

Development Management Sub-Committee Report

Wednesday 21 September 2022

**Application for Planning Permission
Ocean Terminal, 98 Ocean Drive, Edinburgh.**

Proposal: Part demolition of existing shopping centre, remodelling and re-facing of facade to provide reconfigured commercial units (Class 1/2/3) at ground floor level, reconfigured visitor attraction space (Class 10) and potential co-working office space (Class 4), commercial units (Class 1/2/3) and/or leisure uses (Class 11) on upper floors, relocation of access bridge to Royal Yacht Britannia, temporary landscaping on the cleared site, and associated works.

**Item – Other Item at Committee
Application Number – 22/01372/FUL
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest as it is associated with a large-scale demolition of part of a commercial centre.

Recommendation

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

Summary

The proposed development is in accordance with the Development Plan. The centre will continue to function as a commercial centre and the design and scale of the new outward looking end of the building is acceptable, whilst allowing future development to come forward in a co-ordinated manner. Amenity issues can be adequately dealt with through the use of conditions and other matters such as in relation to transport, ecology and flooding and are acceptable. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

SECTION A – Application Background

Site Description

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

The application site extends to approximately 1.27 hectares and comprises the north-eastern section of Ocean Terminal taking in the 'blue' multi-storey car park and the vacant retail unit previously occupied by the Debenhams department store.

The Royal Yacht Britannia is moored adjacent to the site and currently accessed through Ocean Terminal. The site boundary includes the existing bridge and lift/stair core that provides access to the yacht.

To the north of the site there is a distillery currently under construction.

Bus stops are located immediately outside the main pedestrian entrance on Ocean Drive and the tram line is currently under construction along Ocean Drive.

The wider area consists of a mix of uses including retail, offices and residential. Some adjacent sites are currently under construction.

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). Ocean Terminal is designated as one of the City's Commercial Centres.

The LDP Proposals Map contains the tram route safeguard along Ocean Drive adjacent to the site and also the safeguarded route for the Waterfront Promenade.

Further north of the site is the Imperial Dock Lock Special Protection Area (SPA) which contains a tern colony.

Description of the Proposal

The proposal seeks to repurpose Ocean Terminal by part-demolition and remodelling of the existing shopping centre leaving a wider site for future redevelopment purposes. The application site does not include the existing smaller surface car parking area.

The multi-storey car park (containing 676 parking spaces) and the northern large multi-floored retail unit up to and including the rotunda entrance to the shopping centre are to be demolished. This aligns the new gable end of Ocean Terminal with Ocean Drive.

The proposal will reduce the overall Gross Internal Floor Area (GIFA) by 25% from 58,850 sqm to 44,050 sqm.

The retained floorspace is proposed to be refurbished for a mix of units. No new floor space will be created by the development. Part of the existing floor space within the application site will be retained within a new 'bookend' for the centre. This reconfigures the internal layout and units and in the main will create seven commercial units.

Three ground floor units, measuring 188sqm, 206sqm and 408 sqm are proposed for Class 1 (Shops), 2 (Financial, Professional and other services), 3 (Food and Drink) or 4 (Business) use.

Two first floor units, measuring 171sqm and 215sqm are proposed for Class 1, 2, 3 or 4 use. A further two existing units measuring 160 sqm and 161 sqm are shown on the plans with potential for Class 1, 2, 3 and 4 use.

Two second floor units are proposed. One Class 10 (Non-residential Institutions) use measuring 635sqm in association with the Royal Yacht Britannia is proposed. There is also a new bridge that will link to the existing stair/lift core that provides access to the visitor attraction. The other unit measures 950sqm and is proposed for Class 3, 4 or 11 (Assembly and Leisure) use.

The design of the new bookend of Ocean Terminal is a modern industrial façade that consists of an exposed steel structural frame, painted in a dark grey finish, with rhythmic primary vertical piers which are subdivided by secondary horizontal beams. Each structural bay is split into two smaller sections. It is set over three storeys with an additional fourth storey created with perforated metal screens to hide the roof plant.

A new central entrance point is created and aligned on the existing central route through the shopping centre. Glazed shop fronts are to be created.

Public realm is to be created around the re-modelled end, but this is limited up to the fenced area that will then former a later phase of development.

Supporting Information

The following documents were submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Air Quality Assessment;
- Demolition Statement;
- Transport Statement;
- Sustainability Statement and S1 Form;
- Noise Impact Assessment (and supplementary information); ;
- Drainage Strategy Report;
- Surface Water Management Plan;
- Flood Risk Assessment and
- Geo-Environmental Desk Study.

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

Relevant Site History

99/00018/FUL
Land @
Ocean Drive
Edinburgh

Erect mixed use development, including retail, leisure, restaurants & bars, multi-screen cinema and Britannia Visitor Centre with 2 car parks

Granted

2 December 1999

14/04482/FUL
Ocean Terminal
98 Ocean Drive
Edinburgh

Front extension to units comprising Class 1 retail on the ground floor, staff welfare facilities on the first floor and mechanical plant on the second floor.

Granted

12 August 2015

Other Relevant Site History

Adjacent sites:

01/01030/FUL
Ocean Drive
Edinburgh

Erection of two office buildings of 9 and 11 storeys respectively, with a combined floor area of 25,000sqm. The 9-storey building (Ocean Point) has been implemented.

Granted

31 October 2001

16/03684/FUL
Land 120 Metres South East Of 98
Ocean Drive
Edinburgh

388 residential units and 29 commercial units proposed to be either Class 1, 2 or 4 + 2 corner cafes on the Waterfront Plaza (Cala site).

Granted. Under construction.

14 August 2018

17/04428/FUL
Land Adjacent To
Ocean Drive
Edinburgh

Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery-related servicing and storage.

Granted. Under construction.

26 September 2019

19/02778/FUL
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).

Granted

3 November 2020

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Prevention

Environmental Protection

NatureScot

Archaeology Officer

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 31 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 3

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;

- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Strategy Policy Del 3.
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 10, Des 12 and Des 13.
- LDP Environment policies Env 9, Env 13, Env 16, Env 20, Env 21 and Env 22
- LDP Employment and Economic Development policies Emp 9.
- LDP Shopping and Leisure policies Ret 4, Ret 7 and Ret 11
- LDP Transport policies Tra 2, Tra 3 and Tra 9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the application.

Principle of Development

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). Ocean Terminal is designated as one of the City's Commercial Centres.

LDP Policy Ret 4 (Commercial Centres) sets criteria to assess additional retail floorspace and allows additional floorspace with very specific justification and demonstrating impact on sequentially preferable locations. There are no specific policies to protect the loss of retail floorspace in commercial centres.

LDP Table 7 sets out the existing role and characteristics of Ocean Terminal and the anticipated future role. It states that Ocean Terminal offers a range of retailing, including an anchor department store, dining and a multiplex cinema. Table 7 notes that any future increase in floorspace must reflect the scale and phasing of residential development expected in the area.

Proposals for the reduction in overall retail floorspace in defined commercial centres is not common. However, a significant amount of retail and leisure floorspace will remain, serving a local and strategic function. The applicant's supporting information notes that there have been changes to retailing since the LDP was adopted and that the large retail unit previously occupied by Debenhams is vacant. The key aspects of role of the centre as described in LDP Table 7 will still be performed by the centre even with the proposed part demolition and re-modelling of the northern end of Ocean Terminal.

The uses proposed in the remodelling of the end of the centre are appropriate uses within a commercial centre. Policy Ret 7 (Entertainment and Leisure Developments-

Preferred Locations) sets out that, in principle, leisure and entertainment and visitor attractions are acceptable at Leith.

Although Policy Ret 11 (Food and Drink Establishments) relates to changes of shop units to restaurant, cafes, pubs or hot food takeaways the supporting text to the policy does indicate that the provision of food and drink establishments in areas where people live is a recognisable component of urban living. However, it does note that they can cause problems for local residents. The commercial centre is an acceptable location for such uses, subject to an assessment of amenity considerations.

LDP Policy Emp 9 (Employment Sites and Premises) supports development for employment purposes of business premises in the urban area and accordingly Class 4 uses are acceptable at this location.

As the site forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) is relevant. This policy supports development proposals that will contribute to the creation of new urban quarters at Leith Waterfront. Commercial and housing-led mixed use development is generally supported. This includes proposals that maximise the development potential of the area and contain a mix of house types, sizes and affordability.

The proposals will allow Ocean Terminal to continue to support a wider mix of uses within this part of the city and enable land to be made available for future mixed use redevelopment. The proposals accord with the broad aims of this policy.

Overall, the proposed demolition and re-design of this part of Ocean Terminal is acceptable in principle and accords with the relevant policies of the LDP.

Design and Layout

Co-ordinated Development:

Policy Des 2 (Co-ordinated Development) states planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Policy Des 10 (Waterside Development) states that planning permission will only be granted for development on sites on the coastal edge where it provides an attractive frontage onto the land in question and provides or improves public access to and along the water's edge.

Policy Tra 9 (Cycle and Footpath Network) safeguards proposed cycle and footpaths identified within the LDP Proposals Map. A waterfront promenade is proposed (proposal reference T7) to the west and north of the site.

The proposals form part of a wider redevelopment strategy, by the applicant, for the northern end of Ocean Terminal. The demolition will allow for a larger area of land to come forward for future redevelopment.

Indicative plans have been provided to show how this may look, though these are still at the pre-application stage and will need assessed when a planning application is submitted. This demonstrates that there is sufficient land and opportunity for it to be developed and potentially incorporated into the site and surrounding uses. The future development can potentially open up the waterfront at this location, certainly more than the current building. Though security fence around RYB will remain in some form.

The waterfront promenade is outwith the scope of this planning application and the proposals will not impact on the safeguard. Currently the western site of Ocean Terminal next to the water's edge is inaccessible to the public and this will remain through this application. However, the indicative plans in the Design and Access Statement show the potential for a future boardwalk in this area.

The proposals comply with policies Des 2, Des 10 and Tra 9.

Layout, Scale, Form and Design:

LDP Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place and design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

LDP Policy Des 4 (Development Design - Impact on Setting), notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) supports development which takes a comprehensive and integrated approach to the layout of buildings streets open spaces, public paths and SUDs features. Layouts should encourage cycling and walking, promote safe access throughout the site and have regard for the needs of people with limited mobility.

LDP Policy Des 8 (Public Realm and Landscape Design) states that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole.

LDP Policy Des 12 (Alterations and Extensions) states planning permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building and will not be detrimental to neighbourhood amenity and character.

The Edinburgh Design Guidance establishes keys aims for new development including the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

The layout of the proposed development is dictated by where the redundant parts of Ocean Terminal are to be demolished and the establishment of a new end to the centre. The new bookend responds well to the alignment of Ocean Drive.

The proposals will create a new northern entrance to Ocean Terminal, whilst the ground floor units on this elevation also benefit from shop fronts and direct external access. These elements provide a new active frontage that aids in turning the current insular building into a more outward looking one and it will eventually create a more welcoming place.

Landscaping and public realm for this phase is largely restricted to the strip of land adjacent to the new entrance. This is to be created with clay brick paving that will stretch along the side of the building to the new entrance. A narrow painted asphalt area sits next to this and then a planted rain garden sites adjacent to the cleared development site. Seating and litter bins will sit in this area.

The larger cleared development plot is to be temporarily planted with a coastal meadow mix which would create a temporary habitat for wildlife. A temporary hoarding is proposed to be put up around the cleared site, an informative is proposed to encourage the applicant to put in an education window to allow views through.

The general layout and public realm proposed is acceptable for the site and it complies with policies Des 7 and Des 8.

Leith contains a wide range of building types and materials with a number of architectural influences. The Ocean Terminal building itself has a mixture of massing and materials with reconstituted stone, metal panelling and terracotta. The later H&M extension is clad in a reflective metal cladding.

The immediate surrounding area contains a mix of building styles including the brick on the adjacent residential site, reconstituted stone panelling on the Ocean Point office building and corrugated sheeting used in the distillery building.

The Design and Access Statement explains that the design takes its cues from Leith's industrial past which included metal engineering structures and shipbuilding frames. This has resulted in a proposed development with an exposed steel structure frame painted in a grey finish with vertical piers and horizontal beams. The ground floor is predominately glazed.

The design is smart and contemporary and allows for internal flexibility for the units. It acts as a contrast to the existing building providing a new chapter in the evolution of Ocean Terminal.

The new bookend sits at a similar height to the exiting centre and is lower than the part of the building that it adjoins. The visual impact of the proposal will be less than the existing building and multi-storey car park.

The alignment with Ocean Drive will also allow some views through the site and is an improvement over the current monolithic building form.

The Royal Yacht Britannia and the access stair/lift core are to remain in their current positions. RYB is to accommodate one of the upper units to allow this access arrangement to continue. A new bridge from the redesigned Ocean Terminal building coming out in a diagonal manner is proposed. The angle of the bridge jutting out in front of the new bookend of Ocean Terminal has the potential to be a jarring design element when viewed against the new elevation. A condition is recommended for the final design of the bridge and stair core.

The proposal has a design concept that aims to reference the industrial heritage of the area and complies with Policy Des 1. The overall scale and form of development alongside the materials uses area acceptable and the development complies with Policies Des 4 and Des 12.

Amenity

LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

Noise:

A noise impact assessment (NIA) has been provided which considers the newly proposed commercial operations (Class 1, 2, 3, 4, 10 and 11 uses), ventilation and plant noise on any future proposed and existing nearby residential properties. It recommends mitigation measures.

Environmental Protection has considered information provided and although it has some concerns it does not object to the application, subject to conditions.

Environmental Protection advises that the NIA sets out that the noise levels from the proposal will result in the proposed residential properties to the north requiring to keep their windows closed to ensure an acceptable internal noise environment. The applicant has not addressed all Environmental Protection's concerns in relation to keeping operational noise within the envelope of the building and it has requested further information in relation to noise from plant, details of glazing specifications and also details of a proposed lobby. A condition has been recommended.

The ground floor Class 3 uses have the potential for outdoor seating and therefore Environmental Protection recommend a condition limiting the use of the external area between 8am to 9am to protect future residential amenity.

Noise protection measures have not been put forward for the Class 11 (Assembly and Leisure) use. As Class 11 can cover a wide range of potentially noisy uses, a condition is recommended to restrict this to a yoga studio and treatment room.

Overall, this application deals with the creation of a new bookend for the existing commercial centre and contains uses that are suitable for the centre. The concerns are largely with ensuring that the proposed uses will not detrimentally impact on future residents in later phases of development. It is not unusual to have residential development above or adjacent to commercial uses and indeed mixed use development is encouraged.

Odour:

The Class 3 uses have the potential to impact residential amenity through cooking odours. As residential properties are likely to be proposed in the future to the northeast of the site, a distance of over 30 metres from extract point to future residential windows has been designed in to ensure that odours will dissipate and not affect future residential amenity. A condition is recommended below to this effect.

Air Quality:

The proposals should not impact on localised air quality with the removal of a large number of parking spaces proposed. The submitted air quality impact assessment considered the demolition aspects of the proposal and states that dust control measures will be introduced when demolition operations occur.

In summary, Environmental Protection has considered the proposals and although it raises concerns in relation noise implications of the proposal it does not object subject to the inclusion of conditions. Therefore, the proposals are acceptable in relation to amenity considerations for existing and future residents in line with Policy Des 5.

Ecology

LDP Policy Env 16 (Protected Species) aims to ensure development will not be to the detriment of a protected species and suitable mitigation is proposed and LDP Policy Env 13 (Sites of International Importance) relates to the protection of Natura 2000 sites.

The site is located approximately 200 metres from the Imperial Dock Lock SPA (which contains the largest breeding tern colony in Scotland) and 600m from the Firth of Forth SPA.

NatureScot has commented that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly and an appropriate assessment is therefore not required. This is due to distance from the sites and existing land uses and noise levels in the area, including the working dock area, so that noise from the demolition works are unlikely to cause disturbance to the species using the SPAs.

The proposal complies with policy Env 16.

Transport

The transport objectives set out in the Local Development Plan (page 126) state that development should:

- Minimise the distances people need to travel;
- Promote and prioritise travel by sustainable means, i.e. walking, cycling and by public transport and
- Minimise the detrimental effects of traffic and parking on communities and the environment.

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) require car parking and cycle parking to meet the standards set out in the guidance. With regards to car parking, lower provision will be pursued subject to the consideration of a number of factors including, impact on amenity of neighbouring occupiers; accessibility of the site including public transport, walking and cycling; availability of existing off-street parking spaces; and complementary measures such as access to car clubs.

A Transport Statement has been submitted in support of the application. The report expects that as a result of the proposal there will be a reduction in vehicle demands associated with Ocean Terminal.

The demolition of the northern multistorey will result in the loss of 676 parking spaces. The smaller surface car park is outwith the redline boundary of this phase of development, but will be re-developed in future phases. As a whole the redevelopment of the Ocean Terminal building will result in the reduction of approximately 50% of the current car parking. The retained southern car park currently accommodates 707 vehicle parking spaces.

The provided parking survey information shows that the reduction in parking provision will still be sufficient to meet predicted demand and therefore will not create overspill to surrounding streets. The reduction in car parking in this area is supported and in line with the transport objectives of the LDP to prioritise sustainable travel.

No cycle parking is proposed under Phase 1 of the redevelopment proposals, as there is existing provision within the centre.

The site is within close proximity to both existing and planned future public transport connections. There are existing bus stops located adjacent to Ocean Terminal on Ocean Drive providing regular links to the city centre, airport and other tourist attractions - Lothian Bus Services 11, 34 and 35. In addition, the tram line also includes a stop on Ocean Drive next to the centre.

The site has a good walk-in catchment area and is close to National Cycle Path 75 which runs along Water of Leith and also route 14 the Ferry Road path.

The existing servicing arrangements will be retained for this phase of the development with service vehicles entering a one-way system with access from Melrose Drive and exiting onto Ocean Drive.

In summary, the commercial centre will continue to carry out its strategic functions and it is within an accessible location with good access to public transport. The loss of the existing multi-storey car parking meets the transport objectives of the LDP and complies with Policy Tra 2 and Tra 3.

Flooding

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impede the flow of flood water or prejudice existing or planning flood defence systems.

A Flood Risk Assessment and Drainage Strategy have been provided in support of the application. Flood Prevention has reviewed the documents and has confirmed that the information provided is sufficient to determine the application.

The proposal complies with Policy Env 21.

Archaeology

LDP Policy Env 9 (Development of Sites of Archaeological Significance) relates to sites known or suspected of archaeological significance and seeks to ensure that no significant features are affected by proposed development, or they are preserved in situ if necessary. The supporting text indicates that provision for interpretation as part of the development may be required.

The Archaeology Officer notes that the site overlies the site of the historic Henry Robb Shipyard and although the construction of the current Ocean Terminal building has had a significant impact and has likely to have removed almost all significant remains associated with the former shipyard, it is considered important that the site's shipbuilding heritage is commemorated within the new development.

The Archaeology Officer has recommended a condition in relation to a scheme of heritage interpretation and public art within the public realm.

As this proposal is largely an enabling development for a future larger phase of redevelopment and the area of public realm to be created through this proposal is relatively small, a condition is not recommended in this instance as it will be more appropriate for when proposals for the wider site come forward.

Sustainability

Policy Des 6 (Sustainable Buildings) states planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies and other features are incorporated that will reduce or minimise environmental resource use and impact.

As a local application only Part A (Carbon Reduction Declaration) of the S1 Sustainability Form is required. The applicant has indicated that this is met by the replacement of an old and inefficient heating systems with a more efficient heat pump solution as a direct replacement for the boiler plant and replacing Air Handling Units (AHU) to have lower absorbed power, better heat recovery efficiencies and reduced leakage through the AHU and ductwork systems.

The proposals are also supported by a sustainability statement. Matters in relation to demolition and embodied carbon have been raised in representations to the proposals.

The applicant has noted that terms of the demolition, the embodied carbon story is a positive one. This is on the basis of the applicant's feasibility study resulting in retaining circa 2/3 of the existing centre and thus avoiding circa 2/3 of the embodied carbon emissions associated with a complete demolish and new build. This is in the context of shopping centre assets such as these being earmarked an unviable and fully demolished all over the UK currently.

Further to this, a pre demolition waste audit is being carried out identifying reusable and recyclable materials from the demolition. This mitigates the embodied carbon impact of new materials in their place.

The applicant has also advised that in terms of the new build, materials and their procurement will be based on inter alia minimisation of greenhouse gas emissions including carbon. This will be achieved (where contractual negotiation with suppliers/consultants allows) by means including utilisation of a formal 'carbon budget' alongside the traditional financial budget for the project, to incentivise reduction in greenhouse gas emissions through use of more sustainable materials. These will be included in the construction contracts and obligations relating to the procurement of sustainable construction materials.

Contaminated Land

Contaminated Land LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states development should not have significant adverse effects for health, the environment and amenity or mitigation provided where appropriate.

There is the potential that the site may have contaminated the ground through previous use. A condition is therefore recommended for submission of a site survey prior to ensure the ground is safe and stable for residential use should the proposal have been acceptable overall.

Conclusion in relation to the Development Plan

The principle of demolishing part of the centre and providing a new bookend is acceptable and the centre will continue to carry out its role as a commercial centre whilst allowing future mixed use development on redundant land to come forward. The proposal complies with the relevant retail policies and Del 3.

The overall scale and form of development alongside the materials uses area acceptable and the development complies with Policies Des 4 and Des 12. Amenity issues are adequately dealt with by conditions.

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

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP, particularly in terms of responding to economic issues, supporting retail and leisure development and also supporting the future delivery of housing and mixed use development.

Emerging policy context

NPF 4 - Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Neighbour notification was carried out 31 March 2022. Three representations have been received (including one late one) and also a letter from the community council. A summary of the representations is provided below:

material considerations

Objections:

- concerns regarding the huge carbon impact the demolition will have. Advocate that the embodied carbon loss of the demolished buildings be calculated and features on the "loss" side of the carbon management equation for the whole site, including the future redevelopment area to the east of the site. In this way, whole-life carbon counting can form part of the sustainability assessment for the scheme - assessed in section a) Sustainability.
- analysis of flood impacts required - assessed in section a) Flooding.

General comments:

- the harbour edge should be improved to create a more amenable public space - assessed in section a) Design and Layout.
- the water frontage needs activated and made accessible - considered in section a) Design and Layout.
- a key objective should be the creation of much needed civic space in the area and with a principal aim being the integration of the harbour edge with the wider environment - considered in section a) Design and Layout.
- materials should be of a high standard and of an industrial nature - assessed in section a) Design and Layout.

- consideration should be given to relocation of the Royal Yacht Britannia as this limits flexibility for the site - noted, current plans retain the yacht.

Support:

- support the re-imagining of this site - noted, assessed in section a) Principle of Development.
- general support for demolition of the car park and former Debenhams - noted, assessed in section a) Principle of Development.
- support the new "book-end" structure with its active ground floor and linkages through the site. Its scale, massing and architectural treatment are logical and well-considered - assessed in section a) Design and Layout.
- proposed redevelopment will secure the long-term home for the Royal Yacht Britannia - noted.
- essential that a bridge walkway and connecting to OT and a secure enclosed compound are retained - noted, condition recommended for further design details of the bridge.

non-material considerations

- comments related to details of further phases.

Leith Harbour and Newhaven Community Council Comments

The Leith Harbour and Newhaven Community Council did not ask to be a statutory consultee, but did provide a letter of support raising the following points:

- supportive of this phase that is a move to ensure the sustainability of Ocean Terminal for the local community - noted, assessed in section a) Principle of Development.
- opening up the Waterfront area is desirable and the reconfiguration of usage and public amenities is supported - considered in section a) Design and Layout.
- reference to heritage of the centre is welcomed and should be further acknowledged with perhaps a commemorative plaque to the original design by Sir Terence Conran that included the Discovery Garden - noted.
- maritime and shipbuilding heritage also appears to be acknowledged, suggestion for a museum and tourist information venue - noted.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposed development is in accordance with the Development Plan. The centre will continue to function as a commercial centre and the design and scale of the new outward looking end of the building is acceptable, whilst allowing future development to come forward in a co-ordinated manner. Amenity issues can be adequately dealt with through the use of conditions and other matters such as in relation to transport, ecology and flooding and are acceptable. There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. 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. 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.
3. Prior to the commencement of the construction of the superstructure or above ground works of the final design of the bridge and stair/lift core linking the development to the Royal Yacht Britannia shall be submitted for written approval by the Planning Authority. Thereafter it will be installed unless otherwise agreed in writing with the Planning Authority.
4. Prior to the commencement of the construction of the superstructure or above ground works details of the proposed lobby to be included within the ground floor premises to reduce noise leakage from the premises shall be submitted for written approval by the Planning Authority.
5. Prior to the commencement of works on site, a further noise impact assessment should be provided which recommends
 - A. a plant noise specification (as measured 1 metre from the plant) and measures to ensure cumulative plant noise meets NR25 within the nearest residential property (with the window slightly open for ventilation purposes)
 - B. a glazing specification for each commercial premises which will ensure that all commercial noise is kept within the envelope of the building.

The measures outlined above shall be implemented prior to the occupation of the development hereby granted.

6. The ventilation details as shown on drawings ref. XXX-KEP-D1-XX-DR-A-706151 Rev. 02 (CEC ref 27) and XXX-KEP-D1-XX-DR-A-706150 Rev. 02 (CEC ref 26) both dated 05/02/22 should be installed and operational prior to the associated Class 3 use being taken up.
7. The noise mitigation measures as recommended within noise impact assessment report Ref: P5024-R7-V1 and dated 19th July 2022 should be installed and operational prior to the start of operations on site.
8. The external eating and dining area is hereby restricted to the hours of 8am to 9pm daily.
9. Notwithstanding the provisions of the Use Classes Order, the Class 11 unit shall be used solely for the purposes of a yoga studio and treatment room and for no other purpose falling within Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

Reasons:-

1. In order to ensure the site is safe and suitable for the development.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.

3. 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.
4. The hoarding board to be erected to the north of the new gable end should contain viewing windows in the area to be temporarily planted with the coastal meadow mix

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 21 March 2022

Drawing Numbers/Scheme

01-27

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail:kenneth.bowes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Flood Prevention

COMMENT: Thank you for providing the additional information. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 7 June 2022

NAME: Environmental Protection

COMMENT: Environmental Protection continues to highlight noise issues of concern that in the opinion of this team have yet to be addressed by the developer. This team has however recommended conditions below which would allow this team to support the application

Air quality - includes removal of parking spaces and so should no impact on air quality.

Noise - NIA considered noise impacts and mitigation measures. Potential for noise impacts on adjacent proposed residential uses.

Ground floor external uses should be restricted from 8am to 9pm to protect residential amenity.

Class 11 use should be restricted to yoga and treatment uses only.

Further noise mitigation in terms of glazing and plant noises. Mitigation measures in the NIA should be conditioned.

Odour - ventilation measures proposed should be conditioned.

DATE: 2 September 2022

NAME: NatureScot

COMMENT: The proposal lies just over 200m away from Imperial Dock Lock, Leith SPA and around 600m from the Firth of Forth SPA.

There are interests of international importance close to the site, but it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

The noise from the demolition works are unlikely to cause disturbance to the species using the SPAs.

DATE: 21 April 2022

NAME: Archaeology Officer

COMMENT: The site overlies the site of the historic Henry Robb Shipyard. The construction of Ocean Terminal has had a significant impact and has likely to have removed almost all significant remains associated with the former shipyard, it is important that the site's shipbuilding heritage is commemorated within the new development.

Recommend that the public realm includes a scheme for heritage interpretation and public art, commemorating and celebrating the site's important maritime and shipbuilding heritage. Recommended condition:

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic interpretation & public art) which has been submitted by the applicant and approved by the Planning Authority.'

DATE: 25 April 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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