

Development Management Sub Committee

Wednesday 25 September 2019

**Application for Planning Permission 19/02778/FUL
At Land 143 Metres Southeast Of 94, Ocean Drive,
Edinburgh**

Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).

Item number

Report number

Wards

B13 - Leith

Summary

The proposed development is of an acceptable design, scale and density and will provide 338 new homes for the Leith Waterfront area. It will contribute to the wider regeneration of Leith Waterfront through the provision of new housing and commercial units on a vacant urban gap site and will provide a new stretch of walkway along the quayside.

Although concerns have been raised about noise pollution, these have been mitigated by conditions.

All the affordable housing will be provided within the site and will be tenure blind. The application is not fully compliant with policy because the rents are above the Local Housing Allowance but the approach is justified and supported by the Enabling and Partnerships team.

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

Links

[Policies and guidance for this application](#)

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

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buildings with heights of 10 storeys (Building A), 14 storeys
(Building B), 12 storeys (Building C) and 10 storeys (Building
D) with two commercial units (Class 1,2,3 and 4), 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 1.01 hectares 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 replacement quay wall was constructed in early 2019.

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).

5 December 2018 - Committee minded to grant planning permission for 245 apartments over four blocks (legal agreement not yet concluded) (application reference 18/00846/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).

Main report

3.1 Description Of The Proposal

The application is for the development of 338 residential units over four blocks. The development will provide Build to Rent (BTR) accommodation. Two commercial units (classes 1, 2, 3 and 4) with a total area of 312 sqm will be located at ground floor level on two of the blocks. A total of 84 affordable housing units (25%) will be provided on site.

The four blocks have been arranged as finger buildings in a north-south orientation.

Block A, to the west of the site, will be 10 storeys high and comprise 81 units in total. The block will contain nine studio units, 45 x one bed units, 18 x two bed units and nine x three bed units. A commercial unit will be located on the ground floor.

Block B will be 14 storeys high and comprise 123 units in total. The block will contain 12 studio units, 37 x one bed units, 49 x two bed units and 25 x three bed units.

Block C will be 12 storeys high and comprise 89 units. The block will contain one studio unit, 32 x 1 bed units, 33 x two bed units and 23 x three bed units.

Block D will be 10 storeys high and comprise 45 units. The block will contain ten studio units, 26 x one bed units and nine x three bed units. A commercial unit will be located on the ground floor.

As well as the commercial units on the ground floors, large areas of shared amenity space will be located on the ground floor including reception areas, concierge, gyms and lounge space. Bin and bike stores and plant areas will be located in the rear of the ground floor areas.

Communal and private gardens will be located at grade between blocks A and B and at deck level between blocks C and D along with a communal roof terrace on top of block B.

Facing brick is the proposed primary cladding material with four brick varieties. Metal cladding will be the secondary cladding material in a tone chosen to complement but contrast with the brick cladding. This tone will also be consistent with window frames, window cills and will be used to clad the building entrance.

The proposed development has public and shared amenity space with a pedestrian / cycle board-walk adjacent to the edge of the dock to the north. The boardwalk will include landscaped public realm including pocket parks which will be available for public use.

An access road will follow the line of the western boundary and will continue to the north of the blocks, separated from the public boardwalk by a generous landscaped strip beyond a line of parking spaces. The access road will continue to the edge of the eastern boundary where it will link back onto Ocean Drive. The road will provide access for parking spaces, refuse and emergency vehicles.

A total of 71 car parking spaces are proposed. Fifty-one of those will be surface-parking with the remainder under deck or under-croft. Twelve electric charging spaces, two City Car Club spaces and 14 motor cycle spaces are proposed. Bike storage using a three tier system will provide 708 spaces.

The site will be developed in two phases. Phase one will include the vehicular entrance / exit to the west of the site, the construction of blocks A and B, and all landscaping associated with blocks A and B (with the exception of the boardwalk). Phase two will include the construction entrance and exit to the east of the site, the construction of blocks C and D and landscaping associated with this phase. The boardwalk will be included within this phase.

Scheme 1

The application has been amended to change the balcony details and increase the amount of cycle parking.

Supporting Documents

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

- Pre-Application Consultation Report
- Design and Access Statement
- Flood Risk Assessment
- Daylight and Sunlight Assessment
- •Sustainability Statement
- •Transportation Statement
- •Surface Water Management Plan
- •Otter Report
- •Noise Impact Assessment
- •Air Quality Report
- Affordable Housing Statement

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) Parking and access are acceptable;
- d) There are any amenity issues;
- e) Impact on infrastructure can be mitigated;
- f) The proposal meets the sustainability criteria;
- g) There are any other material planning considerations; and
- h) The representations raised have been addressed.

a) Principle of Development

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

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 338 units which will contribute towards meeting the identified housing need in Edinburgh.

LDP Policy Del 3 (Edinburgh Waterfront) supports developments that will contribute towards the creation of new urban quarters at Leith Waterfront and requires development proposals to include the provision of a series of mixed use sustainable neighbourhoods that connect with the waterfront. The development will include a mix of unit sizes and provides a variety of tenure with Build to Rent (BTR) accommodation and affordable housing. The proposed boardwalk along the edge of Albert Dock will be publicly accessible and will eventually link to the existing boardwalk at Ocean Terminal. Two commercial units are proposed and will provide an active frontage to Ocean Drive. The units have the potential to be opened out onto terraces and landscaped courts. They will complement the existing and emerging mix of land-uses within the surrounding area.

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

b) Design, Scale and Layout

LDP Policy Des 1 (Design Quality and Context) encourages development that will contribute towards a sense of place and draws upon the characteristics of the surrounding areas.

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 proposed development will provide an attractive and active frontage onto Ocean Drive and will provide public access to Albert Dock. The buildings have ground floor uses and landscaped courts between blocks A and B which will allow direct access through the site to link Ocean Drive with Albert Dock. The landscaped areas fronting Ocean Drive relate to areas of open space on the housing site across Ocean Drive.

The boardwalk will allow access to the water's edge and will be strengthened by a linear park which includes an activity / play zone for the public, and interactive natural play features for private community use between the blocks including stepping stones, sleeper balance beams and bug hotels. The development therefore respects the context of the site by providing access and views to the water's edge.

LDP Policy Des 4 (Development Design) requires new development to have a positive impact on its surroundings, having regard to height and form, scale and proportion, and materials and detailing.

The four blocks have been arranged in a north-south orientation and the blocks have been splayed to allow sunlight and daylight to permeate through the development and to allow glimpses between some of the blocks to visually link Ocean Drive and Albert Dock. The development has extensive public and shared amenity space with landscaped areas around the blocks and a landscaped linear park alongside the proposed boardwalk.

The apartment blocks vary in height from 10 to 14 storeys, with the two highest blocks positioned in the centre. The surrounding area comprises a mix of uses and architecture including buildings of high density. The development site to the south west has taller buildings opposite Ocean Terminal, tapering down to three storeys for the small area of frontage that is on the opposite side of Ocean Drive from the proposed development. The office block to the west of the site is nine storeys high and it is envisaged that a block of similar height will be developed immediately adjacent to the application site. A proposal for a hotel at Ocean Terminal was approved in 2017 and indicated a height of 55 metres, although this was a PPP application and heights were reserved. The proposal will add to this mix through the provision of a high quality, high density residential development.

The density is 338 units per hectare. Density of this scale was always envisaged in the Leith Docks Development Framework (2005). A previously approved residential development (now expired) was for 16 storeys and the development approved in 2018 was for blocks of up to 13 storeys. High density development on brownfield sites in the waterfront is essential to achieve the housing figures set out in the LDP and the proximity to the proposed tram supports high density development.

The Design and Access Statement includes a view analysis which provides an understanding of the visual impact of the proposal. It is accepted that the development will be highly visible within the immediate area but, given the waterfront setting and the existing tall buildings in the area, the site is capable of accommodating development of this scale. The wide setback of the blocks from the quayside and the use of landscaping will soften the impact of the development when viewed from the surrounding area.

The development has two important frontages. The north frontage looks onto the edge of the dock with service uses on the ground floor and living accommodation above with views across the dock. A landscape strip separates the blocks and parking areas from the boardwalk. The southern frontage addresses Ocean Drive with uses such as the entrance features for the blocks, commercial uses with space on terraces for uses to spill onto the street, communal uses and a gym to activate the street frontage.

The buildings have been designed to read as a family of buildings, each with their own identity. The buildings have been developed with a simple and elegant frame with large glazed or metal clad openings between the brick facades. In terms of materials, the buildings will be subjected to high winds and wind driven rain as well as salt within the air from the harbour so a limited palette of materials that take the conditions into account and allow the building to age well is proposed. Brick will be the predominant material to reflect and complement the materials used within the area and reflect the materials used in the site opposite. Four different bricks will be used to provide each block with its own identity. Metal cladding will also be used with the colour and finish used for the window frames, window cills and balconies. The simple design, in association with the landscaping, will positively contribute to the changing sense of place within the Leith Waterfront area.

LDP policy Des 10 (Waterside Development) requires development of 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 quay side and includes a wide area of landscaping between the access road and the boardwalk. The landscaping includes benches and areas for play to increase the attractiveness of the boardwalk. There will be a direct, publicly available, route through blocks A and B which will link the boardwalk to Ocean Drive and the residential development opposite.

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 development is for Build to Rent (BTR) accommodation and will include 25% affordable units (as discussed in section 3.3h) below. The following mix of accommodation is proposed:

- 32 x studio units (9%)
- 140 x one bed units (41%)
- 100 x two bed units (30%)
- 66 x three bed units (20%)

The Edinburgh Design Guidance recommends that developments provide at least 20% of units having three or more bedrooms and the development complies with this requirement. The development also complies with the minimum room sizes for BTR units.

LDP Policy Hou 3 (Private Green Space in Housing Developments) requires development to make adequate provision for green space to meet the needs of future residents. The development includes large areas of landscaped gardens between the blocks. Residents will benefit from communal and private gardens at podium level between blocks C and D. This landscaped deck will be accessed from the first-floor level and an external stair will provide a direct link to the boardwalk. A communal roof-terrace will be located on top of block B. Overall, there is 2945sqm (30%) open space within the site.

In addition, the development proposes to extend the existing boardwalk along the edge of Albert Dock and proposes a generous landscaped area adjacent to the boardwalk containing play / activity areas and pocket parks. The play areas are dispersed throughout the site to add interest to all parts of the site.

The proposed landscaping is of a simple design with species appropriate for the location. The planting will enhance the site and provide a buffer between the public promenade and private road / parking area north of the blocks. The blocks themselves and the raised landscaped deck provides a buffer to the boardwalk from the prevailing south westerly winds and landscaping between the blocks has been designed to take into account winds.

Overall, the scale, layout and design are acceptable and accord with LDP Policies Des 1,4 and 10, and Hou 2 and 3 and the Edinburgh Design Guidance.

Notwithstanding the above, concerns have been raised that the development does not reflect the heritage of the area and is an inappropriate form so close to the Leith Conservation Area. The site is separated from the conservation area by the Water of Leith and Victoria Dock. This area is going to contribute to a modern, vibrant part of the waterfront, distinct from historic Leith. The heritage of the area has been considered in the design by positioning the block in a north - south orientation to allow access and glimpses of the water and working dock, rather than positioning a block east-west which would be a visual barrier from Ocean Drive and preventing visual connection with the dock. The quay wall has already been strengthened by the developer and the proposed boardwalk will provide access to the edge of the dock which is not publicly available now.

It is concluded that the proposal will not impact adversely on the Leith Conservation Area.

c) Access and Parking

Access

Transportation information was submitted as part of the application which provides a detailed assessment of the transport considerations associated with the development.

Vehicular access will be provided from Ocean Drive via a loop located behind the blocks. This road will provide access to car parking and waste collection and access for emergency vehicles. Concerns have been raised regarding the additional traffic in the area caused by this development and the impact in the surrounding area. However, the level of parking has been restricted with only 71 car parking spaces proposed for 338 flats. This site is identified for housing in the LDP, benefits from excellent public transport connections and will enhance the existing cycle routes in the area. Subject to the required contribution to the tram and other transport infrastructure identified through the LDP Action Programme, the proposal will 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 objections have been raised by the Roads Authority.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) seeks to protect safeguarded transport routes which includes the cycle / footpath to the north of this site and the proposed tram along the southern boundary of the site.

The proposal includes the extension of the boardwalk and it 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 boardwalk and associated landscaping.

The internal loop road has been designed to remove any servicing requirements away from Ocean Drive to eliminate conflict with the operation of the proposed tram. The current tram proposal has no pavement along the north side of Ocean Drive but there is a strip of land between the heel kerb of the new proposed road and the southern site boundary. Although this is outwith the boundary of the site, an agreement has been reached to implement this in accordance with the proposed tram works. 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 Car Parking) requires developments to 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 a total of 71 off street car parking spaces for 338 residential units. Under the 2017 parking standards, a maximum of 344 car parking spaces are permitted. This reduced level of parking is acceptable due to the accessibility of the site to public transport, including the proposed tram. Six of the spaces (8%) will be accessible spaces and 14 motorcycle spaces are proposed. Twelve electric charging spaces and two City Car Club spaces are included. The level of vehicle parking is acceptable and accords with LDP Policy Tra 2 and the Edinburgh Design Guidance.

Cycle Parking

A total of 708 cycle parking spaces are proposed. The proposed cycle parking is mainly comprised of high density, three tier racks, some dedicated spaces for non-standard bikes and external visitor spaces. The 2017 parking standards requires 707 spaces so the amount of cycle parking complies with this. The cycle parking is distributed throughout the site over a number of communal cycle stores located on the ground floor of all of the residential blocks.

Overall, the access and levels of parking are acceptable in terms of the LDP policies and the Edinburgh Design Guidance.

d) 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

Three possible areas of concern relating to noise have been identified for the site, namely noise from road traffic, port operations and the proposed commercial units. A Noise Impact Assessment has been submitted to consider the potential noise impact. Technical details of ventilation and window acoustic mitigation have been submitted to ensure that neither port nor traffic noise affect residential amenity.

(i) Noise from road traffic

A Noise Management Area has been established on Lindsay Road at Portland Street relating to transportation noise and residential receptors. This development will add to the number of residential receptors. Road traffic noise levels inside the proposed dwellings have been assessed and it has been established that noise levels within the worst affected dwellings will require acoustic insulation with trickle vents to comply with the required noise standards. Environmental Protection requires a condition to address the mitigation measures and requires the specific details on the glazing units required for each affected habitable rooms.

(ii) Noise from port operations

The Noise Impact Assessment has concluded that port activity has the potential to have a significant adverse impact at the nearest residential receptors within the proposed development. It demonstrates that rooms with windows on the most exposed elevation would not comply with the required noise criteria allowing for open windows. Outdoor amenity space including terraced areas will also fail to meet the required noise criteria. The applicants have suggested that mitigation from port noise is the same as that proposed for transport noise, i.e. in the form of acoustic glazing and wet/dirty room extracts. However, Environmental Protection requires internal measures to be achieved with open windows when the source of the noise is from industrial port operations.

Environmental Protection requested a further noise study from the Fingal vessel when entertainment events were taking place. The study demonstrated that the entertainment noise was inaudible at the development site.

In previous applications for this site and other adjacent sites, mitigation measures have been agreed with acoustic glazing specifications. The condition suggested by Environmental Protection (if approval is recommended) is attached to the consent.

(iii) Noise and odours from commercial uses

The two commercial units are intended for use classes contained in Use Class 1 (retail), Use Class 2 (professional and other services), Use Class 3 (food and drink) and Use Class 4 (office). Environmental Protection is concerned that premises could change from Use Class 4 to Use Class 6 (storage and distribution) as permitted development and has suggested a condition to prevent this.

Concern has been raised regarding the potential for noise from parties on the roof terrace on top of Block B. The flats will have 24 hour on-site management to respond to any potential issues regarding the misuse of this space.

Conclusion

Environmental Protection recommends that the application is refused for reasons of potential noise from traffic and port related noise but has suggested conditions, should consent be granted. However, the principle of housing development is supported by the LDP and there is an existing Mindful to Grant consent for the site. Mitigation measures have been submitted by the applicant to provide acoustic glazing specific to the location of each room and the condition suggested by Environmental Protection has been attached in respect of this.

Air Quality

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) ensures that applications are assessed to ensure that development does not adversely affect air quality in identified Air Quality Management Areas (AQMAs).

The site is in close proximity to two AQMAs. Environmental Protection acknowledge that vehicle parking is located away from the public realm and in many cases beneath landscaped decks to help mitigate the impact of cars. In addition, the application has a minimum number of car parking spaces and has a high percentage of electric vehicle charging points. The applicants have undertaken three months of on-site monitoring for particulate matter at the request of Environmental Protection and submitted an updated air quality impact assessment to support the application.

The air monitoring data has been annualised and shows that levels on the site (15 ug/m³) will be well below the annual PM10 objective in Scotland levels (18 ug/m³). Environmental Protection is satisfied that future residential properties will not be exposed to unacceptable levels of particle pollution more than the Scottish Objective level but require ongoing air quality monitoring to be carried out. A financial contribution towards the cost of the monitoring hardware, maintenance and servicing has also been suggested but this is not reasonable as it is not necessary to mitigate the impact of development and there are no identified costs associated with this.

Environmental Protection has advised that dust can cause a nuisance on occasion generated by the off-loading of aggregates from vessels at the Port but has stated that the cement batching plants in the port are regulated by SEPA under the Pollution Prevention and Control regime (PPC).

The second AQMA near the site was declared for Nitrogen Dioxide (NO₂), a transport related pollutant and Environmental Protection has expressed concern about the neighbouring approved housing site. Environmental Protection has acknowledged that the proposed development has kept parking levels to a minimum and encouraged the applicants to produce a Green Travel Plan to incorporate measures to mitigate traffic related air quality impacts.

The principle of housing on this site is supported by the LDP and there is an existing consent on the site (for an increased number of parking spaces).

Microclimate

The coastal location of the site means that it is already exposed to high wind speeds during a typical year. A microclimate study was carried out using Computational Fluid Dynamics (CFD) modelling to identify the effect of the development on wind speed throughout the site.

The results of the study were used to inform physical interventions within the landscape to reduce localised wind speeds from certain directions, and help protect pedestrians in vulnerable areas. Mitigation measures include physical barriers such as steel screens and plant-supporting trellises, and a small steel and timber pergola.

The study will also inform a robust management strategy to restrict access to exposed roof areas during extreme wind speeds.

Privacy

Privacy is afforded to all occupiers of the new development and to neighbouring properties at the adjacent site.

Daylight

i) Neighbouring Properties

Daylighting analysis was carried out on the Vertical Sky Component (VSC) at neighbouring residential properties to test compliance with BRE guidance "Site layout and planning for daylight and sunlight: a guide to good practice" and Edinburgh Design Guidance. The results show that following construction of this development, daylight levels will fully comply with this guidance.

ii) Skyliner

Within the proposed development, rooms were assessed using the 'no sky line' approach outlined in the Edinburgh Design Guidance and the Average Daylight Factor (ADF) criteria set out in the guidance. Results show that all rooms conform to the minimum ADF requirement of 1% for bedrooms and 1.5% for living rooms.

Sunlight

The Edinburgh Design Guidance requires at least half of garden or amenity space receive at least three hours of daylight on 21st March. Sunlight analysis was carried out on all 22 garden spaces within the proposed development. Results show that 18 of these spaces conform to the Edinburgh Design Guidance requirement.

The remaining four garden spaces fall short of this requirement, but still achieve between 75% and 100% of their area as having direct sunlight for at least one hour during the day.

On balance, taking into account the high levels of amenity that will benefit the flats in terms of views and the quality of this urban development, a minor infringement of the guidance is acceptable in this instance.

e) Infrastructure Requirements

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.

Education

The site falls within the Leith Trinity Contribution Zone and the following contributions are required to help mitigate the impact of new residential development in Leith Waterfront:

- £622,002 infrastructure contribution (index linked)
- £36,686 land contribution (no indexation)

Healthcare

The site is located within the Leith Waterfront Healthcare Contribution Zone which requires a contribution of £945 per residential unit. This equates to a contribution of £319,410 (index linked).

Transport

The site is located within the Tram Contribution Zone. A total contribution of £555,297 is required (index linked) is required. This covers both the residential and commercial uses.

A contribution of £639,568 (index linked) is also required for transport actions in the LDP Action Programme:

- Water of Leith Cycle Route (Commercial Street to Warriston)
- Victoria Quay to Water of Leith Cycle Route
- Ocean Drive Eastwards Extension

Affordable Housing

Affordable Housing will account for 25% of the new homes and will be provided on site. (Affordable housing will be considered in section 3.3 g).

The above matters will be secured by legal agreement.

f) Sustainability

The applicant has submitted a sustainability statement as part of the application. The proposed development will meet the requirements of Section 6 (energy) by increased passive levels of insulation, high efficiently glazing, appropriate air tightness (to match the ventilation strategy) and the use of CHP centralised district heating and through the use of high performance building fabric.

Future connection to any future district heating could be achieved to any source using the pipework header configuration the boilers would currently use.

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

g) Any Other Material Considerations

Flooding

LDP Policy Env 21 (Flood Protection) seeks to ensure that development does not result in an increased flood risk. SEPA has requested that a condition should be imposed to ensure that the finished floor levels should be set no lower than 5.95m AOD. A condition has been attached. SEPA has suggested mitigation measures to address the potential risk of flooding to the under-croft car park. This has been added as an informative.

Affordable Housing

LDP Policy Hou 6 (Affordable Housing) requires residential developments of more than 12 units to include provision of 25% affordable units of the total units proposed. The applicant has entered into an early dialogue with the Council to agree the tenure of the affordable housing and deliver a well-integrated and representative mix of affordable housing on site. Affordable housing will account for 25% of the new homes which will be tenure blind and pepper-potted throughout the development. The affordable units will not include any of the studio flats but will include a variety of unit sizes. The mix of affordable units reflects the mix of the market rented units with 51% of the one bed units, 30% of the two bed units and 19% of the three bed units being available as affordable units.

The affordable housing within this BTR development would be delivered by the applicant as 'intermediate rent' and would be secured by Section 75 Agreement as affordable housing for a minimum of 25 years. Rents would be restricted to Scottish Government's published Broad Rental Market Area 30th Percentile.

Although rents are above the Local Housing Allowance (LHA) levels, they are significantly below average market rents in Edinburgh, are affordable to the priority client group defined in the Affordable Housing Policy guidance and are in line with affordable housing policies backed by Scottish Government.

No grant funding is required for the delivery of these affordable homes resulting in the grant funding freed up by this type of tenure being available for the delivery of social rented homes elsewhere within the city.

The affordable housing residents will have access to the same quality of apartment and services offered to the market rented housing. This includes 24/7 onsite management and maintenance and access to the on-site gym, residents lounge, dining rooms, gardens and work/study space.

Although the application is not fully policy compliant because of the rents above LHA, the Enabling and Partnerships team is supportive of the application.

Archaeology

The City Archaeologist does not require any further requirement for archaeological mitigation. There are no works proposed for the listed quay wall.

Ecology

Scottish Natural Heritage (SNH) has stated that an Appropriate Assessment is not required and it is not anticipated that there will be any new likely significant effects raised by this proposal.

An Otter Licence was granted for the recent completion of quay wall repairs and an otter box was provided as an alternative rest area and a species protection plan produced. Subsequent monitoring has shown that the box has not been used and it has been agreed that no further working restrictions would be required. It is recommended that the otter box and site should continue to be inspected regularly for field signs and if any signs are detected, advice from an ecologist should be taken. An informative has been added to ensure this.

h) Material Representation - Objection

Issues of Principle - assessed in section 3.3a)

- Overdevelopment / too many units
- Will close a valuable view of the water and the Fife hills
- Contrary to design principles and objectives of the Local Development Plan
- Doesn't reflect heritage of the site and inappropriate form so close to the Leith Conservation Area

Design Issues - assessed in section 3.3b)

- Unacceptable height
- Unacceptable design

Transport Issues - assessed in section 3.3c)

- Lack of parking / pressure on existing parking
- More traffic in area / road infrastructure can't cope
- Not enough cycle spaces
- Health and safety issues for pedestrians at entrance/ exit to site

Open Space Issues - assessed in section 3.3d)

- Lack of green space
- Does not meet criteria for access to play space
- Play space fragmented across the site

Amenity Issues - assessed in section 3.3d)

- Party area on rooftop
- Lack of daylight and sunlight for new residents
- Overshadowing of Waterfront Plaza
- Privacy issues for Waterfront Plaza
- Area already heavily polluted due to port - add to pollution levels
- Too much disruption with trams and building across road

Other Issues

- Not enough green considerations - assessed in section 3.3f).
- Pressure on infrastructure (schools and GPs) - assessed in section 3.3e).
- Impact on ecology - assessed in section 3.3g).

- Tenure type is not identified in the CEC tenure types - assessed in section 3.3g).
- Distribution of affordable units not specified (although pepper-potting is supported) - assessed in section 3.3g).

Material Representations - Support

- Two letters of support for principle of housing and high density (but concern over design).

Non-Material Representations

- Should retain previous scheme
- Developer greed
- Loss of greenspace from Cala site opposite
- Neighbour notification not carried out properly

Community Council:

Leith Harbour and Newhaven Community Council was consulted and objected on the following grounds:

h) Material Representation - Objection

- The proposals do not reflect the heritage of the area - assessed in section 3.3b).
- The buildings are too tall and bulky and will dominate other developments in the area - assessed in section 3.3b).
- Views to the water front will be eroded - assessed in section 3.3- assessed in section 3.3b).
- The access for this site and the Cala development (opposite Ocean Drive) are onto a very busy road which is also a tram route - assessed in section 3.3c).
- Safety issues caused by conflict with the tram and other road users - assessed in section 3.3c).
- Reduction in car parking spaces will result in increased on street parking - assessed in section 3.3c).
- Lack of open space - assessed in section 3.3b).
- Build to Rent is not identified as a type of tenure - assessed in section 3.3g).

Non-Material Representations

- The roof pavilion presents concern over safety and security.
- The Community Council also raised issues relating to neighbour notification and a request for this to be extended for major developments - this is not an issue for the planning authority but is an issue for Scottish Government.

Conclusion

The proposed development is of an acceptable design, scale and density and will provide 338 new homes for the Leith Waterfront area. It will contribute to the wider regeneration of Leith Waterfront through the provision of new housing and commercial units on a vacant urban gap site and will provide a new stretch of walkway along the quayside.

Although concerns have been raised about noise pollution, these have been mitigated by conditions.

All the affordable housing will be provided within the site and will be tenure blind. The application is not fully compliant with policy because the rents are above the Local Housing Allowance but the approach is justified and supported by the Enabling and Partnerships team.

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. 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.
2. No construction works shall take place until sample panels, to be no less than 1.5 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.
3. The finished floor levels should be set no lower than 5.95m AOD.
4. The approved landscaping scheme for each phase of the development shall be fully implemented within six months of the completion of that phase of the development.
5. The approved works to create the Boardwalk shall be fully implemented prior to the occupation of the first unit of Phase 2.
6. All electric parking spaces (1 in 6 of total parking) shall be served by at least a 13 amp 3Kw (external three pin plug) with capacity in mains for 32-amp 7Kw electric vehicle charging sockets. These shall be installed and operational in full prior to the development being occupied. Passive ductwork will be installed to every parking space to allow easy access to cabling if demands eventually require additional electric vehicle charging points.

7. The ground floor commercial premises in blocks A and D shall be restricted to Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink) and Class 4 (Business). NB any consented Class 4 use shall be restricted to Class 4 use only with no permitted change to Class 6.
8.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
9. Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation systems) complies with NR15 within the habitable rooms (bedrooms and living rooms) in the residential properties shall be submitted for written approval by the Planning Authority.
10. Prior to the use being taken up, details of any class 3 extract flue and ventilation system, capable of achieving 30 air changes per hour and terminating at roof levels shall be submitted prior to occupation.
11. The specifications for glazing and ventilation will be implemented in accordance with the Airshed Noise report (ref AS 0624 Rev 4 dated 28 August 2019) unless a lower specification is agreed in writing by the Planning Authority following additional noise testing by the applicant. If a different specification is proposed, this must be agreed in writing by Environmental Protection prior to the commencement of building works for each phase.
12. Centralised combined heat and power over 1MW must have secondary emission abatement technology installed and operational prior to occupation.
13. Prior to the development commencing the detail of the proposed work between the heel kerb of the new proposed road and the southern site boundary (as shown on plan (48A) will be submitted to and approved by the Planning Authority. These works shall thereafter be implemented in full by the applicant and be available for use on or before the occupation of any property within the development hereby approved.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

2. To ensure the adequacy of external building materials in the interests of the appearance of the area.
3. To mitigate against risk of flooding.
4. In order to ensure that the approved landscaping works are properly established on site.
5. To ensure the delivery of the boardwalk.
6. To encourage sustainable transport.
7. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In the interests of sustainability.
13. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

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

Education

The site falls within the Leith Trinity Contribution Zone and the following contributions are required to help mitigate the impact of new residential development in Leith Waterfront:

- £622,002 infrastructure contribution (index linked)
- £36,686 land contribution (no indexation)

Healthcare

The site is located within the Leith Waterfront Healthcare Contribution Zone which requires a contribution of £945 per residential unit. This equates to a contribution of £319,410 (index linked).

Transport

The site is located within the Tram Contribution Zone. A total contribution of £555,297 is required (index linked) is required. This covers both the residential and commercial uses.

A contribution of £639,568 (index linked) is also required for transport actions in the LDP Action Programme:

- Water of Leith Cycle Route (Commercial Street to Warriston)
- Victoria Quay to Water of Leith Cycle Route
- Ocean Drive Eastwards Extension.

Affordable Housing

Affordable Housing will account for 25% of the new homes and will be provided on site.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
6. 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.
7. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
8. 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.

9. 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.
10. 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.
11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
12. The otter box and site should be inspected regularly for field signs. If field signs are detected then advice from an experienced and competent ecologist should be taken. A box check should be undertaken prior to ground works commencing.
13. It should be noted that when designing the exhaust ducting, Heating, Ventilation and Air Conditioning good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers and American Society of Heating, Refrigerating and Air Conditioning Engineers Guidance.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 12 June 2019 and 42 letters of objection were received. These included comments from the Leith Harbour and Newhaven Community Council.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

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

10 June 2019

Drawing numbers/Scheme

39A, 40B-41B, 42A-46A, 47, 48A, 01-02,03B-06B, 7A-8A, 9B, 10A, 11B, 12A, 13B-15B, 16A, 17B-18B, 19A-20A, 21B, 22A-23A, 24B-26B, 27, 28B, 29A-30A, 31B-32B, 33, 34B-35B, 36A, 37B-38B,,

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

Contact: Linda Hamilton, Team Manager
E-mail:linda.hamilton@edinburgh.gov.uk Tel:0131 529 3146

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

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

Other Relevant policy guidance

Appendix 1

**Application for Planning Permission 19/02778/FUL
At Land 143 Metres Southeast Of 94, Ocean Drive, Edinburgh
Residential development of 338 flats over 4 apartment
buildings with heights of 10 storeys (Building A), 14 storeys
(Building B), 12 storeys (Building C) and 10 storeys (Building
D) with two commercial units (Class 1,2,3 and 4), car parking
and associated landscaping (as amended).**

Consultations

Archaeology response dated 20 August 2019

In terms of the main application site as I stated earlier there is no further requirement for archaeological mitigation.

Scottish Water response dated 20 June 2019

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.

A Water Impact Assessment and/or a flow and pressure test may be required. Early engagement with Scottish Water through the Pre-Development Enquiry (PDE) process is recommended. <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

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.

A Drainage Impact Assessment may be required. Early engagement with Scottish Water through the Pre-Development Enquiry (PDE) process is recommended. <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

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.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

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.

Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

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/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-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.

Waste Services response dated 20 June 2019

As this appears to be a residential development waste and Fleet Services would be expected to be the service provider for the collection of domestic waste (only).

I have looked at the drawings available in the planning portal file. This has previously been through discussions with this department under the project title Skyliner - Ocean Drive 1800846FUL. We would not accept the proposal as shown in the new plans.

The proposed bin store allocation would not be agreed for the 'main bin store' as each block of flats would require to have their allocation within easy access and conforming with our instructions for Architects (A maximum walking distance is required for the householder (from home to bin) no greater than 30 metres regardless of whether the bin is stored externally or internally (BS5906:2005).

The current instruction for architects' guidance is available to the Architect on request to ensure waste and recycling requirements have all been fully considered.

In view of this factor I would ask that the architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to set up a meeting to agree their options so that all aspects of the waste & recycling service are considered.

Scottish Natural Heritage response dated 1 July 2019

Having read the information that you've sent in relation to Otter Licence 125315 I confirm that all seems satisfactory. No evidence was found of otters using the box so no further working restrictions would be required.

However, the otter box and the site should continue to be inspected regularly for field signs. If field signs are detected then advice from an experienced and competent ecologist should be taken. A box check should be undertaken prior to ground works commencing.

Further comments Scottish Natural Heritage dated 2 July 2019

Thank you for your consultation of 12 June 2019 regarding the above proposed development.

The proposal is for 4 apartment buildings adjacent to Leith Docks with some associated public realm and a walkway. We commented on the previous application here and have provided European Protected Species licence advice for quay wall repairs.

Summary

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

Appraisal and advice

Imperial Dock Lock, Leith Special Protection Area

The proposal is close to Imperial Dock Lock, Leith SPA classified for its breeding terns. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the 'Habitats Regulations') apply. Consequently, Edinburgh Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal).

The shadowing study within the access and design statement shows that there will be no overshadowing of the tern colony, which mirrors previous advice and shadow studies for proposals at this location. It is therefore not anticipated that there will be any new likely significant effects raised by this proposal.

European Protected Species - Otter

An otter licence was granted for the completion of recent quay wall repairs at the site. As part of this an otter box was provided as an alternative rest area and a species protection plan produced. Subsequent monitoring, following the works, shows the box hasn't been used. It has since been re-located within the site and is continuing to be monitored. There is little habitat or access to the site for otter. The licence and monitoring update provided within the application summarises this but also makes recommendations for working restrictions to be relaxed, since no otters are present, with continued monitoring to review the situation if necessary. We are content with these recommendations.

Leith Harbour and Newhaven Community Council response dated 4 July 2019

I am writing on behalf of Leith Harbour and Newhaven Community Council (LHNCC) in response to concerns raised at our recent LHNCC meeting in relation to above application.

The S1 Skyliner site is on the border of the Leith Conservation area and does not reflect the heritage of the area. The buildings are too tall and bulky dominating the adjacent other developments in the area. They further erode views to the waterfront. The site is opposite the Cala Waterfront Development with exit/entry for both developments via traffic light controlled junction on Ocean Drive. This is a very busy road, it is also part the extended Tram route. The tram will have priority giving rise to conflict among other road users that will compromise their safety. This could also lead to more on street parking because of reduction in car parking spaces for the site. The increased size of the community, a result of this application and the adjacent Cala development, will put greater pressure on the very limited accessible green space and play areas. Neither development has made proper provision for this so they do not meet the requirements. The Roof Pavilion provides the residents with extended living space allowing them to hire out 'private' dining and living spaces for social occasions such as hosting parties on special occasions presents concern about safety and security.

Based on limited information in planning application on CEC Portal we wish to raise objections on the following grounds:

The proposal is contrary to the following referenced sections of the Local Development Plan (2016) and Edinburgh Design Guidance (Updated November 2018) related to identified issues.

1. References:

EDLP2 Design Principles for New Development ((Page 93)

150 Objectives a) and c)

Edinburgh Design Guidance (Updated 2018): 2.1 Height and Form (page 42)

[Ref: to EDLP 2.1 Ref: Policy Des 4 Development Design - Impact on setting a) & Policy Des 11 Tall Buildings and Key Views a) & b)]

** The Council wants new developments to integrate well with existing buildings and places. This means new buildings that are higher than their neighbours should be avoided*

** Existing high and intrusive buildings will not be accepted as precedents for the future. They should be replaced with more sensitively scaled buildings, when their redevelopment is in prospect*

Issues:

** The proposed 4 apartment buildings with heights of 10 storeys (building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys are higher than Cala Waterfront development (S) which range from 1 to 6 storeys, Ocean Terminal (W) 6-8 storeys, Portland Gardens 6-8 storeys (SW), Victoria Quay 7-8 (S), Ocean Point 10 (W)*

** external appearance of tower blocks has changed ' bulkier and darker and oppressive in appearance*

** Does not reflect heritage of the site and is not appropriate for being close to the Leith Conservation area*

** Erodes views to waterfront*

2. References:

CEC: Affordable Housing Updated February 2019

This guidance was issued as a standalone document on October 2017, and incorporates updates to its Practice Note approved on February 2019.

Appendix : Affordable Housing Practice (AHP) Note (Page 5)

SECTION 3 The Tenure types:

Approved Tenure Types

Issues:

** Tenure type identified as Build to Rent (BTR) ' this is not identified in CEC Tenure Types*

** Is this type of tenure the reason for increased density which appears to provide financial incentive to developer who will be managing the 84 affordable units and now has the total 245 (as applied for in previous application) units available for open market*

** There does appear to a welcome integration (pepper-potted!) across site but no details of where they will be is not identified in planning application documents.*

3. References:

Edinburgh Design Guidance (Updated 2018): Playspace access standard (page 92):

(Ref: CEC: Play Area Action Plan 2011-2016 Play

Space Standard Ref:4.0 Playspace Access Standards (page 9)

Houses and flats should have access to at least one of the following:

a play space of good play value within 800 metres walking distance

a play space of very good play value within 1,200 metres walking distance or

a play space of excellent play value within 2,000 metres direct distance.

Issues:

** Does not meet criteria set out in above. Leith Links (2253.08 metres), Pilrig Park (2092.15 metres), Victoria Park (1770.28 metres), Proposed Park at Western Harbour (1448.41metres)*

** Play spaces fragmented across the sight*

** Interactive play areas for private community ' presume this means no public access?*

4. References:

ELDP: 7 Transport - Car and Cycle Parking Policy Tra 2 Private Car Parking (Page 127)

b) whether there will be any adverse impact on the amenity of neighbouring occupiers particularly residential

occupiers through on-street parking around the site and whether any adverse impacts can be mitigated

through control of on-street parking

d) the availability of existing off-street parking spaces that could adequately cater for the proposed development

PROPOSED RESIDENTIAL DEVELOPMENT, SKYLINER (Part 1)

Document 119802 ' Sweden Engineering Consultants (SWECO) (Background paper)

TRANSPORT ASSESSMENT (Part 1, page 11) extract

2.5.3 Vehicle Parking Assessment

To ensure that the proposed parking provision can cater for likely parking demands within the site, the following 2 City Car club spaces within the site. Evidence indicates that the provision of Car club opportunities can reduce car ownership by 10%.

Issues:

** Planned exit/entrance with traffic controlled lights that will be used by Cala Waterfront Development. This will lead to increased traffic, including deliveries and service vehicles using an already busy road that will also accommodate the Trams (which will have priority)*

** Potential problems for use of surrounding streets where parking already difficult with commuters using as surrounding streets where parking already difficult with commuters using as 'Park & Ride'!*

How is control of on-street parking going to be monitored?

Benefits:

1. Reference

EDLP: AIMS and STRATEGIES: 2. A plan to Protect and Enhance the Environment (page 9)

Climate Change 17 & 18. The LDP:

** supports small to medium scale, decentralised and community based renewables, and the greater use of micro-generation of renewable energy*

S1 Sustainability Statement ' Planning Application 10/6/19

** LTHW District Centralised Boiler and Combined Heat and Power Installation*

** this system comprises the provision of a centralised gas fired Combined Heat and Power (CHP) and boiler installation in a centralised ground floor plant room building.*

** it will feed all residential properties and the ground floor commercial space.*

An additional area of concern relates to Neighbourhood Notification:

** Request that Neighbourhood notification should be extended for major developments and the inclusion of contact details for relevant Community Council should be included.*

** Only 4 addresses included ' 2 to addresses for Cala Waterfront Development that have not been built yet; 1 to Ocean Terminal; 1 a vacant lot.*

** The previous application for this site had notification sent to 1 address only and that is the same vacant plot as this application. Comment was made at on that occasion in letter send on behalf of LHN*

It was agreed that the application benefits from the inclusion of an approach that meets requirement to reduce emissions and the ability to adapt to a changing climate. There were, however, several issues arising from this application and from comparisons being made to previously approved application for this site that have also been expressed and need to be addressed.

Children and Families response dated 9 July 2019

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 2019).

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:
166 Flats (172 one bedroom / studio flats 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:
£622,002*

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:
£36,686

Note - no indexation to be applied to land contribution.

Flood Planning response dated 1 August 2019

Thank you for the responses. I am happy for this application to be determined with no further comment from our department.

Transport response dated 13 August 2019

Further to the memorandum dated the 8th of July 2019 and the subsequent amendments made, Transport have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:

a. Contribute the sum of £555,297 (based on 338 residential units and 312m² of restaurant/cafe use 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 (see note V for further information);

b. Contribute the sum of £29,744 (based on 338 residential units) to the Water of Leith Cycle Route in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (See note VI for further information);

c. Contribute the sum of £16,296 (based on 338 residential units) to the West end of Victoria Quay building to Water of Leith Cycle Route via Citadel in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see note VI for further information);

d. Contribute the sum of £593,528 (based on 338 residential units) to the Ocean Drive Eastwards Extension in line with the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (See note VI for further information);

e. Contribute the sum of £2,000 to progress a suitable order to re-determine sections of footway and carriageway as necessary for the development;

f. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

g. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

3. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;

4. 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;

5. 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;

6. 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;

7. 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;

Note:

I. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 344 car parking spaces (1 space per resi unit + 1 space per 50m² of commercial). 71 car parking spaces are proposed. Based on the justification provided and the sites accessibility to public transport this level of car parking complies with the 2017 Parking Standards and is considered acceptable;

b. A minimum of 707 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 spaces per 3+ room unit). 708 spaces are proposed meeting this requirement;

c. A minimum of 8% of the car parking is to be designated as accessible, 6 accessible spaces are proposed meeting this requirement;

d. A minimum of 1 of every 6 car parking spaces is to be equipped for electric vehicle charging, 12 EV spaces are proposed meeting this requirement;

e. A minimum of 14 Motorcycle parking spaces (1 space per 25 units), 14 spaces are proposed, meeting this requirement;

II. The justification for the proposed level of car parking is based around the sites very good accessibility to public transport, this will be further improved through the delivery of the Tram Completion Project, which this site sits adjacent to and within approximately 200m from a proposed tram stop/halt. Also taken into consideration is the proximity of the site to existing and proposed active travel routes and the location of local services and amenities. The Applicant is also proposing the following interventions to ensure car parking demands are managed appropriately:

a. De-coupled Parking ' None of the car parking will be allocated and will be available at a first come/first serve basis and properties will not be marketed as including a dedicated car parking space;

b. Car Club - Two Car Club spaces within the site to minimise the need for car ownership;

It should also be noted that as part of the Tram Project, appropriate waiting and loading restrictions will be put in place on Ocean Drive, minimising the potential for overspill car parking. Based on this justification the proposed level of car parking is considered acceptable;

III. The proposed cycle parking is mainly made up of high density three tier racks, some dedicated spaces for non-standard bikes and external visitor spaces. The cycle parking is distributed throughout the development over a number of communal cycle stores located on the ground floor of all the residential blocks. Each store has been assessed in terms of accessibility and usability and is considered acceptable;

IV. A transport assessment has been submitted in support of the application detailing the impact the proposed development will have on the existing road network. The applicant has utilised the TRICS database to estimate trip generation and mode share for the proposed development, and combining this with traffic counts to predict traffic flows in this area to understand the impact at key local junctions. Further to this vehicle trips generated by surrounding committed development have been taken into account and an appropriate traffic growth rate has been applied. This allows for four different assessment scenarios to be carried out on the following junctions:

a. Ocean Drive north roundabout

b. Ocean Drive / Melrose Drive / Victoria Quay roundabout

c. Ocean Drive / Commercial Street / North Junction Street signalised junctions

d. Northern Waterfront Plaza site access

e. Constitution Street / Baltic Street / Bernard Street signalised junction

This assessment showed a minimal increase of traffic at these junctions during peak times, ranging from 1% - 3.4%. As the impact on the junctions was considered minimal no further detailed capacity analysis was carried out. The details provided by the applicant has been assessed and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted transport assessment is generally in line with the published guidelines on transport assessments. It should also be noted that a number of the junctions that were part of the assessment will be significantly altered as part of the Tram Completion Project.

V. The Tram contribution is based on 338 residential units and 312m² of restaurant/café use in Zone 1 of the Tram Contribution Zone, this results in the following:

- * 338 residential units = £492,441
- * 312m² of restaurant/café use = £62,856
- * Total = £555,297

VI. The transport contributions have been calculated by identifying the relevant actions from the LDP Action Programme and finding a per unit rate by dividing each action cost by the estimated housing capacity of the relevant LDP areas and then multiplying by the proposed number of units. The LDP areas and estimated housing capacity is as follows are as follows:

- * Leith Waterfront ' 3,000 resi units
- * Central Leith Waterfront ' 2,720 resi units
- * Leith Waterfront (SS) ' 1,500 resi units
- * Total Estimated Housing Capacity ' 7,220

The identified transport actions and total cost are as follows:

- * The Water of Leith Cycle Route (Commercial Street to Warriston): Total action cost - £637,000
- * West end of Victoria Quay building to Water of Leith Cycle Route via Citadel: Total action cost - £306,250
- * Ocean Drive Eastwards Extension: Total action cost - £12,678,750

The cost per unit is as follows:

- * The Water of Leith Cycle Route = £637,000 / 7220 = £88 per unit x 338 = £29,744 (4.6%)
- * West end of Victoria Quay = £306,250 / 7220 = £42 per unit x 338 = £16,296 (2.6%)
- * Ocean Drive Eastwards Extension = £12,678,750 / 7220 = £1,756 per unit x 338 = £593,528 (92.8%)
- * Total contribution required = £639,568

Percentages provided for benefit of legal agreement.

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>*

SEPA response dated 14 August 2019

Thank you for your consultation email which SEPA received on 12 June 2019.

As you will recall, our initial comments in respect of flood risk were emailed to you on 28 June 2019 with the applicant's response being sent to us by way of your consultation of 15 July 2019. I am now able to update you on our position.

Advice for the planning authority

We ask that the planning condition in Section 1 be attached to the consent. If this will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

1. Flood Risk

1.1 *Should the Planning Authority be minded to approve this application, the following planning condition should be imposed:*

** The finished floor levels (FFLs) should be set no lower than 5.95 mAOD.*

1.2 *We have also suggested mitigation measures to address the potential risk of flooding to the undercroft car park.*

1.3 *In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.*

1.4 *Notwithstanding the removal of our objection subject to the above conditions, we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

Technical Report

1.5 *We refer to our email communication of 28 June 2019 which carried an objection to the proposed development on flood risk grounds. In response to SEPA's advice Kaya Consulting has written to S1 advising additional measures to address the risk of flooding.*

1.6 *In its June response SEPA recommended that the previously agreed minimum finished floor level of 6.0mAOD be adhered to. Kaya Consulting has suggested that the finished floor level (FFL) should be set no lower than 5.95 mAOD. We are satisfied that a minimum FFL of 5.95 mAOD will ensure that the proposed building will be above a significant risk of flooding and recommend that this is made a planning condition.*

1.7 *The consultant confirms that there will be undercroft car parking in Block B/C. To prevent water flowing into the car park the entrance will be raised. We are satisfied that this will prevent direct flooding of the undercroft from high water levels in the dock area and from surface water. However the undercroft will also require to be tanked otherwise there is a likelihood that high groundwater levels, linked to high water levels in the dock area, will penetrate the walls of the undercroft. We would also suggest that consideration be given to the installation of a pump to remove any floodwater that might breach the flood resistant measures.*

Caveats & Additional Information for Applicant

1.8 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

1.9 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: 'Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities' outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

2. Air Quality

2.1 As there is no Air Quality Impact Assessment submitted in support of this application we are not able to comment on the impact of this development on local air quality management in terms of additional traffic generated or construction impacts.

2.2 We commented on a particulate matter (PM) monitoring study for this development in 2018 carried out by AirShed. The monitoring was not conducted over a long enough time period to be able to determine if the PM objectives are being met on the proposed site. However, there were significant peaks in PM during the monitoring period. The activities at the docks are not the primary source of PM according to the study as peaks were observed when the docks were upwind of the site. It is likely that wider diffuse sources contribute to the elevated PM levels.

2.3 Therefore, City of Edinburgh Council's actions to improve air quality across the city via the Low Emission Zone, city centre transformation project and city mobility plan should improve PM concentrations over time. No specific air quality mitigation is proposed for this development. However, we are supportive of centrally located developments which are close to amenities and well linked to public transport and active travel infrastructure as this is in line with the Scottish Governments Cleaner Air for Scotland Strategy. Therefore we do not object to this development.

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- * is more than 4 hectares,
- * is in excess of 5km, or

** includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25?*

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

3.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

3.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Silvan House, 231 Corstorphine Road, Edinburgh, EH 12 7AT, tel 0131 449 7296

Enabling and Partnerhips (Affordable Housing) dated 5 September 2019

1. Introduction

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

Housing Management and Development assess housing requirements by tenure, to support the Affordable Housing Policy (AHP) for the city.

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

o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

2. Affordable Housing Provision

This application is for a Build To Rent (BTR) development consisting of 338 homes and the AHP will apply. There will be an AHP requirement for a minimum of 25% (84) homes of approved affordable tenures. The developer entered into an early dialogue with the Council to agree the tenure of the affordable housing and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 84 (25%) of the new homes, which are pepper-potted throughout the development, offering an integrated and tenure blind mix of house types. The affordable housing will include a variety of house sizes to reflect the provision of homes across the wider site. The applicant agreed that the affordable homes would not include any studio flats and are providing an equivalent number of affordable one bedroom properties instead, which is welcomed. No grant funding is required for the delivery of these affordable homes.

On 3 October 2018, revised guidance on BTR developments was approved by Planning Committee as part of the report Edinburgh Design Guidance Post Approval Review. A section of the Guidance sets out the key characteristics of "Purpose Built Homes for Rent". Affordable homes are required to be tenure blind, fully compliant with latest building regulations and consistent with the Edinburgh Design Guidance. The affordable homes are near to regular public transport links and close to local amenities.

BTR developments can deliver housing at a scale and pace, which is rarely matched by traditional housing for sale providers. Housing for sale tends to be reliant on short term financing which is repaid through sales, with risk managed by building and releasing relatively small numbers of homes to the market at any time to limit financial exposure. BTR can deliver housing at scale and affordable homes without grant subsidy. The grant freed up by BTR could be channelled into delivery of social rented homes.

The affordable housing within this BTR development would be delivered by the applicant as "intermediate rent" and would be secured by Section 75 Agreement as affordable housing for a minimum of 25 years. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile.

Local Housing Allowance (or LHA) has been used as a benchmark of affordability for some affordable tenures. LHA had previously been set by Government based on 30th percentile of the Broad Rental Market Area (BRMA). However, as LHA rates were frozen for four years from 2015, during this time LHA became disconnected from BRMA rates.

Rents at BRMA 30th percentile are the basis for rent setting for Scottish Government's More Home Scotland Mid Market Rent Invitation. It is also the maximum level that RSL grant funded mid market rents can be increased to, with the local authorities consent, under Scottish Government grant guidelines. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,500 and £2,600 less per annum, depending on house size.

A motion was approved by Housing, Homelessness and Fair Work Committee on 29 August 2019 for the Convener to write to the UK's Chancellor of the Exchequer in support of Crisis's 'Cover the Cost' campaign. The campaign recognises the disconnect between LHA and market rents, and asks for LHA to be aligned to BRMA 30th percentile.

The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income.

Rents at the 30th Percentile are affordable to people within the defined client group.

The previous application for this site, reference 18/00846/FUL, included some affordable housing within LHA rates but the full 25% affordable housing could not be provided due to viability reasons; only 20.5% (50 homes) of affordable housing could be provided onsite, compared to the full 25% (84 homes) being provided onsite through this application.

3. Summary

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

- o The applicant will deliver the affordable housing as "intermediate rent" for a minimum of 25 years.*
- o The affordable housing will include a variety of house sizes to reflect the provision of homes across the wider site*
- o All the affordable homes must meet the Edinburgh Design Guidance and space standards*
- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units; an approach often described as "tenure blind". These units will be pepper-potted throughout the development.*
- o Rents are above LHA levels but are significantly below average market rents in Edinburgh, are affordable to the priority client group defined in the Council's Affordable Housing Policy guidance, and are in line with affordable housing policies backed by Scottish Government (for example, More Homes Scotland Mid Market Rent).*
- o The prior application for this site demonstrated that only 50 affordable units could be provided onsite; only 20% onsite affordable housing was viable at LHA levels. This application can deliver 84 affordable homes onsite as the full 25% affordable housing contribution.*
- o There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

Although the application is not fully policy compliant because of the rents above LHA (at BRMA 30th percentile), after considering the justifications above, this department is supportive of this application.

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

Environmental Protection - 6 September 2019

Environmental Protection have commented on a similar proposal for a residential development consisting of 237 residential apartments over 4 buildings with varying heights from 4 to 13 storey blocks providing a mixture of accommodation as well as associated infrastructure including 178 under-croft style car parking spaces (18/00846/FUL).

This latest proposed development comprises of an increased density development of 338 residential apartments over 4 buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D), with shared amenity space at ground floor level. There are 2 commercial units located at the ground floor of buildings A and D. A reduced level car parking (85) is proposed at surface and also under deck and undercroft. The footprint of the building is similar with an extra storey being proposed for blocks B, C, and D and 3 extra storeys proposed for block A.

The applicant has submitted a supporting noise impact assessment and update air quality impact assessment.

The development benefits from extensive public and shared amenity space with a large pedestrian / cycle boardwalk fronting on to the waterfront, with carefully designed public realm to the north of the site. The proposed resident's properties will have communal and private gardens at deck level between apartment buildings C and D along with a communal roof terrace on top of building B.

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. The development is well located to take advantage of local amenities and public transport network and proposes 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 impacts of cars. The applicant will be required to provide a minimum of 15 (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 an updated noise impact assessment which has assessed potential noise from the Fingal. Three months of onsite monitoring an air quality impact assessment has also been submitted and further analysed 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 PM2.5 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', in accordance with the appropriate technical guidance (LAQM Technical Guidance 16). The applicant has now annualised the data and stated that levels on the application site would now be below the annual objective levels at corrected 15 ug/m3.

This indicates that the PM10 objective in Scotland of 18_ug/m3 may not be breached at this site.

There were also some exceedances when the window was onshore, however this was caused by soil stripping on the applicants site.

In conclusion, the data indicates that future residential properties will not be exposed to unacceptable levels of particle pollution more than the Scottish Objective level.

There is still 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 now less concerned with the PM10 levels impacting this site due to the additional modelling conducted by the applicant. Environmental Protection would require ongoing air quality monitoring to be carried out.

Nuisance dust is another issue, 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).

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 as no assessment has been done. There is the potential for adverse traffic impacts, because 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, it 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, it is noted that levels have been reduced
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.

The applicant proposes a number of Combined Heat and Power engines which will operate as lead boiler for the system. The proposed system is designed to ensure 100% heating in all flats (this is possible without the CHP should these be off line for maintenance) but is diversified on the hot water production. The addition of thermal buffer vessels in the system hydraulics is provided to ensure a diversified number of flats have hot water production for usage immediately with sufficient energy to replace this in line with domestic expectations. This means that whilst it will be possible to operate all the radiators in the entire development at once it will not be possible to run all showers/basins in every flat simultaneously.

As the applicant is proposing an energy centre and centralised boilers they will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD - Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment). It would be recommended that the applicant considers using the dock water as part of its district heating system similar to other developments at Queens Quay that uses the River Clyde water.

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 51 dB Rw and a ventilation system that extracts continuously from wet/dirty rooms.

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. The applicant has submitted details on acoustic glazing that Planning have accepted.

The applicant proposes that all wet and dirty areas such as bathrooms, kitchens, and utility rooms will have extracts that may operate continuously and be linked to the proposed combined heat and power system. This design has been proposed to ensure windows can remain closed to mitigate the noise.

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 Organisation's 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.

Proposed commercial uses noise and odours

Normal operations associated with Use Class 4 premises would normally be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m²) are permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Protection will recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration.

The applicant proposes a class 3 use on the ground floor(s) of the proposed development. The applicant will need to provide a support noise impact assessment that demonstrates that a good standard of amenity can be achieved in the proposed residential units located above. The applicant will also need to submit specific details highlighting where the commercial flue will terminate at roof level as a minimum.

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 wet/dirty room extracts. However, Environmental Protection have concerns with this proposed system. Environmental Protection require internal noise levels to be achieved with open windows when the source of the noise is from industrial port operations.

The applicant has assessed noise from the Fingal Vessel when entertainment events were taking place. The applicant has advised that the entertainment noise was inaudible at the development site.

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

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.

Recommendation

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.

If consented Environmental Protection recommend the following conditions or legal agreements are attached agreed;

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. The specifications for glazing and ventilation will be implemented in accordance with the Airshed Noise report (ref AS 0624 Rev 4 dated 28 August 2019) unless a lower specification is agreed in writing by the Head of Planning following additional noise testing by the applicant. If a different specification is proposed, this must be agreed in writing by Environmental Protection, prior to the commencement of building works for each phase.

3. Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation system) complies with NR15 within the habitable rooms (bedroom/living-rooms) in the residential properties shall be submitted for written approval by the Head of planning and Building Standards.

4. Any consented Use Class 4 to be restricted to Use Class 4 only with no permitted change to Use Class 6.

5. Prior to the use being taken up, details of any class 3 extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be submitted prior to occupation.

6. The developer shall enter into an agreement with Edinburgh City Council to ensure air quality monitoring is established on the site for a minimum period of five years, following occupancy. The agreement shall include provision of a suitable location and a financial contribution towards the costs of the monitoring hardware, maintenance and servicing.

7. All parking spaces shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

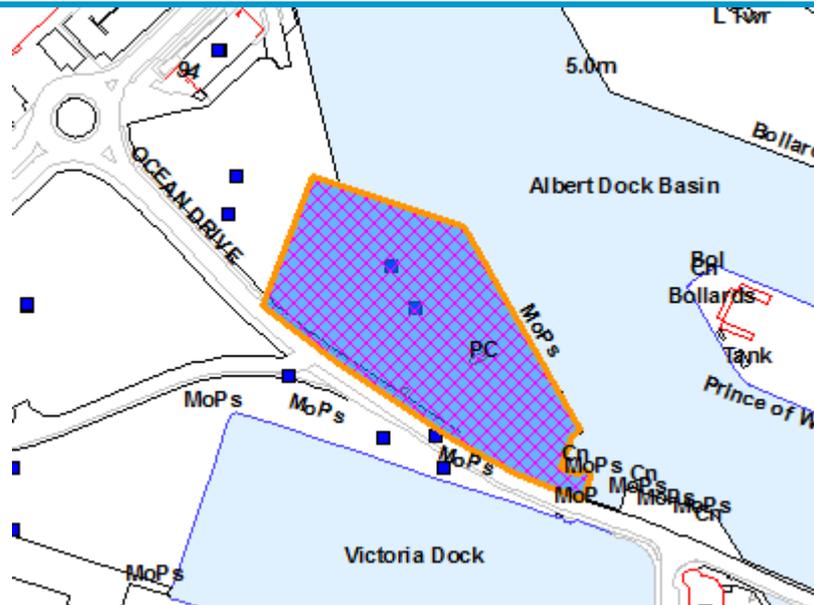
8. Centralised combined heat and power over 1MW must have secondary emission abatement technology installed and operational prior to occupation.

Informative

1. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

2. Chimney Height Calculation must be submitted as per the Clean Air Act 1993.

Location Plan



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