemented.

Although the proposed measure would not mitigate noise impact in the outdoor space or with windows open, the mitigation measures by way of glazing and MVHR would achieve a reasonable standard of amenity for occupants. The applicant has advised that the use of MVHR is appropriate as it provides the equivalent of fresh air as a conventional trickle vent, complies with Scottish Building Standards and is eco-friendly as it reduces energy requirements for space heating.

Air Quality

As the site is in close proximity to two Air Quality Management Areas (AQMAs), the applicant was asked to carry out onsite monitoring for particulate matter. In particular, Environmental Protection was concerned that emission levels may exceed air quality objectives for Particle Matter 10 (PM10) due to the site's proximity to the port. The applicant instructed consultants to undertake air quality monitoring at the proposed development site over a three month period to help quantify the baseline particle concentrations.

Monitoring took place between 27 February and 7 June 2018. Whilst the three month monitoring period meets minimum standards, a longer time period would provide a better understanding of annual concentrations. In order to compare these results with Scottish Government air quality objectives, the three month monitoring results were annualised using data from 2017. It was not possible to undertake this process using data from 2018 because this will not be available until early 2019.

The current Scottish Government objective for PM10s is an annual mean of 18ug/m³. The consultant's findings showed an annualised figure of 16 ug/m³ which meets Scottish Government requirements and is at the same level as the adjacent Cala Homes site at Waterfront Plaza.

SEPA initially objected to the application on air quality grounds. However following consideration of the air quality monitoring information submitted by the applicant, this objection has been withdrawn.

SEPA's response does recognise that the short term monitoring period and severe weather conditions may not give an accurate indication of pollution concentrations on the development site. It also states that the Council should be aware that exceedance of the PM 10 objectives once the site is developed for residential purposes will lead to the need to declare an AQMA. However this is already the case for the adjacent CALA homes site.

Environmental Protection recommends refusal of the application on air quality grounds. It is concerned that the average recorded PM10 level over the three month monitoring period was 19 ug/m³ which exceeds the current objective in Scotland. It is also concerned that the methodology used to calculate the annualised figure was not undertaken in accordance with appropriate technical guidance. Environmental Protection is of the view that future residential properties could be exposed to unacceptable levels of particle pollution in excess of the Scottish Government Objective. No mitigation measures are proposed by the applicant and no suitable measures have been identified by Environmental Protection.

LDP Policy Env22 does not support development where there are significant adverse effects for health or on air quality. Environmental Protection is of the view that this development has the potential to have a significant adverse effect on health and air quality. However, the air quality consultant appointed by the applicant and SEPA do not consider this to be the case.

In making a judgement in relation to this application, consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy Env 22. The application site is identified for housing development in the LDP and planning permission was granted in August 2018 for housing on the adjacent Waterfront Plaza site (16/03684/FUL), a location with similar PM10 levels.

Environmental Protection is also concerned about the potential impact that traffic from the proposed development will have on the existing AQMA declared for Nitrogen Dioxide (NO₂), a transport related pollutant. However, the principle of development is supported by the LDP and the proposed car parking levels is acceptable in terms of the Council's parking standards. The level of parking for the development has been reduced from 178 spaces to 154 spaces and infrastructure for 27 electric vehicle charging points is proposed. Parking is located away from Ocean Drive and part is located in under-croft to help mitigate the impact of cars.

Conclusion

Housing development in this location raises concerns for Environmental Protection in terms of noise and air quality. However, the principle of housing development is supported by the LDP and in terms of noise impact, mitigation measures can be secured by condition. There are differences in opinion between the applicant and SEPA and Environmental Protection regarding the air quality monitoring information and whether PM10 levels on this site exceed Scottish Government objectives. There is no suitable mitigation measures that could be covered by condition in relation to this application. However on balance, taking account of the LDP allocation, the 2017 appeal decision and the recently approved housing development on the adjacent site, it is not considered that refusal on the grounds of air quality is justified.

Internal Space Standards

All of the proposed flats comply with the minimum standards set out in the Edinburgh Design Guidance.

Daylighting, Sunlight and Privacy

The applicant submitted a Daylight and Sunlight Assessment which assessed the proposal against the recommendations of the BRE 'Site Layout Planning for Daylight and Sunlight: a guide to Good Practice'.

Daylight

The Edinburgh Design Guidance requires that daylight to new and existing buildings is protected. It is noted that there is no residential development immediately adjacent to the site. However, the assessment includes the recently approved residential development to the south of the site. The assessment demonstrates that all windows comply with the requirements of the BRE and the Edinburgh Design Guidance.

Sunlight

The Edinburgh Design Guidance requires that at least half of garden or amenity space receive at least 3 hours of daylight on 21st March. Of the 19 gardens proposed, 15 would comply with the Edinburgh Design Guidance requirement. However, all 19 would exceed the BRE standard of 75% having directly incident sunlight for a day.

In terms of the communal garden space, three out of the four gardens achieve 50% sunlight for at least 3 hours and the remaining garden area only marginally does not achieve this standard with 100% achieving sunlight for at least two hours and 48% sunlight light for another hour.

On balance, given the scale of the development proposed and the access to both private and public open space within the site, the marginal infringement in terms of sunlight is acceptable.

Privacy

Privacy is afforded to all occupiers of the new development and to neighbouring property at the adjacent sites.

Amenities

The proposal includes four bin stores within the ground floor of each of the apartment blocks. Each of the stores is conveniently accessed from block cores. The proposal has been agreed by the Council Waste Services Team.

d) Parking, Access and Road Safety

Transport Information was submitted as part of the application which provides a detailed assessment of the transport considerations associated with the proposal.

Access

Vehicular access to the site will be provided from Ocean Drive. A loop is proposed behind the development blocks providing access to the car parking areas. Concerns have been raised regarding the impact that the development would have on traffic within the surrounding area. It is acknowledged that the development of an additional 245 residential properties and a commercial unit will generate additional traffic movement. However, the site is identified for housing in the LDP, benefits from excellent public transport connections and will enhance the existing cycle routes in the area.

The LDP Action Programme has identified a number of transport actions in this area required to mitigate the impact of new development on sites allocated in the LDP and a contribution is required by the developer towards this. Subject to the required contribution to tram and other transport infrastructure (see section 3.3 g)), the proposal would not have an unreasonable impact on existing transport routes and it has been demonstrated that the existing network has the capacity to deal with the increase in traffic volume. No concerns have been raised by the Roads Authority in relation to this point.

LDP Policy Tra 7- Public Transport Proposals and Safeguards – seeks to protect safeguarded transport proposal routes which includes the tram along the southern boundary of the site and the promenade. The proposal includes the provision of a promenade along the northern boundary. The design and finish of the promenade is acceptable and accords with the requirement of the Promenade Design Code. The promenade has been designed to enable links with the adjacent site should a development proposal come forward in the future. A condition of the planning application will ensure the timely delivery of the promenade and associated landscaping.

LDP Policy Tra 7 stipulates that planning permission will not be granted for development which would prejudice the future delivery of infrastructure. The applicant has demonstrated that the tram line can be accommodated along Ocean Drive.

Overall, the access arrangements to the site are appropriate and the development will not prejudice the future delivery of safeguarded transport proposals in accordance with LDP policy Tra 7.

Parking

LDP Policy Tra 2 – Private Parking requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The proposal includes 154 spaces within the site, located within an enclosed ground floor car park at the base of each of the blocks and a row of parking along the northern elevation of the buildings. The applicant has submitted justification for the level of car parking which is acceptable within the context of the site and surrounding area. The proposal also accords with the Edinburgh Design Guidance and policy Tra 2 with regard to the provision of accessible spaces and motorcycle spaces. It is noted that while electric charging points are not included in the proposal, 27 spaces would be equipped for charging if required in the future in accordance with the Design Guidance standards.

Overall, the level of vehicle parking is acceptable and accords with LDP Policy Tra 2 and the Edinburgh Design Guidance.

Cycle Parking

LDP Policy Tra 3 – Private Cycle Parking requires that cycle parking and storage within the development complies with Council guidance. The proposal includes dedicated cycle storage for each of the blocks. Overall, a total of 336 spaces would be provided. Although this is less than the 523 required by the Edinburgh Design Guidance, justification has been provided for the reduced level. This is on the basis that the proposed level exceeds the level that would be required if the 20% cycle mode share target in Edinburgh Council 2020 vision was combined with an average occupancy level of 2.5 people per dwelling. The Roads Authority has no objection in terms of cycle parking provision.

Therefore, overall, the proposal is acceptable in terms of LDP Policies Tra 2 and 3 and the Edinburgh Design Guidance.

e) Sustainability

The applicant has submitted a sustainability statement as part of the application. The proposed development will meet the requirements of Section 6 (energy) of the 2010 Building Standards through the use of high performance building fabric. It has been designed to maximise energy efficiency through appropriate design.

The proposal has been assessed against Part B of the Sustainability 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 application was submitted before the requirement to comply with the Heat Mapping Guidance. However, an informative has been added to ask for consideration to be given to facilitating connection to any future district heating scheme that may be implemented.

The proposal meets the essential criteria of the Edinburgh Standards for Sustainable Buildings.

f) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. No issues arise.

g) Infrastructure

LDP Policy Del 1 – Developer Contributions and Infrastructure Delivery requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The Council approved new draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery in August 2018. While this has not yet been approved by the Scottish Government, the new draft guidance is a material consideration in the determination of planning applications.

Education

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. The site falls within Sub-Area LT-2 of the Leith Trinity Contribution Zone. The Council assessed the impact of the growth on the area through Education Appraisal which took into account school roll projections. The Appraisal considered the impact of new housing sites allocated in the LDP, including this site and identified that contributions are required to mitigate the cumulative impact of development.

The following contributions are required towards education actions in the Leith / Trinity Education Contribution Zone:

- £711,930 infrastructure contribution (Quarter 4 2017 valuation subject to indexation)
- £41,990 land contribution (no indexation).

Healthcare

The site is located within the Leith Waterfront Healthcare Contribution Zone as set out in the Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). A healthcare contribution of £945 per residential unit which equates to £231,525 in total (subject to indexation) is required towards the cost of a new practice to help mitigate the impact of new residential development in Leith Waterfront.

Transport

The site is located within the Tram Contribution Zone. A sum of £369,000 is required for the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. This sum is to be indexed as appropriate and the use period will be 10 years from the date of payment.

In addition, a contribution of £462,548 (subject to indexation) towards transport infrastructure would be required. This sum is to be indexed as appropriate and the use period will be 10 years from the date of payment.

This contribution is based on a proportion of the following transport actions set out in the LDP Action Programme:

- The Water of Leith Cycle Route;
- West end of Victoria Quay Building to Water of Leith Cycle Route via Citadel;
and
- Ocean Drive Eastwards Extension.

The Roads Authority consultation response sets out how the total contribution was calculated.

A further £2,000 has been identified as being required towards the redetermination of sections of the footway carriageway as necessary for the development.

h) Other Material Planning Considerations

Affordable Housing

LDP Policy Hou 6 – Affordable Housing stipulates that planning permission for residential development of 12 or more units should include provision for affordable housing of 25% of the total units proposed.

The proposal is required to include 61 affordable units on site. The application includes the provision of one residential block (Block A) for affordable housing which would provide a total of 50 units on site comprising a mix of mid-market and social rented accommodation. The 50 affordable rented homes would be delivered by Port of Leith HA. The remaining 11 units will be delivered by golden share housing and should that not be possible, by payment of a commuted sum.

In discussions with the developers, a request was made for all 61 homes to be provided on site by a housing association. The full 25% provision by an RSL on the site has not been possible for reasons of viability.

In order to increase the numbers of units within Block A, additional floors of accommodation would be required. Additional units within this block could only be achieved by increasing the height of the block. As the block would then be more than 18m in height, the technical standards become more onerous and would require measures include sprinklers, enhanced building materials and lifts and possibly the requirement for two escape stairs. This would make the affordable housing unviable.

In addition, POLHA and other RSLs seek consolidation of ownership within a single block as this allows them to be able to meet their obligations to tenants to organise repairs and maintenance of their homes. If the affordable provision was split between the block of 50 and another stairwell, this would have not been taken on by POLHA (or other RSLs). POLHA has confirmed its stance on this.

Due to these financial viability reasons, Affordable Housing supports the provision to be made for 50 units on the site with the balance coming forward as Golden Share. The developer has noted the 11 Golden Share homes will be assessed by a valuer closer to the time of construction. If they fall within affordable parameters, then this tenure will be secured for the 11 units. Should they fail to meet this criteria, then a commuted sum of £140,051 will be secured. This would be secured via a legal agreement.

In terms of housing mix for the affordable units, 15% of the units within the affordable housing block would have three bedrooms. While the provision of family housing within the affordable block is below the level recommended in the guidance, in this instance the applicant has provided written confirmation from Port of Leith Housing Association that the breakdown of units responds to demand in the area.

In addition to the above, LDP Policy Hou 6 and the Edinburgh Design Guidance requires that affordable housing is tenure blind and integrated within the market housing. It is acknowledged that Block A is lower than the other blocks and has some architectural differences but overall the block has been designed using the same palette of materials and picks up on similar detailing as Block D including window design and massing to create 'book ends' within the development and cohesion throughout the site. Therefore, the proposed affordable block is well integrated within the site in accordance with LDP Policy Hou 6 and the Edinburgh Design Guidance.

Overall, based on the above, the proposal accords with LDP Policy Hou 6 and the Edinburgh Design Guidance to provide high quality, tenure blind affordable housing that meets current market demands. The proposal is supported by the Council's Affordable Housing Team.

Environmental Impacts:

Given the historic use of the site it was necessary to submit a Site Investigation Report as part of the application. This Assessment is currently still being assessed by Environmental Protection therefore it is necessary to attach a condition to ensure that any issues relating to contaminated land that may arise are fully addressed.

Archaeology:

LDP Policy Env 8 – Protection of Important Remains seeks to protect archaeological remains from being adversely impacted from development. The City Archaeologist has advised that the site is located within a site of archaeological and historic significance. The application was amended to remove any works to the listed entrance to Victoria Dock in response to initial concerns.

There is potential for the site to contain potentially significant remains from the 19th and 20th century. The City Archaeologist confirmed that, subject to a condition requiring an approved written schedule of works, the proposal is acceptable. This will ensure the appropriate protection and excavation as well as recording and analysis of any surviving archaeological remains.

The proposal is acceptable in terms of LDP policy Env 8.

Ecology

Through the assessment of a previous application for the Quay wall, otters were identified. A protected species survey was carried out and a mitigation programme was agreed as part of the licensing agreement. Scottish Natural Heritage has advised that the agreed mitigation can be amended to reflect the proposed development.

The application will therefore not have an adverse impact on the protected species in accordance with LDP Policy Env 16 Species Protection.

Flooding

LDP policy Env 21 seeks to ensure that development does not result in an increased flood risk. No objections have been raised in relation to flooding. A separate consent was approved in January 2018 for a new quay wall extension.

i) Matters raised in representations

Material objections:

- The scale and proportion of the development is not in character with the surrounding area – addressed in section 3.3(b).
- Building height – addressed in section 3.3 (b).
- Visual impact of the buildings – addressed in section 3.3(b).
- Density of the development is inappropriate – addressed in section 3.3(b).
- Impact on local services – addressed in section 3.3(g).
- Impact on local transport network – addressed in section 3.3(d).
- Impact on listed buildings (contrary to ENV 3) – addressed in section 3.3(h).
- Contrary to policy Env 18 – proximity to air quality management zone – addressed in section 3.3(c).
- Lack of green space and public walkways – addressed in section 3.3(b).
- Impact of the proposal on the World Heritage Site – addressed in section 3.3(b).
- Impact on traffic movement – addressed in section 3.3(d).
- The proposal would prejudice the implementation of public transport proposals – addressed in section 3.3(d).

Material representation in support:

- Quality of building design and landscaping.

Non Material Considerations

- Loss of a private view from residential development.

The Leith Harbour and Newhaven Community Council comments:

The Community Council supports the quality of building design and landscaping and affordable housing proposals but has raised concerns regarding road safety issues and potential conflict with the proposed tram route.

Conclusion

This proposal is of an acceptable scale and density and will provide 245 new homes at the Leith Waterfront area. Furthermore, it will contribute to the wider regeneration of Leith waterfront through the provision of new housing and a commercial unit on a vacant urban gap site. The proposal is of an acceptable layout and design and will not have an unreasonable impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking. The applicant has demonstrated that the proposal would not prejudice the delivery of safeguarded transport routes including the tram and promenade.

The proposal to provide the required 25% affordable housing provision through a combination of 50 affordable rented units and Golden Share or commuted sum (11 units) is acceptable.

Concerns have been raised regarding air quality and noise pollution, however these form part of the consideration in the determination of the planning application and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

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

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

3.4 Conditions/reasons/informatives Conditions

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. No construction works shall take place until full technical details of the proposed ventilation system (including HEPA filters) have been submitted to and approved in writing by the planning authority. No residential unit shall be occupied until the ventilation system serving it has been provided in accordance with the approved details.
3. Prior to the installation of any windows, full technical details of the noise protection measures required to mitigate against noise from dock operations and transport noise from Ocean Drive have been submitted to and approved in writing by the planning authority. No residential unit shall be occupied until the agreed noise mitigation measures have been implemented in accordance with the approved details.

4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
5. No construction works shall take place until sample panels, to be no less than 1.5m x 1.5m in size, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, have been submitted to and approved in writing by the planning authority. Construction shall take place in accordance with the approved details.
6. Use of the commercial unit within Block D shall be restricted to Class 1, 2 or Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only and for no other purpose.
7. The approved landscaping scheme (plan ref 36b) shall be fully implemented within six months of the completion of the development.
8. The approved works to create the promenade (plan ref 36b) shall be fully implemented prior to the occupation of the first residential unit.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. To protect the amenity of the occupiers of the development.
3. To protect the amenity of the occupiers of the development.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. To protect the amenity of the occupiers of the development.
7. In order to ensure that the approved landscaping works are properly established on site.
8. To deliver the promenade at an appropriate stage.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare, affordable housing, and transport has been concluded and signed. The legal agreement shall include the following:

Education

A financial contribution is required to Communities and Families to ensure that the cumulative impact of the development can be mitigated. The following contributions are required towards education actions in the Leith / Trinity Education Contribution Zone:

- £711,930 infrastructure contribution (Indexed from Quarter 4 2017 to the date of payment).
- £41,990 land contribution (no indexation).

Healthcare

A financial contribution of £945 per residential unit (which equates to £231,525) (indexed from the last date of signing the agreement) is required to Edinburgh His required to be made to Edinburgh Health and Social Care Partnership with NHS Lothian towards the cost of a new practice to help mitigate the impact of new residential development in Leith Waterfront as identified by the Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018).

Affordable Housing

Twenty-five percent of the total number of residential units shall be developed for affordable housing provision, with 50 units provided in Block A and the remainder (11 units) delivered by Golden Share. A commuted sum for the 11 units (£140,051) will only be acceptable in the situation where the units do not fall within affordable parameters. (If it is necessary to have a commuted sum, the amount will be indexed from the date of last signing of the agreement. The use period to be 15 years from the date of payment of the last instalment).

Transport

The following transport contributions are required:

- a). The sum of £462,548 to relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (of the last instalment sum), (see Note 4 in the consultation response for further information);
- b). The sum of £369,000 (based on 245 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed from the last date of signing the agreement and the use period to be 10 years from date of payment (of the last instalment sum); and

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. Consideration to be given to facilitating connection to any future district heating scheme that may be implemented.
5.
 - a). 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.
 - b). A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
 - c) The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
 - d) In accordance with the Council's LTS Travplan 3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (including 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;
 - e) Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property.

f) 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. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

g) The proposed site is on or adjacent to the proposed Edinburgh Tram. It would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application. Initial proposals were presented to the Edinburgh Urban Design Panel on 27 October 2017.

8.2 Publicity summary of representations and Community Council comments

Matters Raised in Representations

The application attracted four letters of representation including one from The Leith Harbour and Newhaven Community Council. The matters raised in the representations have been summarised in section 3.3.

Background reading/external references

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

**Statutory Development
Plan Provision**

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

A Tram Route Safeguard runs along Ocean Drive to the south of the site.

Ocean Terminal, adjacent to the site, is designated as a Commercial Centre.

Date registered

26 February 2018

Drawing numbers/Scheme

01A, 02A, 03C, 04E, 05C - 08C, 09B - 12B, 13C, 14B - 18B,,
19C - 21C, 22B, 23B, 24C - 27C, 28B - 30B, 31C - 34C,
35B, 36B, 37A, 38A, 39C, 40C, 41B, 42A, 43, 44,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jane Iannarelli, Planning Officer
E-mail:jane.iannarelli@edinburgh.gov.uk Tel:0131 469 3557

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

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

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

LDP Policy 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 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

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

Appendix 1

Application for Planning Permission 18/00846/FUL At Land 120 Metres South East Of 98, Ocean Drive, Edinburgh

Residential development of 245 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping (as amended).

Consultations

Edinburgh Urban Design Panel – 27 October 2017

Recommendations

The Panel was supportive of the design concept for this proposal and acknowledged that it represented an exciting opportunity for the area.

In developing the proposals, the Panel suggested the following matters should be addressed:

- Refinement to the blocks and layout to reflect all of the site constraints and conditions;
- Develop a coherent, high quality pedestrian public realm and landscape design;
- Maximise barrier-free pedestrian permeability into and through the site and minimise conflict with vehicles;
- Develop a variety of typologies for the site; and
- Consider other uses at ground floor.

1 Design Concept

- 1.1 The Panel thanked the presenters for their presentation and thorough analysis of the site context and constraints.
- 1.2 The Panel was supportive of the design concept proposed while noting the challenges of the site and the 'amazing' opportunities given the waterfront location.

2 Layout, built form, height and typologies

- 2.1 Although, supportive of the design concept for the site the Panel strongly encouraged the design team, given the location of the site, to carry out both wind and microclimate studies. These studies may result in changes to building siting and building shapes.
- 2.2 The Panel noted that the proposal will require to be tested through view analysis, from both a local and city perspective. This analysis and testing require to be carried out and may result in design changes to both the siting and height of the buildings.
- 2.3 The proposed broken non monolithic forms and building heights was supported in principle by the Panel as a design concept for the site. However, the Panel noted that further analysis and testing may result in design changes to the siting, form and height of the blocks.
- 2.4 The Panel recognised an opportunity for different typologies to be incorporated into the mix of residential units. This could include units on two levels.

3 Routes, permeability and the spaces between the buildings

- 3.1 The Panel encouraged the appointment of a landscape architect given the design challenges with respect to resolving the design of the routes and spaces between the buildings. Visual permeability through the site was supported by the Panel.
- 3.2 The Panel noted the structural constrains and challenges associated with the site with respect to the harbour wall and welcomed the approach of providing a 10m wide walkway on this edge as a response to this constraint.
- 3.3 The Panel was supportive of the inclusion in the proposals of a design for the 'board walk' route as part of the design for the site. However, they noted the design challenges in achieving a successful pedestrian/cycle route for this east west link particularly if this is also to be used as a vehicular access for the site. Therefore, fundamental to the design of this route is the proposed/extent of vehicular movements.
- 3.4 The Panel noted that the design of the spaces between the buildings and the interface with the edges is a key part of the design which is still has to be addressed. The Panel recognised an opportunity to use the levels and create spaces which are playful, a human scale and permeable. It was also considered important that the ground floor of the buildings addressed these spaces and routes are did not present blank/ non active facades.
- 3.5 It is unclear at this stage if the spaces between the buildings are public or private. The Panel noted that this decision will influence the design and therefore should be considered as soon as possible.

4 Transportation

- 4.1 The Panel noted that the site is well connected to public transport. It was noted that a tram route is proposed on Ocean Drive.

5 Uses

- 5.1 The Panel was supportive of the aim to provide different uses at ground floor. However, were not convinced that retail uses would be successful in this location.
- 5.2 It was suggested that other uses could be considered for the site perhaps in response to who may be living there and or how they will live in the place.

6 Affordable Housing

- 6.1 The Panel was supportive of the inclusion of affordable housing on the site. They encouraged a tenure blind approach including the car parking for these units.

7 Materials

- 7.1 The Panel supported the use of high quality brick for this site and the importance of good detailing given the exposed conditions.

Affordable Housing - (16 Oct 2018)

Housing and Regulatory Services has 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 6 Affordable Housing in the Edinburgh Local Development Plan.

Affordable Housing Provision

This application is for a development consisting of 245 homes and as such the AHP will apply. The applicant has stated that the affordable housing will account for 61.25 (25%) of the new homes, with the onsite delivery being provided by Port of Leith HA.

The development consists of four new build apartment blocks. The proposed affordable housing is a mix of 50 affordable rented homes delivered by Port of Leith HA in a single block located in the North West of the site. The remaining 11.25 units will be delivered by golden share housing and should that not be possible, by payment of a commuted sum.

In discussions with the developers, a request was made for all 61 homes to be provided on site by a housing association. The full 25% provision by an RSL has not been possible for the following reasons:

The developer has put forward a case that this project is close to being unviable. Costs have been agreed with the RSL on the basis of a five storey building. Additional units within this block would mean an increase in height (over 18 metres) and at this height the technical standards become more onerous to comply with. Mainly due to the additional costs required for fire safety measures for any block over 18 metres (6 floors); these measures include, sprinklers, enhanced building materials and lifts and likely requirement for two escape stairs

POLHA and other RSLs seek consolidation of ownership within a single block as this allows them to be able to meet their obligations to tenants to organise repairs and maintenance of their homes. If the affordable provision was split between the block of 50 and another stairwell, this would have not been taken on by POLHA (or other RSLs). Port of Leith have confirmed their stance on this.

Due to these financial viability reasons we would support the provision to be made for 50 units by and RSL, with the balance coming forward as Golden Share. The developer has noted the properties have not been valued to date, therefore, the 11 golden share homes will be assessed by a valuer closer to the time of construction. If they fall within an affordable parameters, then this tenure will be secured for the 11 units. Should they fail to meet this criteria, then a commuted sum will be secured.

The methodology for calculating commuted sums is set out in the Council's Affordable Housing Policy Guidance, and in Scottish Government Planning Advice Note PAN 2/2010.

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. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

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.

- Port of Leith HA are in support of the development and have shown their support for it.
- The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site.
- All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards
- 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 balance of 11 units will be delivered as Golden Share, should they meet the criteria
- Failing that, a commuted sum will be secured
- The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Archaeology – updated 25 July 2018

As discussed although the listed dock wall will not now be built over which is good, this important structure will still form part of the landscaping/public realm for the development. As such it will need to be protected/conserved as part of it and therefore considered under Policy DES 3. Accordingly suggest changing foundation within my suggested condition to landscaping/public realm to ensure that this takes place.

Archaeology – 9 March 2018

Further to your consultation request, I would like to make the following comments and recommendations concerning the above application for residential development of 237 flats over 4 apartment buildings with heights of 7 storeys (Block A), 13 storeys (Block B), 11 storeys (Block C) and 9 storeys (Block D) with a commercial unit, car parking and associated landscaping.

The site occurs at the heart of the historic docks at Leith. A detailed history is contained within AOC's DBA accompanying this application (report 21426) however in summary the site forms part of the Victorian expansion of the port and incorporates the entrance to the B-listed Victoria Dock, the site of a series of 19th century harbour walls and slip ways, warehousing, associated dock buildings, infrastructure and a historic 19th century timber jetty. Given the site's development history the site may have been spared significant dredging activities and as such may contain evidence for buried landscapes dating back to the last Ice Age.

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. 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 DES 3, 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.

Victoria Dock Entrance Walls

As stated the site contains the entrance to the B-listed Victoria Docks. It is essential that this listed dock wall is preserved in situ and as part of the development in accordance with CEC Policies ENV4, ENV8 (b) & ENV9 (b). 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 these w:

'No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation and conservation of the Victoria Dock Entrance walls have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.'

19th Century Timber Jetty

The development will require the removal of the surviving wooden jetty which may date back to the second half of the 19th century. Such a loss would be considered as having a significant adverse archaeological impact. However given the condition of this historic timber jetty such an impact in this case could be seen as acceptable provided that a detailed archaeological survey is undertaken prior to and during development. This is to ensure that a permanent record is undertaken of this locally significant industrial maritime structure is undertaken.

Buried Archaeology

As stated the site contains the potentially significant remains associated with the 19th and 20th century expansion and development of Leith's Port, with the potential for containing important earlier environmental deposits dating back to early prehistory. The proposals will require significant ground breaking works in regards to the construction. 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.

Interpretation: Landscape/Public Realm

As stated the site contains the potentially listed entrance to the mid-19th century Victoria Docks. The proposed landscaping design will see the reaction of a timber broad-walk around the dock edge. However the submitted drawings appear to show this design overlying the historic dock walls which would be contra to general development principals as set out in DES3 which seeks to incorporate and enhance the areas important historic features. Accordingly this aspect **may be considered contra to CEC Policy DES 3**. It is recommended therefor that this aspect of the public realm is looked at in detail and that detailed plans are submitted that will aim to address this.

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 (historic building recording, excavation, paleo-environmental sampling, analysis, reporting, publication, 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.

Children and Families – (11 October 2018)

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), 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.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's [Action Programme](#) (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

190 Flats (55 one bedroom flats and studios excluded)

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.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions 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:

£711,930

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£41,990

Note – no indexation to be applied to land contribution.

Environmental Assessment – (16 October 2018)

The application proposes a residential development consisting of 245 residential apartments over 4 buildings with varying heights from 7 to 13 storey blocks providing a mixture of accommodation as well as associated infrastructure including 154 under-croft style car parking spaces.

In terms of the development plan, the Edinburgh City Local Plan (2010) had allocated the development site for mixed use development comprising of mainly business/retail and leisure. Although it is noted that this site wasn't specifically included within the highlighted area. The current LDP states that the Central Leith Waterfront (EW1b) Area should be of commercial and residential led mixed-use development. Forth Ports Ltd has decided to retain land at the Britannia Quay and south of Edinburgh Dock for port related use, and therefore a modified approach to the development of this area from what is included in the Leith Docks Development Framework (2005) is required. LDP recognises the need for mixed use regeneration of Central Leith Waterfront. It will provide a significant number of new homes however it is noted that the neighbouring site (16/03684/FUL) has consent for a residential led development when the LDP proposed a commercial-led mixed use would be more appropriate. One of the key development principles is designing new housing to mitigate significant adverse impacts on residential amenity from existing or new general industrial development.

To the south of the site, there is a large office block used by the Scottish Government (Victoria Quay). There is currently an open area of land topped with red ash to the southwest. A busy road, Ocean Drive, separates the sites. It is understood that planning permission has been granted for this site to be developed as a residential led development. It should be noted that Environmental Protection did not support that proposed development (16/03684/FUL). This proposed development site itself lies within an extensive area of land which was given over to port and industrial activities. Over the years some of these uses have declined considerably leaving the area of vacant brownfield land with an intensification of port activities occurring in the main port. This proposed development site is directly adjacent to the Port to the north and east with another large office block located to the west. Further to the west of the site and Ocean Drive is the Ocean Terminal shopping centre. The development site is in close proximity to two air quality management areas (AQMA), Great Junction Street (transport related pollution) and the Salamander Street AQMA (fugitive and other pollution sources).

The site has a direct line of sight across to the port. The site is near 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.

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 council's 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 proposes 300 cycle parking on the ground floor of the buildings. Vehicle parking is located away from the public realm and in many cases beneath landscaped decks to help mitigate impact of cars. The applicant will be required to provide a minimum of 26 (7Kw type two) electric vehicle charging points as required in the Edinburgh Design Standards.

Environmental Protection have previously raised concerns regarding noise and local air quality for other nearby residential developments. The applicant has therefore engaged with Environmental Protection at an early stage to ensure all the required information and data is submitted with the detailed application. The applicant has now submitted a noise impact assessment and after 3 months of onsite monitoring an air quality impact assessment has also been submitted to support the application.

Local Air Quality

As the site is in close proximity to two AQMAs the applicant has carried out onsite monitoring for particulate matter. Elevated levels of this pollutant have been the reason an AQMA has been declared to the east of the development site in January 2017. Fugitive emissions from the handling and storage of open material at Leith Docks, was found to be a contributory factor in the elevated concentrations. This AQMA does not cover the applicants proposed development site as there were no sensitive receptors proposed for this site at the time the city-wide survey for Particulate Matter was undertaken. The applicant has done Particulate monitoring on-site between 27th February and 7th June 2018 using a continuous automatic air quality monitor. Wind speed and direction were also recorded at the monitoring station with a time lapse camera capturing activities in the surrounding area.

The main reason Environmental Protection requested monitoring was due to concerns that fugitive emissions thought to be from the port may lead to non-compliance with the air quality objectives for Particulate Matter 10 micrometres or less in diameter (PM10).

Particulate Matter is measured in many different size fractions according to diameter. Most monitoring is currently focussed on PM₁₀, but the finer fractions such as PM_{2.5} and PM₁ are becoming of increasing interest in terms of health effects. Fine particles can be carried deep into the lungs where they can cause inflammation and a worsening of the condition of people with heart and lung diseases. In addition, they may carry surface-absorbed carcinogenic compounds into the lungs.

Local authorities must assess PM10 concentrations against the 18ug/m³ annual average objective hence the assessment considered whether the PM10 Objective levels would be breached.

The survey period included periods of severe weather and should represent a worst-case scenario, however the measured average over the ~100 days of the survey are unlikely to be fully representative of the annual mean.

The monitoring period of three months meets minimum standards but it is difficult to provide a robust understanding of the annual concentrations. The data therefore, must undergo a process of '*annualisation*', and although some of it is described as such, it has not been undertaken in accordance with the appropriate technical guidance (LAQM Technical Guidance 16).

Some comparison is made with 'annualisation' factors for a different year period (2017) to the monitoring. However, this is not acceptable. It has also been noted that some of the 2017 annual mean data used in the model are incorrect.

Overall PM10 data in the report has been assessed against a proposed air quality objective of 20µg/m³, whereas the current objective in Scotland is 18µg/m³. Note average recorded PM10 level was 19µg/m³ which is in breach of the objective levels and would likely require the AQMA to be extended if the proposed development is built out. It is noted that the elevated levels have been generated when there is an offshore wind. This is the prevailing wind direction therefore exceedances would be likely.

Additionally, it is noted that the applicant describes how the results of the Council's own detailed assessment for PM10 "indicates that the proposed development is out with the zone where emissions from the port are at risk of exceeding the PM10 objectives". It should be noted that the detailed assessment work was assessing levels in respect to existing residential exposure and that there is none near the proposed development site. Additionally, model verification that was undertaken for the Council's assessment work used data from the Salamander Street monitoring station and therefore the accuracy of the model in respect to the impact further away from Salamander Street is lower. Therefore, the developer was required to undertake monitoring.

In conclusion, the data indicates that future residential properties could be exposed to unacceptable levels of particle pollution in excess of the Scottish Objective level.

There is a risk that should residential properties be developed in the area; the Council would be obliged to monitor and assess the levels in accordance with government standards. If objectives are breached an AQMA would have to be declared and thereafter a process of Action Planning with stakeholders would have to be undertaken, to try to ensure concentrations are reduced.

Environmental Protection are therefore concerned with the PM10 levels impacting this site, it is recognised mitigation options are limited to deal with this pollutant within the proposed development site. The applicant proposes no mitigation measures. Environmental Protection would recommend refusal on this issue alone.

It should be noted that Environmental Health Officers have investigated seventeen dust complaints due to thick dust clouds being generated by the off-loading of aggregates from vessels on the Port. SEPA may hold further details on these incidents. There are several operational cement batching plants in the Port which are regulated by the Scottish Environmental Protection Agency (SEPA) under the Pollution Prevention and Control regime (PPC). It is also noted that SEPA have raised concerns with this proposed application on the ground of local air quality impacts which is a material planning consideration.

Another issue is the possible impacts the proposed developments traffic will have on the other existing AQMA declared for Nitrogen Dioxide (NO₂) a transport related pollutant. The applicant has not submitted an air quality impact assessment to predict the impacts this proposed development may have on the nearby AQMA for Nitrogen Dioxide (NO₂).

The scale of the proposed development's parking provision is therefore problematic. There is the potential for adverse traffic impacts, as a result of the development, on the nearby AQMA which has been declared for Nitrogen Dioxide. The main source of this pollution is traffic generated and this site will introduce a significant number of vehicles onto the network. The neighbouring committed development has consent for 374 parking spaces which 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 (100%) electric vehicle charging facilities.
4. Public transport incentives for residents.
5. Improved cycle/pedestrian facilities and links.

Environmental Protection has concerns regarding residential use on this site. This site is located adjacent to the some of the likely sources of the pollutants and will introduce new residential properties into an area which may exceed the statutory objective levels for PM₁₀. In addition, there has been no assessment on the potential transport impacts and therefore it is not possible to assume no adverse impacts.

Port noise

The proposed site is adjacent to an existing port and commercial activities. Noise from the port has the potential to adversely affect residential amenity, particularly from shipping operations at night.

The noise impact assessment has correctly concluded that 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.

The noise impact assessment for the port activities has been modelled with road noise deducted from the measurements. The assessment has highlighted that the main sources of noise from the port was recorded during the daytime when there was increased port activity. The measured baseline levels included activities such as sandblasting associated with ship maintenance operations and bulk material being handled. It is noted that there are no restrictions on the port and port activities which may be carried out during night-time hours and much closer to the proposed development site.

The applicants suggested mitigation for port noise is the same as that proposed for transport noise. This would be in the form of acoustic glazing and MVHR. However, Environmental Protection have the same concerns as raised with the proposed transport mitigation measures as no detail has been provided. Furthermore, Environmental Protection require internal noise levels to be achieved with open windows when the source of the noise is from industrial port operations.

Therefore, Environmental Protection would recommend the application is refused on the grounds of noise impacts alone.

Traffic Noise

The site is near 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 levels inside the proposed dwellings have been calculated in accordance with the required criteria. Noise levels within the worst affected dwellings, 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 50 dB Rw and a whole-house mechanical ventilation heat recovery (MVHR) system.

The required noise reduction levels for transport noise is significant, the required glazing units will need to be substantial. Environmental Protection would need to condition such mitigation measures and would therefore require the specific details on the glazing units required for each affected habitable room. This detailed acoustic glazing information has not been provided. Environmental Protection have the same issues with the proposed MVHR as no details have been provided. Furthermore, Environmental Protection would raise concerns with the use of MVHR especially in an area that is located on a site with elevated PM10 levels as it would be difficult to locate the inlet to ensure pollutants did not enter the habitable rooms. The proposed MVHR systems would require regular maintenance and this is not something that can be controlled by a planning condition.

Additionally, noise from the road traffic has been predicted at near ground level across the development for external amenity levels. External noise levels from road traffic noise are predicted to significantly exceed the World Health Organisations Community Noise Guideline levels for external amenity space on most elevations.

In line with The Environmental Noise (Scotland) Regulations 2006, a Noise Management Area was declared on Lindsay Road at Portland Street relating to transportation noise and residential receptors. This development will also add to the number of residential receptors as well as potentially increasing the transportation noise in the area.

Contaminated Land

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

Recommendations

In conclusion, Environmental Protection recommend the application is refused. This is due to the potential noise impacts the Port and traffic noise may have on the development site. The car parking numbers are excessive and will potentially adversely contribute towards impacts on the nearby AQMAs. It is likely that if the site is developed out that Planning would need to declare the area the as an AQMA for PM10 levels.

Therefore, overall Environmental Protection recommends that this application is refused.

Roads Authority – 17 October 2018

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

1. Due to the potential impact on the Edinburgh Tram the proposed loading and servicing layby on Ocean Drive is not approved. Policy Tra7 of the Edinburgh LDP is relevant. (See Note 4 for further information);

2. Contribute the sum of £462,548 to relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment, (see Note 5 for further information);
3. Contribute the sum of £369,000 (based on 245 residential units in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
4. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
5. 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;
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
7. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;
8. 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;
9. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property;
10. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the 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;
11. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:
 - a. A maximum of 245 car parking spaces, 154 unallocated car parking spaces are proposed;
 - b. Where 10+ car parking spaces are being provided 1 in 6 should be equipped for Electric Vehicle charging, this would require 26 spaces, 28 are proposed;
 - c. Where 10+ car parking spaces are being provided 8% should be designated as accessible, this would require 12 spaces, 13 accessible spaces are proposed;
 - d. A minimum of 523 cycle parking spaces, 336 cycle parking spaces are proposed;
 - e. A minimum of 9 motorcycle parking spaces, 11 spaces are proposed;
2. The justification for this level of car parking is based on 2011 census data relating to overnight car parking and the proposed trip rates. This information is combined and used to forecast the occupancy levels of the car park throughout a 24hr period. Using this forecast the maximum occupancy of the car park is predicted at 142 spaces. The additional spaces are justified by the limited availability of on street parking in this area and attempting to limit any potential parking overspill onto the surrounding streetscape. This level of parking is also justified by the availability of local services and employment in the surrounding area, as well as highlighting that this site is well connected in terms of public transport, which could be further improved through the delivery of the Tram Line Completion Project.
3. The justification around the reduced level of cycle parking relates to the City of Edinburgh Council's 2020 cycle mode share target of 20% combined with the average occupancy level of 2.5 people per dwelling, the applicant equates this to a demand of 120 cycle parking spaces. It also highlights the by the availability of local services and employment in the surrounding area, as well as this site being well connected in terms of public transport. The 336 proposed cycle parking spaces will be high density two tier racks that will be in communal stores located within the block cores. Consideration has been given to the justification and a relaxation of the minimum standard is considered acceptable due to all the proposed cycle parking being communal.
4. The proposed loading and servicing layby has raised significant concerns from the City Of Edinburgh Councils Public Transport Team and the Tram Operator - Edinburgh Trams, as any misuse of the layby or undisciplined parking by users could result in parked vehicles obstructing the proposed tram line and causing a delay to the Tram. Whilst it is understood that the implementation of both this development and the proposed Tram Line Completion would increase the requirement for parking enforcement in this area the proposed layby is considered to introduce a potential conflict point that could require an unreasonable amount of Officers time to enforce properly. Also it needs to be considered that Ocean Drive has been identified in the Active Travel Action Plan 2016 as a longer term proposal for dedicated cycle infrastructure that will form part of the Quiet Route Network. Whilst no there is no particular detail for this route at this time the north side of Ocean Drive has been identified as ideal position for this cycle route due to the technical requirements to the east of the site. The proposal for a layby may prejudice this proposed cycle route;
5. The transport contributions have been calculated by the following:
(Total cost of identified actions / Estimated total housing capacity of Leith Waterfront and Central Waterfront, including Salamander Place, as per LDP) x number of proposed units
The identified transport actions and total cost are as follows:
 - a. The Water of Leith Cycle Route (Commercial Street to Warriston): Total action cost - £637,000

b. West end of Victoria Quay building to Water of Leith Cycle Route via Citadel:
Total action cost - £306,250

c. Ocean Drive Eastwards Extension: Total action cost - £12,678,750

(£13,631,000 / 7220) * 245 = £462,548

6. A RCC application will need to be made in relation to this development with all road, footways, footpaths, accesses, cycle tracks, verges and service strips built to an adoptable standard. The issue of maintenance liability can be agreed during this process. This is to ensure that the public will have a right of passage over the certain areas of this site in particular the section of the Edinburgh Promenade.

TRAMS - Important Note:

The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way

<http://edinburghtrams.com/community/working-around-trams>

Flooding – (27 July 2018)

No objections

Scottish Natural Heritage - (further comments dated 26 November 2018)

I have checked our initial response to this development and the only point we raised was regarding otters, which has been answered by the survey and mitigation discussed below. We are satisfied with this, therefore we have no further comment in relation to this development.

Scottish Natural Heritage – 14 August 2018

Thank you for sending these documents through, I have discussed these with our licencing advisor, and can confirm that the information provided is sufficient to answer the point raised in our response letter for 18/00846/FUL, with the following advice:

- Depending on the length of time it takes to rebuild the quay wall (18/00186/FUL) and if there is a break in between work finishing and beginning on the residential development, it may be necessary to carry out an update survey, as surveys are only valid for 18 months.
- The protection plan produced for the quay wall does not mention the residential development, however the mitigation specified could be slightly updated to incorporate the construction work, as the General Mitigation (2.3) would be the same – ‘construction work for the residential development’ could be added within the Specific Mitigation, section 2.4.

Scottish Water – (7 March 2018)

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Marchbank Water Treatment Works.

However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment

Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish

Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish

Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at

www.resourceefficientscotland.com

SEPA – (Further Comments 13 August 2018)

Our objection is now withdrawn – please note the advice below.

We welcome clarification over the points made in regards to the assessment of PM10 concentrations on the development site. The council should be satisfied that sufficient information is now available to determine that air quality objectives for particulates (PM) are being met and that no mitigation is required.

The monitoring indicates that the docks are not the primary source of PM10 in the area and that diffuse pollution from the city is likely the primary contributor. We agree with this, however, the short term monitoring period and severe weather conditions may not give an accurate indication of pollution concentrations on the development site. The Council's Environmental Health section should be consulted on this matter as further assessment may be required.

Annualisation of the data using 2017 data would appear to indicate that the PM objectives will be met. This annualisation should be repeated using 2018 data in line with LAQM TG16 guidance at the end of the year. Results should be reported to the council.

When determining this application the council should be aware that exceedances of the PM objectives after the introduction of residential receptors will lead to the need to declare an Air Quality Management Area (AQMA). If planning permission is granted, SEPA anticipate that the council will need to consider this receptor in their annual review and assessment of air quality under the LAQM regime.

SEPA Comment dated – 20 March 2018

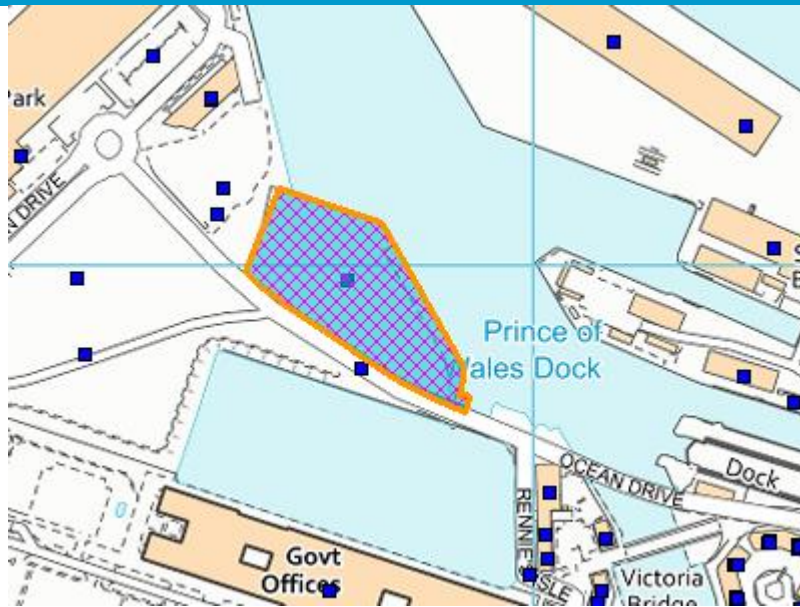
We **object** to this planning application on the grounds of a lack of information relating to air quality. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

Air Quality

- 1.1 The development is within close proximity to two Air Quality Management Areas (AQMAs). These being the Great Junction St AQMA and Salamander St AQMA. The first being declared for NO₂ and the second for PM₁₀. The proposed development for 237 flats, with a commercial unit and car parking could lead to increased concentrations of air pollutants during both the construction phase (dust) and operational phase (traffic emissions). The introduction of new receptors to an area of existing poor air quality is also of concern due to the site location.

- 1.2 Considering the above, an Air Quality Impact Assessment utilising air dispersion modelling should be submitted as part of the planning application for this development. The scope of the assessment should be agreed with the City of Edinburgh Council and follow the guidelines in LAQM TG (S) 16. SEPA advises that the assessment should consider the impacts of the construction and operational phases of the development on local air quality. Committed development should also be included in the assessment where possible. Details of assessing cumulative impacts are given in to EPUK and IAQM guidance; Land Use Planning and Development Control Planning for Air Quality
- 1.3 The assessment should demonstrate that there will be no exceedances of the statutory air quality objectives as a result of the development. The assessment should also demonstrate that air quality objectives are not being exceeded on the development site itself. If exceedances are identified, suitable mitigation measures should be clearly outlined.
- 1.4 SEPA is pleased to note that the City of Edinburgh Council's Environmental Assessment Services, have requested monitoring of PM₁₀ concentrations on the development site for a period of 3 months to ascertain background levels. The data collected will be a useful indication of existing concentrations on the development site. The monitoring report, including data analysis in line with LAQM TG (S) 16 guidelines should be submitted as part of the planning application.
- 1.5 With regards to the summary of particulate monitoring at Victoria Quay from November 2016 - March 2017 (35m south of the development site). The concentrations recorded for both PM₁₀ and PM_{2.5} could be considered close to the annual mean objectives for these pollutants. In Scotland, the annual mean PM₁₀ average should be below 18µg/m³ and the annual PM_{2.5} average should be below 10µg/m³. The average measured concentrations at Victoria Quay were 16µg/m³ and 8µg/m³ for PM₁₀ and PM_{2.5} respectively. The short monitoring period, means it is not possible to say whether the annual mean objectives are being met, without annualisation of the data or 12 months of continuous monitoring.
- 1.6 On site energy production is also being considered for this development. If CHP is deemed a viable solution then an assessment of pollution impacts, including air quality should be submitted at the detailed design stage. As stated in the energy strategy, SEPA support that biomass fuelled systems are not suitable for this site given concern over particulate and NO_x pollution.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END