

Development Management Sub Committee

Wednesday 8 February 2023

Report for forthcoming application by

Ocean Drive Unit Trust. for Proposal of Application Notice

22/06485/PAN

**at Land 143 Metres Southeast Of 94, Ocean Drive,
Edinburgh.**

**Erection of residential development with associated
landscaping and infrastructure (variation of design
approved under permission 19/02778/FUL).**

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for the erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) at land 143 Metres Southeast of 94 Ocean Drive.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 22/06485/PAN on 23 December 2022.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

- 1.1** It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

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

North of the site is the wider Leith Docks industrial area, this also contains the Imperial Dock Special Protection Area (SPA) which contains a tern colony.

The tram line is currently under construction along Ocean Drive. The Local Development Plan contains a safeguard along the water's edge for the creation of a promenade.

The site is vacant brownfield land. A replacement quay wall was constructed in early 2019.

2.2 Site History

3 November 2020 - planning permission granted for 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 (application number 19/02778/FUL).

Adjacent Sites:

31 October 2001 - to the east of the site planning permission was granted for the 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 (application number 01/01030/FUL).

14 August 2018 - to the south of the site, planning permission granted for the 388 residential units and 29 commercial units proposed to be either Class 1, 2 or 4 + two corner cafes on the Waterfront Plaza (Cala site) (application number 16/03684/FUL). Under construction.

21 November 2022 - application submitted for the erection of mixed-use development comprising residential and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure and access arrangements on land at Ocean Terminal, 98 Ocean Drive. Under Assessment.

Main report

3.1 Description of the Proposal

The forthcoming application will be a full planning application for the erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL). It is understood that this primarily relates to Block A of the previously granted scheme and the wider landscaped area.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location having regard to the development plan.

The site is located within the Central Leith Waterfront area (Proposal reference EW1b) as identified in the adopted Edinburgh Local Development Plan (LDP). The LDP sets out a number of development principles for the area and the site is shown as housing-led mixed use in the associated diagram.

As the site forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) will be of relevance to the assessment of the site. 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.

LDP Policy Hou 1 (Housing Development) supports housing development at suitable sites within the Urban Area, subject to other LDP policies. Proposals for residential development would be expected to address the principles of LDP Policy Hou 2 (Housing Mix), which requires an appropriate mix of residential units to meet the needs of the range of household types in the area, with regard to other considerations. Proposals would also be expected to demonstrate compliance with LDP Policy Hou 6 (Affordable Housing).

b) Design, Scale and Layout.

Design development will need to take cognisance of relevant LDP design and environment policies and the Edinburgh Design Guidance. Detailed information will be required in relation to the height, materials and form of the proposed units. The design approach must be based on a thorough understanding of the surrounding context. The proposal should not adversely impact on key local views and wider city views as identified in Edinburgh Design Guidance.

An assessment of the amenity of future occupiers, as required by LDP Policy Des 5 (Development Design - Amenity) will also be required. This will include the requirement for greenspace provision, in accordance with LDP Policy Hou 3 (Private Green Space in Housing Development).

c) Access and transport.

The proposal shall have regard to LDP transport policies and Edinburgh Design Guidance including the Edinburgh Street Design Guidance and relevant factsheets. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

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. Both these matters should be factored into the forthcoming application.

d) The proposal has acceptable impacts on infrastructure.

The application will be required to consider impacts on infrastructures in accordance with LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery.

e) There are any other environmental factors that require consideration;

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having an unacceptable detrimental impact on the environment. The proposal will need to be screened for an Environmental Impact Assessment.

It is anticipated that National Planning Framework 4 (NPF4) will be adopted prior to the submission of the application. As such it will form part of the development plan and the application will need to be assessed against the relevant policies.

In order to support the application, the following documents are anticipated:

- Pre-Application Consultation Report;
- Design and Access Statement;
- Planning Statement;
- Affordable Housing Statement;
- Visual Impact Assessment;
- Flood Risk Assessment and Surface Water Management Plan;
- Daylight and Sunlight Assessment;
- Sustainability Statement and Sustainability Form;
- Transportation information;
- Ecology Report;
- Noise Impact Assessment and
- Air Quality information.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

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

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions one on 17 January 2023 and one on 23 February 2023 at Ocean Terminal between 2pm and 7pm.

The Proposal of Application Notice was sent to Local Leith Ward Councillors, Councillor Osler, Councillor Day, Deidre Brock MP, a number of MSPs, Leith Harbour and Newhaven Community Council, the Cockburn Association, Leith Trust, Leith Chamber of Commerce and The Cockburn Association.

The results of this consultation will be submitted with the future planning application as a Pre-application Consultation (PAC) Report.

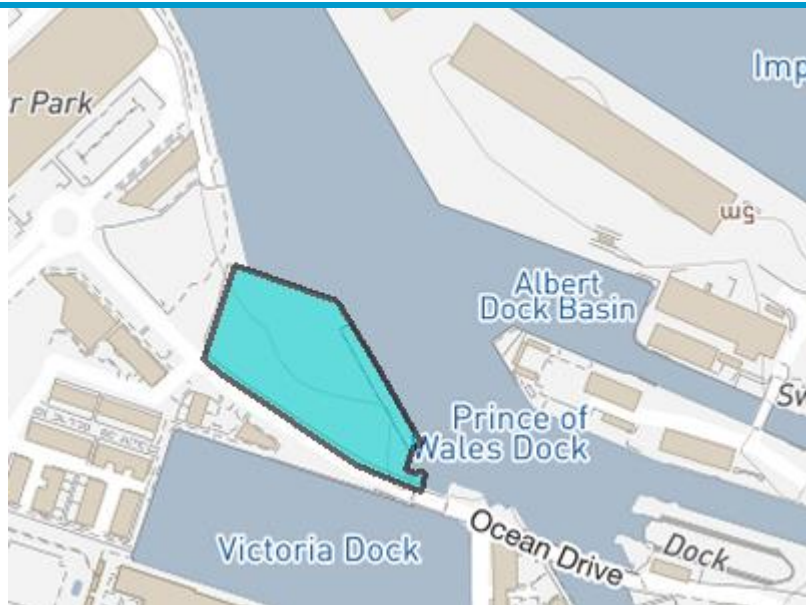
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jamie Carver, Planning Technician
E-mail:jamie.carver@edinburgh.gov.uk Tel:0131 529 3484

Location Plan



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