

Development Management Sub Committee

Wednesday 11 February 2015

**Application for Planning Permission 14/04482/FUL
At 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.**

Item number	4.6
Report number	
Wards	A13 - Leith

Summary

Whilst the amended proposal is not linked to growth in population, it demonstrates compliance with Policy Wa 1 and Policy Ret 3. The additional floor space will not impact on the vitality and viability of Leith Town Centre and will bring vacant units within Ocean Terminal back into use and retain an existing tenant within the centre.

The amended proposal will alter the design of the building and the landscaping, however, on balance there are overriding circumstances which are the declining performance of Ocean Terminal.

Links

[Policies and guidance for this application](#)

LPC, CITWA1, CITD1, CITD2, CITD3, CITD4, CITD5, CITD11, CITD12, CITER3, CITT3, CITT6, CITT7, NSG, NSGD02, NSMDV, NSDCAH, OTH, DBLEIT,

Report

Application for Planning Permission 14/04482/FUL At 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.

Recommendations

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

Background

2.1 Site description

The application site comprises an area immediately adjacent to the main public entrance to Ocean Terminal Shopping Centre located in Ocean Drive, Leith. The shopping centre is well established and provides retail, leisure and tourist facilities.

The area to accommodate the extension comprises a public pathway to the front of the existing shopping building, landscaping with a grassed area and seven trees, three public benches and a smoking shelter.

The building is a large oblong shaped, symmetrical building orientated north-east / south-west alongside Ocean Drive and forming the eastern frontage to the main harbour of the Port of Leith. The building comprises of two multi storey car parks (of six floors), at either end, with a covered shopping mall between stepping up from the car parks to 19 metres high, through intermediate wings of 22.6 metres high to a central structure of 28.7 metres high.

Areas of landscaping and trees are located to the front of the shopping building.

Ocean Terminal is well served by public transport, with the bus stops located immediately outside the main pedestrian entrance.

The wider area consists of a mix of uses including retail, offices and residential. There is some derelict land opposite the shopping centre which sometimes houses temporary uses, e.g. funfair.

2.2 Site History

Application Site

14 January 1999 - Outline planning permission was granted for a mixed use development comprised of the following elements:

Cruise liner arrivals/departures; Restaurants/Bars; Multiplex cinema; Health facilities; Entertainment venue; Retail (food hall, large retail stores, variety stores, unit shops); Offices; Night club; Museum; 120 bed hotel; and 100 flats/townhouses (Reference: A/02288/95).

2 December 1999 - A variation to the original planning permission was granted for Phase 1 of the Ocean Terminal development comprising a mixture of retail and leisure uses, incorporating the Britannia Exhibition and Visitor Centre. The proposal included 21,328 square metres of retail floor space; 652 square metres of class 2 office space; 5,535 square metres of restaurant floor space; a 2,500 square metre cinema; and 3,081 square metres of leisure uses (including the 'Britannia' complex (Reference: 99/00018/FUL).

26 September 2003 - Planning permission was granted for an extension on the rear of Ocean Terminal to an existing ground floor retail unit. It increased the floor space from 270 square metres to 542 square metres (Reference: 03/01846/FUL).

3 October 2003 - Planning permission was granted for the provision of 8 small retail units, on the ground floor of the building, an additional 1,481 square metres of retail floor space (Reference: 03/01834/FUL).

2 December 2004 - Planning permission was granted for the provision of 5,254 square metres additional retail floor space at various units in Ocean Terminal which currently have approved leisure and restaurant uses. The proposal also includes 51 square metres of additional leisure floor space (Reference: 03/01835/FUL).

31 October 2008 - Planning permission granted for the application is for the erection of an entrance canopy and infilling of the existing building overhang to form two new retail units and an extended entrance lobby floor space, with associated landscaping alterations. the resultant change in floor area being a net loss of 22 square metres (References: 08/03189/FUL).

26 January 2009 - Prior approval for the erection of tramstop, including tramstop shelter, overhead line equipment (OLE), street lighting, hard landscaping and relocation of bus shelters (Reference: 08/04267/PA).

September 2013 - Planning permission granted for the six applications for minor increases in retail floor space. Units 29, 30, 31 and 32-33 on the ground floor and Units 61 and 62 on the first floor. These equate to a total of 180 square metres of additional retail floor space. (References: 13/03176/FUL, 13/03177/FUL, 13/03149/FUL, 13/03154/FUL, 13/03166/FUL and 13/03168/FUL).

12 September 2013 - Planning permission granted to create a new retail unit (401 square metres) on the first floor within part of the existing food court (RU 56 D) (Reference: 13/02762/FUL).

11 October 2013 - Planning permission granted to create a new retail unit (407 square metres) on the first floor within part of the existing food court (RU 56C) (Unit 54) (Reference: 13/02760/FUL).

Other Relevant History - Leith Docks Outline Planning Applications

27 August 2008 - minded to grant outline planning permission for mixed use development including; residential (houses and flats); business (class 4); retail (class 1); classes 2 and 3; industrial in classes 5 and 6; hotels (class 7); public houses; class 8 (for example a nursing home); non-residential uses within class 10 (for example education, worship); assembly and leisure (class 11); public open spaces; land reclamation; and associated infrastructure including coastal defences and quay walls (as amended to incorporate modifications to address potential impacts on the Imperial Dock Lock, Leith Special Protection Area) (Reference: 07/03895/OUT). Application formally withdrawn 17 March 2014.

25 June 2010 - minded to grant outline planning permission for the mixed use development of The Harbour: Leith Docks (the area comprising the first two 'urban villages' within the Leith docks regeneration project) including: shops(Class 1); banks, solicitors etc (financial, professional and other services Class 2); cafes and restaurants (food and drink Class 3); houses and flats (Class 9 and Sui Generis); offices (business Class 4); public houses and bars/restaurants with public house licences (Sui Generis); hotels and serviced apartments (Class 7); cultural centre (which may contain concert hall/theatre and/or museum and/or gallery and other associated uses Classes 10, 11 and sui generis with regard to the theatre); marina (outdoor sports Class 11); cruise liner terminal (permitted development rights but in the same building as a use requiring permission) with visitors' centre Class 10); leisure uses that could include for example bowling alley/dance hall/events venue (Class 10 or 11); energy centres (Classes 4 or 5); public open space, landscaping and public realm; infrastructure works including quay walls; land reclamation; access and number of car parking spaces; and associated transportation (including public transport) infrastructure (as amended) (Reference: 08/04232/OUT). Application formally withdrawn 17 March 2014.

Main report

3.1 Description Of The Proposal

Scheme Two

The amended proposal is for an extension to the front of the existing building. It will be positioned immediately adjacent to the main front entrance to Ocean Terminal and will be the equivalent of three storeys high. Class 1 retail floor space will be located on the ground floor, staff welfare facilities on the first floor and mechanical plant at roof level.

The extension will sit forward of the main front building line of the Ocean Terminal building. It will be 17.75 metres high, 34.0 metres long and 16.5 metres deep.

The amended proposal will create 865.04 square metres of additional floor space, of which 487 square metres will be Class 1 retail (located at ground floor). The proposal will enable the existing ground floor retail units 7 and 8 within Ocean Terminal to be extended and amalgamated to create a single retail unit of 1,716.97 square metres.

The ground floor elevation will consist of glazing with sections of both clear and whitened glass. The upper floors elevations will be stainless steel tiles top hung on a galvanised steel backing frame. Two sets of glazed entrance doors will be located on the extension's south-west elevation, next to the main entrance to Ocean Terminal.

The public pathway to the front of the extension will be realigned and paving will match the existing. The grassed area and seven trees will be removed. Three public benches and a smoking shelter will be retained and relocated immediately south-west of the main entrance to Ocean Terminal.

The amended proposal will allow H&M, an existing operator in Ocean Terminal, to relocate to a larger, more prominent unit in Ocean Terminal. The units to be extended have been vacant for a number of months and currently have temporary uses including Toys R Us, Living Memory and Ocean Social (community space).

Scheme One

A single set of glazed entrance doors were located on the extension's south-west elevation. White glazing was proposed for a total length of 16.3 metres to the extension's south-east elevation.

Supporting Statements

The applicant has provided the following supporting information:

- Planning and Retail Statement;
- Health Assessments of Leith Town Centre and Ocean Terminal; and
- Design Statement.

These are available to view on the Planning and Building Standards online services.

3.2 Determining Issues

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 proposal is acceptable in terms of scale, design, choice of materials and positioning;
- c) the proposal is acceptable in terms of the safeguarded tram route and impact on transport infrastructure;
- d) the loss of trees and landscaping proposals are acceptable;
- e) the proposal would have any equalities of human rights impacts; and

f) the comments raised in representations have been addressed.

a) Principle

The proposal is for an extension to the front of the Ocean Terminal Shopping Centre building. Ocean Terminal is a Commercial Centre and located within the Waterfront Areas of Change as set out in the Edinburgh City Local Plan. Policies Ret 3 (Commercial Centres) and Wa 1 (Waterfront Areas of Change) therefore apply.

Criterion a) of Policy Wa 1 supports comprehensively designed proposals that maximise the development potential of the area in accordance with agreed development frameworks and/or master plans and the principles of sustainable development.

In June 2010, the Development Management Sub-Committee resolved to grant the detailed masterplan for the development of 'The Harbour, Leith Docks' planning permission (Reference: 08/04232/OUT). This application included the modest expansion of Ocean Terminal shopping centre in the form of extensions to its front and rear adding active frontages to the existing building. These were a series of retail and leisure buildings onto the west and east side of the shopping centre (16,082 square metres of retail use). The principle of retail extensions to Ocean Terminal has therefore been established.

Criterion e) of Policy Wa 1 supports the provision of retail facilities in and around retained harbours.

In accordance with criterion f), a tramstop is approved to the front of Ocean Terminal (Reference: 08/04267/PA).

Criteria b), c), d) and g) do not apply.

The proposal complies with Policy Wa 1.

With regards to Policy Ret 3, the objective of the Edinburgh City Local Plan is to sustain and enhance the city centre and other town centres by limiting the amount and character of further development that takes place in Commercial Centres. Table 8.2 in the ECLP defines the future role of individual Commercial Centres. In the case of Ocean Terminal, the Table indicates:

"Location in an area of predicted substantial population growth suggests scope for increase in retail/leisure floorspace and enhanced community / civic functions. Improved accessibility once the tram is operational and the rate of new residential development at Leith Docks will help determine the scale and timing of any future expansion."

The link between retail development and local population growth is fundamental to the supportive position taken in the ECLP, providing justification for limited expansion despite the general restraint on major retail development outwith the City Centre.

A Planning and Retail Statement and Health Assessments of Leith Town Centre and Ocean Terminal have been submitted in support of the proposal. These have been assessed against the aforementioned Local Plan policies and summarised below.

Policy Ret 3a (Sequential Test)

In its Planning and Retail Statement, the applicant states that locations outwith Ocean Terminal are not suitable. H & M is an existing tenant, located at first floor level within Ocean Terminal. The applicant states that the H & M wish to continue to trade from Ocean Terminal, however, its current premises are too small and continue to operate successfully and they require a larger unit. While there are vacant units within Ocean Terminal, none are of a suitable size.

Policy Ret 3b (Impact)

The amended proposal is 865.04 square metres, of which 487 square metres will be Class 1 retail floor space. The Health Assessments of Leith Town Centre and Ocean Terminal reveal that the two centres have different roles and characteristics. The Health Assessments confirm that there are a relatively low proportion of comparison goods within Leith Town Centre (30%). With regards to clothing, the Council's own survey carried out in 2010, confirms that this accounted for 18% of comparison retail floor space in Leith Town Centre.

On balance it is considered that the scale of development proposed is not likely to divert trade from Leith Town Centre or cause an impact on its vitality and viability.

Policy Ret 3c (Scale/Format/Type)

The format and type of development proposed is seen as being compatible with the role of the centre as defined in the relevant planning consents and outlined in Table 8.2 of the Edinburgh City Local Plan i.e. retail function with no external access. However, the proposed development does not identify with the future role of Ocean Terminal as the scale of development proposed is not directly linked to 'substantial population growth' referred to in Table 8.2 of the ECLP. Table 8.2 implies that improved accessibility once the tram is operational and the rate of new residential development of Leith Docks will help determine the scale and timing of future expansion.

Whilst, the proposal does not accord with the future role of the centre, para 8.19 of the ECLP recognises the pressures on commercial centres and does not rule out a limited amount of further development. This is dependent on the city centre achieving its potential of an additional 52,500 square metres net floor space by 2012 and is further qualified by a requirement that the development must not be to the detriment of the vitality of the town and local centres. However, major city centre retail applications coming to fruition and the scale of the proposed development are relevant considerations.

Commercial centres are having to refresh their offer in order to compete in the current economic climate. For example, there have been a number of alterations to retail units within Ocean Terminal to create larger units and the pressure for larger units.

The amended proposal will retain a major retailer at Ocean Terminal, will improve its footfall and add to its vitality and viability without having a significant impact on the nearby Leith Town Centre.

Policy Ret 3d (Accessibility)

Ocean Terminal is accessible by public transport and it is served by a number of main bus routes. The existing pedestrian and cycle route on the north will be reconfigured to accommodate the amended proposal. This is discussed in section 3.3 c) below.

A tram stop is approved on Ocean Drive, directly in front of the main entrance to Ocean Terminal (Reference: 08/04267/PA). The amended proposal encroaches on the safeguarded Tram route Limits of Deviation, however, it will not impact on the infrastructure for the approved tramstop. This is discussed in section 3.3 c) below.

Policy Ret 3e (Deficiency)

The Health Assessment of Ocean Terminal confirms that the turnover, rental rates and footfall are in decline and vacancy rates increasing. The amended proposal will bring vacant units within Ocean Terminal back into use addressing a deficiency of units of this size within the centre.

In summary, the proposal largely complies with Policy Ret 3 with the only issue being how the development fits in with the envisaged future role of the centre. It has been demonstrated that there are no alternative preferable locations available which could accommodate the development, the proposal will not impact on Leith Town Centre, it is compatible with the role of the centre and the alterations to the approved tramstop will be addressed. The objective of Policy Ret 3 has been met.

b) Design

Ocean Terminal Shopping Centre is a large, symmetrical building. The extension will be located immediately adjacent to the main front entrance to Ocean Terminal and will be the equivalent of three storeys high. The amended proposal will extend 16.5 metres forward of the recessed ground floor building line and 8.7 metres from the projecting upper levels. The amended proposal will make the principal elevation asymmetrical. While symmetry is an important feature of the existing building, this will become less apparent once development is built on the opposite side of Ocean Drive. In terms of scale, the overall height of the extension will be 17.75 metres, aligning the top of the extension with the top of the cladding to the projecting upper levels.

The articulated metal cladding proposed provides a striking contrast to the building's existing concrete cladding and is acceptable. Sample panels will be required as a condition to ensure their quality. The sections of clear glazing at ground floor will create active frontages.

The existing pedestrian and cycle route on the north will be reconfigured to accommodate the amended proposal. This is discussed in section 3.3 c) below.

It is accepted that the stand alone extension will change the symmetrical appearance of the building. However, there are over-riding material considerations as noted above that support the retail proposals on this site.

c) Tram and Transport

The additional increase in retail floor space would not result in the generation of any additional vehicle movements to the overall centre and as such would not affect road safety within the vicinity of the site.

The amended proposal encroaches into the Limits of Deviation as defined under the Edinburgh Tram (Line One) Act 2006. However, the application drawings confirm that the extension will not impact on the infrastructure for the approved tramstop (Reference: 08/04267/PA). The applicant will enter into a suitable legal agreement to safeguard land for future tram delivery. This will cover public utility and service diversion / accommodation and include the relocation of tram control cabinets to the front of Ocean Terminal.

The proposed extension will sever the pedestrian and cycleway route along the front of Ocean Terminal. The abovementioned legal agreement will also cover the re-routing of the pedestrian and cycleway.

Transport has been consulted and has no objections to the application subject to condition requiring the applicant entering into a legal agreement.

The amended proposal, subject to condition, does not raise any Transport issues.

d) Trees and Landscaping

An area of structured landscaping to the front of the building containing seven trees will be removed to accommodate the footprint of the extension. Whilst this will disrupt the symmetrical design of the landscaping and planting, the wider benefits of the proposal outweigh this loss. A condition is recommended requiring the submission of detailed a landscape plan.

e) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

f) Public Comments

No comments were received.

Conclusion

In conclusion, whilst the amended proposal is not linked to growth in population, the amended proposal demonstrates compliance with Policy Wa 1 and Policy Ret 3. The additional floor space will not impact on the vitality and viability of Leith Town Centre and will bring vacant units within Ocean Terminal back into use and retain an existing tenant within the centre.

The amended proposal will disrupt the symmetrical design of the building and the landscaping, however, on balance there are overriding circumstances which are the declining performance of Ocean Terminal.

There are no material considerations that outweigh this conclusion and it is recommended that the application be granted subject to conditions relating to the submission of further applications for matters specified in the conditions.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Sample/s of the proposed external building materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

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

Informatives

It should be noted that:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to safeguard land for future tram delivery. This will include public utility and service diversion / accommodation and rerouting of the existing cycle and pedestrian route along the front of Ocean Terminal and the costs of any required changes to tram design or additional tram construction costs associated with revised diversions, i.e. at no cost to the Council.
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.

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 is not subject to 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

No representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The application site is identified as a Commercial Centre in Edinburgh City Local Plan. It is also identified as being within the Waterfront Area of Change.

Date registered

29 October 2014

Drawing numbers/Scheme

01 - 05, 06A, 07 - 08, 09A, 10,

Scheme 2

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Wa 1 (Waterfront Areas of Change) sets criteria for assessing development in the Granton and Leith Waterfront Areas of Change.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Policy Ret 3 (Commercial Centres) sets criteria for assessing proposals for the reconfiguration or extension of commercial centres.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Tra 7 (Tram) prevents development which would prejudice tram safeguards or identified tram routes.

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 and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Other Relevant policy guidance

The Leith Docks Development Framework sets out planning and design principles for the redevelopment of Leith Docks and some of the surrounding area.

Appendix 1

Application for Planning Permission 14/04482/FUL At 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.

Consultations

Transport

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

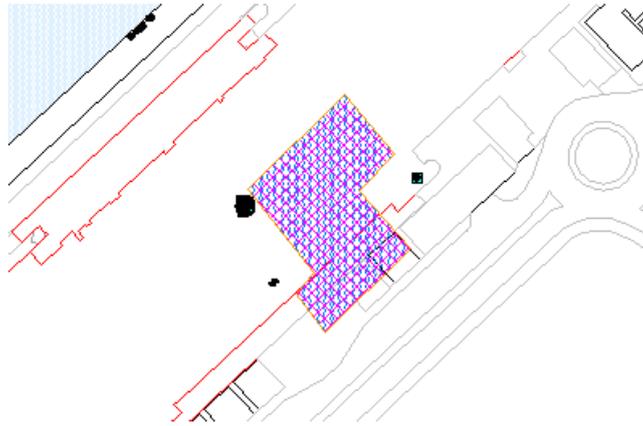
1. *Consent should not be issued until the applicant has entered into a suitable legal agreement to safeguard land for future tram delivery. This will include public utility and service diversion / accommodation and rerouting of the existing cycle and pedestrian route along the front of Ocean Terminal and the costs of any required changes to tram design or additional tram construction costs associated with revised diversions, i.e. at no cost to the Council.*

Note:

The application is within the Limits of Deviation for the tram project, as defined under the Edinburgh Tram (Line One) Act 2006. Allowing development on this site could impact on the future delivery of the tram in this area. However, the application is considered acceptable subject to legal agreement being reached in similar terms to those entered into by the Council with Forth Ports and Ocean Terminal in 2005 to safeguard this land for future tram delivery.

If you have any queries, please call Matthew Simpson on 0131 529 3426 (Direct Dial).

Location Plan



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