

# Development Management Sub-Committee Report

**Wednesday 11 January 2023**

**Application for Planning Permission  
Granton Harbour, West Harbour Road, Edinburgh.**

**Proposal: Mixed-use development comprising houses, flats and commercial units; surrounding roads, public realm areas and infill of land (Plot 35A).**

**Item – Committee Decision  
Application Number – 21/06413/FUL  
Ward – B04 - Forth**

## **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 development.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

On this basis the proposal is unacceptable.

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

## **SECTION A – Application Background**

### **Site Description**

The site is within the Granton Harbour area and is 17130 square metres in area.

The application site is an area of land and water, a portion of which will require to be reclaimed from the Granton inner harbour. The location of the application site within the Granton Harbour Masterplan is to the immediate east of Plot 35.

Plot 35 is to be developed for hotel use, and to the south is Plot 8B, which is anticipated for marina use. To the immediate north is the Granton Harbour Western Breakwater, Esparto Wharf and Pier, which is a category B listed structure (LB reference: 30219 Listed on 28 November 1989).

### **Description of the Proposal**

The proposal is for 81 residential units, which comprise 75 flats, three duplex/triple units with driveway and garage and three detached townhouses with driveway and garage. The proposal also includes 15 commercial units (Class 1, 2 or 3 and covering a total of 1004 sqm of floorspace) the surrounding roads, public realm areas and the infill of land.

The development forms a larger perimeter style block which is split into two development plots divided by a central pedestrian route which will run from the proposed hotel to the west of the site to the harbour to the east.

The two development plots are designed as square horseshoe shapes. The southern block is a mixture of four and five storeys with a stepped back fifth storey proposed in some elevations. The northern block is a mixture of four to six storeys.

The ground commercial units are proposed along the western elevations of both blocks fronting onto the adjacent hotel site and also along the southern elevation of the southern block. These range in size from 27sqm to 133sqm.

The primary materials are Aspen Corian with Willow Corian for the insert sections, the windows are to be brass coloured and the ground floor shop fronts contain a brass finish with large areas of glazing.

In the centre of each of the two sites would be a raised amenity deck, with individual garden areas for the town houses and common garden areas for the flats on each site.

The application also includes a public square which is located south of the buildings proposed on plot 35a adjoining the already-approved Marina office building

A total of 103 car parking spaces are proposed. This is split between the ground floor level under the amenity deck areas and the basement level. Eight of the spaces are to be accessible and all the car parking is to have electric vehicle charge points. There are five motorcycle parking spaces and 189 cycle parking spaces.

Vehicular access to the underground car park is via ramps from the road on the southern boundary and from the road adjacent to the North Break Water to the north of the site.

## **Revised Scheme**

A revised site plan has been submitted, providing further details of finished floor levels.

## **Supporting Information**

The following information was submitted in support of the application.:

- Sustainability Form
- Pre-application Consultation Report
- Design and Access Statement
- Planning Statement
- Ecological Impact Assessment
- Habitats Regulation Assessment
- Noise Impact Assessment
- Flood Risk Assessment (Envirocentre, 2022); and
- Surface Water Management Plan
- Supporting Statement and Letters from Envirocentre relating to Flood Risk Assessment and Surface Water Management Plan
- Phase I Geo-Environmental Risk Assessment
- Landscape Specification
- Maintenance Schedule
- Flood Risk Assessment (Fairhurst, 2017) and Appendix
- Wave Transformation Modelling Report (DHI, 2016) and Appendices
- Wave Disturbance Modelling Addendum (DHI, 2022)
- Additional statement from DHI regarding Flood Risk Assessment and Surface Water Management

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

## **Relevant Site History**

18/01428/PPP  
Granton Harbour  
West Harbour Road  
Edinburgh

Extension of time limit of the existing outline planning approval to extend the duration of the permission for five years to 20th June 2023

Deemed Refusal  
10 August 2018

17/02484/AMC  
Granton Harbour  
West Harbour Road  
Edinburgh

Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes. at Granton Harbour, West Harbour Road.

Approved  
25 May 2021

21/06095/FUL  
Granton Harbour  
West Harbour Road  
Edinburgh

Construction of rock revetment and associated pedestrian walkway at west side of inner harbour.

Granted  
1 June 2022

21/06468/LBC  
Granton Harbour  
West Harbour Road  
Edinburgh

Alterations to listed building to allow proposed mixed-use development (Plot 35A).

Granted  
1 June 2022

21/06440/FUL  
Granton Harbour  
West Harbour Road  
Edinburgh

Formation of access roads, cycle ways and public realm areas (Plots 35 and 35A).

01/00802/OUT  
Granton Harbour  
Edinburgh

Granton Harbour Village, mixed use dev. comprising residential units, hotel + serviced apartments , shops + retail/services, restaurants/cafes , public houses, general business, leisure facilities + marina (revised urban design guidance)

Granted  
23 June 2003

06/03636/REM  
Granton Harbour  
West Harbour Road  
Edinburgh

Reserved matters application to discharge the following reserved matters as attached to outline planning permission 01/00802/out (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; (1) existing and finished ground levels in relation to ordnance Datum AT Granton Harbour, Edinburgh

Granted

4 March 2009

05/01604/LBC  
Granton Harbour  
West Harbour Road  
Edinburgh

Strengthening works to the upper, concrete wall forming part of the west breakwater of Granton Harbour

Granted

30 April 2009

05/01604/FUL  
Granton Harbour  
West Harbour Road  
Edinburgh

Strengthening works to the upper, concrete wall forming part of the west breakwater of Granton Harbour

Granted

27 March 2009

### **Other Relevant Site History**

18/02833/AMC  
Plots 8A and 8B  
Granton Harbour  
West Harbour Road  
Edinburgh

Land to the south of the site: proposed marina office with associated retail, cafe space and community boat yard (as amended)

Approved

12 March 2019

17/05306/AMC  
Plots 29 and 35  
Granton Harbour  
West Harbour Road  
Edinburgh

Land to the west of the site: housing, hotel and serviced flats development. Application for approval of matters conditioned regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space (AS AMENDED)

Approved on appeal by DPEA.  
24 September 2019

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Edinburgh Airport Safeguarding

Transport Planning

Granton Community Council

Environmental Protection

Flood Planning

Communities and Families

Historic Environment Scotland

Affordable Housing

SEPA

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 17 December 2021

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 7 January 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 4

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then 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 harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

The B listed breakwater was constructed between 1842-63 and also served as a pier with an extensive timber wharf. The site was formerly used for the shipment of coal, esparto grass and later petrol and oil. The lower section of pier was significantly altered by land reclamation between here and mid pier circa 1970 and the shape of the inner harbour today is significantly different from the original shape in the nineteenth century.

The listed building comprises two parts. First is the breakwater, which comprises coursed sandstone blocks along the harbour-facing side. It includes a battered base to the pier surmounted by vertical walls; that to the sea-facing side continue to form a parapet; rebuilt in concrete along lower end; with coursed sandstone and ridged coping towards the end of pier. The second part is the timber wharf along the harbour-facing side.

A programme of archaeological works was undertaken in 2008. The area formerly occupied by the timber wharf (sometimes known as the esparto wharf) is now partly under water in the Inner Harbour. No remains are evident of the former wharf in the Inner Harbour. A portion of the Inner Harbour to the west of the present application site was previously infilled and this operation has potentially destroyed remains of the timber structure. At surface level the ground has been covered in concrete and other than limited remains of a twentieth century structure and limited evidence of rail tracks, little of historic interest remains.

HES has not objected to the proposals. Consultation was undertaken with the City Archaeologist, and it was noted that although the listed Victorian breakwater will be impacted upon by these proposals, these impacts are considered to have a low-moderate archaeological impact. The principle of mixed-use development of this site was approved through the outline permission (application number 01/00802/OUT). Given extensive intervention in the past and the limited remains on site, the proposals in this case will not harm the listed structure. Based on the information provided, there are no aspects of the proposal which would harm the setting of the listed building and the nearby A listed Middle Pier and Pilot House, the B listed lighthouse or the C listed harbour. The historic shoreline has already been significantly altered as has the surface.

However, if planning permission is granted it is recommended that a programme of works is undertaken during any works occurring adjacent to and direct on this historic structure, to record any historic remains that may be revealed or affected and ensure protection. This will complement work already undertaken during test trenching along the line of the breakwater and recording of its upper superstructure.

### **Conclusion in relation to the listed building**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal will have a low to moderate impact on archaeological remains, but subject to a condition requiring a full programme of archaeological works it could be acceptable in this regard. Little of historic value remains due to significant land reclamation and previous alterations to the structure during the twentieth century. The infill of land will have a limited impact on the existing structure and will not harm the listed building or the setting of surrounding listed structures.

### **b) 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 Environment Policies Env 3, Env 4, Env 9, Env 13, Env 16, Env 21 and Env 22
- LDP Delivery Policies Del 1 and Del 3
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4 and Hou 6
- LDP Retail Policies Ret 6 and Ret 11
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 10
- LDP Transport Policies Tra 2, Tra 3 and Tra 4

## Impact on Listed Buildings

This has been assessed in section (a) above. The application complies with LDP Policies Env 3 and Env 4.

## Principle

The site is located within the Granton Harbour Area at Granton Waterfront, as identified in the Edinburgh Local Development Plan (LDP). It is covered by Proposal EW2c for housing led mixed use development across Granton Harbour. The principle of the infilling of the land also requires consideration.

The development principles of the LDP set out that proposals will be expected to:

- complete the approved street layout and perimeter block urban form
- provide a housing mix that is appropriate to the site in terms of place-making and would maximise completions within this urban regeneration proposal within the plan period.
- meet the convenience shopping needs of new and future residents by implementing the proposed Local Centre (Proposed S2).
- complete the relevant section of the waterside Edinburgh Promenade.
- provide for retained and improved mooring facilities and boat storage and retain Middle Pier as a 'working pier'.
- include tourism and waterfront-related leisure and entertainment uses.
- provide a strategic flood risk assessment.

LDP Policy Del 3 (Edinburgh Waterfront) supports proposals which meet a number of requirements including the provision of a series of mixed-use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability alongside the provision of local retail facilities and leisure and tourism attractions and the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of the housing land supply and relevant infrastructure as detailed in the plan including as part of the mixed use regeneration proposals at Edinburgh Waterfront.

The most recently approved masterplan (application number 17/02484/AMC) shows a basic layout for residential use on the plot, although part of the site was outwith the red line boundary of the associated planning permission in principle (PPP). However, condition 2 of the decision notice for that approval states that the reserved matters covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes are not approved in respect of plot 35A.

Previous masterplans have highlighted this part of the site for development and residential use is acceptable in general terms in line with Policy Hou 1 and the LDP Del 3.

The proposed commercial uses consist of a mix of Class 1 (Shops), Class 2 (Financial, professional and other services) and Class 3 (Food and Drink).

As noted above, the general approach for Granton Harbour is to provide a residential led mixed use development with provision of local retail facilities and tourism attractions. The commercial units adjacent to the approved hotel on Plot 35 and next to the area of public realm on the southern part of the site offer opportunities to provide these types of facilities in appropriate locations within the site.

Policy Ret 6 (Out-of-Centre Development) sets out the criteria where proposals for out-of-centre retail development will be permitted. The criteria is: a) addresses a quantitative or qualitative deficiency; b) all potential sites have been assessed and discounted as unsuitable or unavailable; c) the proposal will not have a significant adverse effect on the vitality and viability of any existing centre; and d) the site is or can be made easily accessible by a choice of transport modes and will reduce the length and overall number of shopping trips made by car.

No supporting information in relation to the justification for the units has been provided. However, the units proposed are relatively small in size, with the largest covering an area of 133sqm, and although this is not an application linked to the PPP for the wider site, the PPP does allow for some 23,190 sqm of commercial/business floorspace to come forward within the Granton Harbour area, and there remains adequate capacity to support this development.

Having a mix of uses in a development can help both its sustainability and the sustainability of an area as a whole. The proposed ancillary uses are welcomed to provide local services and employment opportunities and create active frontages.

Policy Ret 11 (Food and Drink Establishments) relates to the change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be permitted if it is likely to causes issues in relation to amenity or if there is considered to be an excessive concentration of such uses.

Although the proposal is not for a change of use of an existing unit, the policy is still of use for assessing Class 3 uses and the provision of Class 3 uses within this part of the harbour area is acceptable in principle subject to the consideration of any amenity impacts.

In terms of the principle of infilling land within the harbour, there is no specific LDP policy which relates to this matter. The comprehensive mixed-use development of the harbour area was granted outline consent in 2003 through application 01/00802/OUT. Outline consent was granted for a period of 15 years and this was extended for a further five years through application 18/01428/PPP up to June 2023. Although a large portion of the application site falls within this outline consent area, part of the site to the east falls outwith the boundary and consequently full planning permission is required for all elements of the scheme.

The most recent masterplan for the harbour is outlined in application 17/02484/AMC. This identifies the application site as Plot 35A. Plot 35A was not identified within the previous masterplan for the harbour area and represents a significant new development. However, over a period of almost 20 years, the harbour edge and rock revetment have been consented in a number of locations.

The proposed harbour edge and level of infill put forward in this application is broadly consistent with the consented masterplan for the harbour from 2009 outlined in application 06/03636/REM. Within this application, the principle of the proposed position of the harbour edge and the level of infill proposed was accepted, subject to the provision of the following information:

- A landscape plan for all areas of public open space;
- A management and maintenance scheme for the continued up-keep of the public open spaces;
- Full details of the rock revetment to be constructed, including wave modelling results where appropriate;
- Details of play equipment to be installed;
- Details of the drainage scheme to be installed throughout the site; and
- Details of the materials and configuration of the roads, cycleways and footpaths.

However, this information was not provided, no application came forward and the masterplan was subsequently revised. Given that the position of harbour edge has previously been accepted in principle, the proposed level of infill outlined in the current scheme is acceptable subject to the provision of appropriate supporting information; including a Surface Water Management Plan, Flood Risk Assessment, a Wave Modelling Survey and full details of the proposed infill material.

It should be noted that the proposed works would require a Marine License under the terms of the Marine (Scotland) Act 2010. The proposed works would also fall under SEPA's Waste Management Licensing Regime. The applicant must ensure they obtain all relevant licenses and comply with their requirements.

In summary, the general provision of a residential led mixed use development is acceptable at this location and complies with Policy Hou 1, Del 3 and LDP Proposal EW2C. The commercial uses proposed will form part of the mix of uses and the units shown are relatively small in size and will add to the sustainable use of the site. Subject to the provision of appropriate information, the proposed infill of the site is acceptable.

### Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

In line with Regulation 25 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 the Planning Authority must consult with the Scottish Environment Protection Agency (SEPA) where a development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. The application site relates to a harbour area identified on SEPA Flood Risk Maps as having a high likelihood of present and future coastal flooding.

For the purposes of land use planning, and particularly in relation to coastal land reclamation for the purposes of introducing a mixed-use development in an area identified as at risk of coastal flooding, a precautionary approach to flood risk must be demonstrated in line with Scottish Planning Policy.

Consultation has been undertaken with the Scottish Environment Protection Agency (SEPA) and with the City of Edinburgh Council Flooding Team (CEC Flooding).

Following discussions with the applicant and their consultants SEPA has advised that it objects to the proposed development on the grounds of flood risk. SEPA has indicated that the applicant has provided insufficient information to determine potential flood risk associated with the scheme. The City of Edinburgh Flooding Team has also indicated that the provision of further information would be beneficial.

SEPA has identified that the risk to the proposed development posed by wave overtopping has not been adequately modelled. No wave modelling calculations or wave modelling has been presented with specific reference to this development. The consultants acting on behalf of the applicant have provided a Flood Risk Assessment which makes reference to wave overtopping calculations presented in a report prepared in 2016. Though this report does relate to the harbour it is not specific to this development.

The Flood Risk Assessment focusses on risk from wind waves to the North but the development will also be at risk from severe waves from the East. SEPA has identified that by the year 2100 current modelling suggests that the Eastern Breakwater will be submerged on average once a year and will therefore provide limited protection. SEPA has also identified that the new wall consented to the east of the site through application 21/06095/FUL has not been tested in relation to wave overtopping. Due to this lack of modelling, SEPA has indicated that future wave heights and the risk this poses to the development remain unknown. It cannot be assumed that the wave heights would be the same as those modelled on present day extreme levels because as the water depth increases (as an expected consequence of climate change), transmission of waves into the harbour area will also be expected to increase and with potentially higher waves than currently experienced.

Submitted drawings initially showed a finished floor level of 6 metres above Ordnance Datum (AOD). In response to SEPA's concerns regarding wave overtopping and flood risk, the applicant has submitted a revised site plan with a proposed finished floor level at ground floor level at 6.5m AOD. SEPA has stated that it is not possible to comment on the acceptability of the proposed ground floor level due to the lack of sufficient information provided.

The applicant has also proposed amendments to the consented wall and rock revetment to the east of the site to include a 600mm high solid wave wall and railing. However, this wall (consented through application 21/06095/FUL) falls outwith the redline boundary of this application. No change to this structure can be considered as part of this application.

The wall consented through application 21/06095/FUL was considered separately to this application. The applicant advised SEPA and CEC that the rock revetment and wall proposed in application 21/06095/FUL was completely separate to the mixed-use development outlined in this application. The applicant advised that the proposed structure was not supporting infrastructure for development of Plot 35A and should be considered on its own merit. No consideration was therefore given to the appropriateness of this structure as a means of flood defence for plot 35A. This is clearly set out in the decision notice for application 21/06095/FUL.

The applicant was advised by SEPA that in line with published guidance that this structure could not be considered as a formal flood defence measure in the future as the proposed structure was not submitted as a planned flood defence measure under relevant Flood Risk Management legislation and is not adopted by the Flood Risk Management Authority (City of Edinburgh Council) as a formal flood defence measure. Any protection offered by informal flood defences would not be taken into account when considering development behind or benefitting from them. Such proposals would be considered within the context of the SPP risk framework as if the scheme did not exist.

In a number of consultation responses provided between February 2022 and November 2022 SEPA has indicated that future flood risk in relation to the proposed development has not been assessed. SEPA has requested that the applicant provide supporting information demonstrating the proposed development will be protected against the worst case 1 in 200 year flood event. To date this has not been provided. A list of missing information is included in SEPA's formal consultation response dated 27 September 2022.

SEPA has indicated that following a robust assessment of baseline flood risk the applicant should provide site layout and elevation drawings (inclusive of basement, ground and first floor levels) that demonstrate the finished ground level (infill level) and proposed finished floor levels will be set to an appropriate level to have a neutral or better effect on flood risk and will not place new buildings and people in an area at risk of flooding.

SEPA has identified that the proposed finished floor level at basement level of the proposed scheme at 3.1 metres AOD is significantly below the 1 in 200 year Coastal Flood Boundary for the area which is 3.97 metres AOD. SEPA has stated that the proposed development is therefore at risk of coastal flooding.

The proposed development will rely on flood defence from Breakwaters to the West and East of the site. The applicant has identified that previous strengthening work has been undertaken in relation to the Western Breakwater to support future residential development (Application Reference: 05/01604/FUL). The applicant has also noted that SEPA has not objected to previous planning applications for residential development in the surrounding area. The applicant has confirmed that future maintenance of the Western and Eastern Breakwaters and the new revetment and wall to the east will fall to future occupiers of the site.

Although SEPA has not objected to previous applications linked to other sites in the surrounding area, each application must be considered on its own merit. SEPA notes there have been significant improvements to understanding of flood risk through advances in flood modelling techniques, longer coastal and hydrometric data record lengths, updated climate science and improved records of observed flooding impacts. Furthermore, SEPA has produced various updates to the Flood Hazard Maps (the latest V2 maps were published in November 2020). Planning applications are reviewed on the best available information and legislation, policy and guidance available at the time of submission. In line with current guidance and the information available, SEPA has objected to this scheme.

SEPA has expressed concern over reliance on the Western and Eastern Breakwaters to provide flood defence for mixed use development of the site. The Breakwaters were not designed to protect residential receptors and as the Breakwaters will be privately owned there is an increased risk they are not maintained to the correct standard of protection for the purposes of flood alleviation. CEC Flooding has not objected on maintenance grounds and has indicated that they have no major concerns relating to future maintenance provided that a suitable maintenance plan is agreed and adhered to.

Due to the insufficient level of information provided in relation to future flood risk and the risk posed to the development from wave over topping, the proposal is contrary to Env 21 (Flood Protection) and Scottish Planning Policy. As an adequate assessment of baseline flood risk in the present and future has not been provided it is not possible to undertake a robust assessment of the acceptability of the proposed layout and finished floor level of the proposed scheme. SEPA has objected to the proposal in its capacity as a statutory consultee and if the Committee is minded to grant permission for the scheme Scottish Ministers must be notified in line with the requirements set out in Planning Circular 3/2009: Notification of Planning Applications prior to the issue of any planning permission.

A range of further information would be required in relation to future flood risk and the risk posed to the development by wave over topping. The applicant would also be required to provide further information relating to the condition of the Western and Eastern Breakwater which should demonstrate that they are structurally sound and able to provide adequate levels of flood defence for the lifetime of the proposed mixed-use development of this site.

On this basis the proposals cannot be supported as flood risk has not been appropriately evidenced.

#### Scale, Form, Design and Layout

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. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning Permission will not be granted for poor quality or inappropriate design of for proposals that would be damaging to the character or appearance of the area around it.

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

LDP Policy Des 3 (Development Design -Incorporating and Enhancing Existing and Potential Features) states planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

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 10 (Waterside Development) states planning permission will only be granted for development on sites on the coastal edge where:

- the proposals provide an attractive frontage to the water in question
- maintains or provides or improves public access to and along the water's edge
- maintains and enhances the water environment, its nature conservation or landscape interest including its margins and river valley
- if appropriate, promotes recreational use of the water.

As outlined above, it has not been demonstrated that the proposed development is free from flood risk. Consultation responses from SEPA outline the proposed basement level would be at risk of flooding and that insufficient information has been provided to quantify the extent of flood risk for the proposed development. CEC Flood Planning has also indicated that further supporting information is required in order to establish potential flood risk to the proposed development.

The basement level contains the vast majority of proposed car parking on site and 78 storage lockers which offer the only cycle parking. The potential removal of the basement level from the proposed scheme would potentially necessitate extensive change to the proposed site layout. SEPA has also identified that the application site is at risk of wave over-topping and as the potential risk has not been fully explored it remains impossible to determine whether the location of buildings, recreational space and other infrastructure is suitable. A full assessment of the proposed design and layout of the scheme can therefore not be undertaken at this time. As the level of flood risk to the proposed development has not been established, discussions have not been undertaken with the applicant on the proposed layout and design of the scheme.

However, it is acknowledged that the proposed heights of the buildings appear appropriate in relation to the surrounding context. Images provided show there is potential for proposed buildings to make an attractive addition to the waterfront. It is unclear how the proposed materials would fair in the coastal environment and more information would be required on the resilience of the materials if permission was to be granted.

Some aspects of the proposed design and layout that have potential to deliver attractive visual and spatial character to the area, including the proposed east-west pedestrian street, views to the water and the large area of public realm next to the marina. However, the proposed parking arrangement, with car parking on two levels appears complicated. Access to basement and ground level car parking would appear to require cars and bikes to cross shared space with pedestrians and clearly defined pedestrian routes around car parking areas are not identified. Sufficient detail is not provided on this matter in the accompanying Design and Access Statement. The proposed scheme does not prioritise pedestrian movement through the site and the level of car parking proposed has not been justified in supporting information. The layout of the proposed development, including the proposed garden decks seems to prioritise the need to fit in a high level of car parking. Access to car parking in the basement will require cars to cross shared space with pedestrians and no details on safe pedestrian walkways or crossings at these basement access points has been provided. The proposed development does not prioritise pedestrian movement and conflicts with LDP Policy Des 7.

Outline landscape proposals have been submitted only rather than fully detailed hard and soft landscape plans that are expected as part of the full application. The current focus on the landscape proposals is on hard paving and specification of street furniture elements, though no information has been provided on proposed street furniture in the public square shown to the south of the site. The balance of hard landscaping to soft should be reconsidered. The level of hardstanding proposed is excessive and the scheme should provide for further planting in open ground rather than containers. It remains unclear that proposed tree planting shown along the east-west walkway would be capable of surviving long term given the coastal environment. Street tree planting needs to be considered in context of coastal microclimate and appropriate forms and species of planting selected. Further information on this matter is required. Adequate rooting conditions and soil volume will be needed below ground. Tree pit information and soil volume calculation to be submitted. This information could be secured by a suitable condition should planning permission be granted.

The arrangement of space is not well defined in the proposed drawings and areas appear empty and exposed without greater detail to provide a human scale, microclimate, or semi-natural planted areas to enhance biodiversity along the coastal edge of the Firth of Forth. Design development is needed in each of the open space typologies of the Broadwalk, pedestrian link and public square next to the marina building. These should be compared to existing spaces of equivalent scale to understand their spatial character and intended use, including provision of cross-sections. Space to the east of the marina building consented through application 18/02833/AMC is within the redline boundary of this application, but there is very limited detail for such a large addition to the public realm. The area is shown entirely as hardstanding and lacks details relating to materials and street furniture. Such a large area of hardstanding is excessive and the addition of soft landscaping and details of street furniture would be required.

The Broadwalk itself and adjacent open spaces provide the opportunity to deliver a coastal public realm, that is resilient and biodiverse and brings nature into the urban environment, responding to its context on the Firth of Forth to create a distinctive sense of place as per LDP Policy Del 3.

Additionally, coastal defences themselves should be considered in terms of their ecological value and opportunity to provide habitat features. It also remains unclear of the role of the above in providing for Sustainable Urban Drainage which should be utilising green infrastructure. This is particularly important given the objection of SEPA on the basis of flood risk. Landscape proposals which address these matters in detail are required. In its current form the proposed development is contrary to LDP Policy Des 8.

Due to the failure to fully assess the flood risk associated with the proposed development, it has not been possible to make a full assessment of the scheme against relevant design policies set out in the LDP. It remains unclear whether the proposed layout is achievable. However, it is clear that insufficient information has been provided to justify the proposed layout and the level of space allocated to parking. Landscaping details are unsatisfactory and the proposal does not prioritise safe pedestrian movement through the whole site.

Based upon the above, the proposal fails to meet the requirements of policies Des 7 and Des 8.

### Housing Mix

LDP Policy Hou 2 (Housing Mix) states that the Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The mix of flats provided is weighted towards 2-3 bed units with only six one bed units proposed. However, a wide mix of units has been consented throughout the wider area and this proposal will contribute to that mix. More than 50 percent of the proposed units are dual aspect in line with Edinburgh Design Guidance. Edinburgh Design Guidance recommends that for scheme proposing more than 12 residential units that 20% should be suitable for growing families. The recommendation is that these units should have three or more bedrooms, a minimum floor area of 91 square metres and direct access to a private garden or safe play area for children. In this instance 18 units exceed 91 square metres, whilst having three bedrooms and access to either a private garden or large terrace. The proposal complies with guidance in this regard.

The proposed mix of units is acceptable given the provision in the wider area. The proposal complies with LDP Policy Hou 2.

### Amenity

Policy Des 5 Development Design (Amenity) states that planning permission will be granted for development that ensures future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP Policy Hou 3 (Private Green Space in Housing Development) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

All proposed residential units either meet or exceed the minimum internal floorspace requirements set out in Edinburgh Design Guidance. In terms of private greenspace the two communal garden decks shown in drawings will provide a sufficient area of greenspace to meet the 10 square metre per flat requirement set out in LDP Policy Hou 3. The garden decks will be accessed from the first floor. First floor plans do not appear to show level access onto the proposed decks. However, contextual elevations do show doors providing level access to the proposed gardens. If planning permission is granted for the scheme, it is recommended floor plans are clarified to show this.

There are generally good separation distances between the proposed blocks within the development, and there are no concerns with regards to privacy for future occupiers. However, it has not been possible to assess whether the proposal fully meets the terms of LDP Policy Des 5 with regard to daylight to proposed residential units and sunlight to proposed garden spaces.

No daylight assessment has been undertaken with regards to the proposed residential units. Drawing 28 shows a 25 degree line drawn from the ground floor level of the consented hotel development at Plot 35 in relation to the proposed residential and commercial units in Block B of the proposed scheme. This shows that the proposed development will not impact daylight to the neighbouring hotel.

Given the separation between most of the proposed buildings within the proposed development it is anticipated that a sufficient level of daylight will be provided to the majority of the proposed residential units. However, the first floor of Block B contains residential units and based on the section drawings provided the first floor windows of Block B would fail the 25 degree daylight assessment if a 25 degree line was drawn from Block B to the proposed hotel to the west. This could indicate that the hotel may have a detrimental impact on the residential units within Block B at first floor level. Edinburgh Design Guidance sets out a requirement that a 'No Skyline Assessment' is undertaken to show that new residential can receive adequate levels of natural light. Where proposed units fail this assessment a more detailed assessment of daylight levels is expected. Given the single aspect nature of three of the proposed flats in Block B at first floor level, with windows to the west facing the proposed hotel, further analysis of daylight to habitable rooms proposed within these units should be undertaken.

No sunpath analysis has been provided. With regards to private amenity space, Edinburgh Design Guidance states amenity space serving new residential development should be capable of receiving potential sunlight for more than two hours during the spring equinox. This will be assessed using hour by hour shadow plans for each hour of 21 March. In this case the proposed communal garden deck serving Blocks B, C and D is north facing and enclosed on the south, east and west sides. There is potential for this area to be significantly overshadowed. No assessment has been made in relation to overshadowing of the proposed communal garden decks or private garden spaces also shown in drawings.

As the proposal includes commercial units at ground floor in Blocks A, B and C below residential units at first floor level, further information will be required in relation to plant equipment and ventilation. No specific information on the exact mix of commercial units has been provided. Any Class 3 units would require a ventilation system capable of 30 air changes per hour in order to control cooking odours and protect residential amenity. All plant equipment associated with the proposed commercial units must not exceed the NR25 noise criteria when measured from residential receptors. This can be controlled by condition, if Committee is minded to grant consent for the proposed scheme.

As noted above, as the level of flood risk to the proposed development has not been established, no discussions have been undertaken with the applicant on these matters, as it could be necessary for the proposed scheme to be changed. However, if planning permission is granted in this instance it is recommended that conditions are included requiring further information is submitted in relation to daylight and potential overshadowing. It should also be noted that there appears to be a scaling error in drawing 27 as submitted on the planning portal and that there is a drawing error in drawings 7 and drawing 16 relating to the second floor, rear room of Duplex 1 in Block E. New drawings would need to be submitted correcting these errors. It also has not been possible to make a full assessment of compliance with LDP Policy Des 5 due to insufficient information in relation to overshadowing and daylight. If planning permission is granted then provision of this information should also be conditioned.

In terms of the potential impact on the amenity of neighbours. The nearest receptor to the application site is the consented hotel development on plot 35. Residential receptors on Hesperus Broadway and Hesperus Crossway are located to the west of the hotel. A drawing provided by the applicant shows that the proposed development will not impact daylight to the proposed hotel on plot 35. Given the separation of the development from residential receptors, there will be no impact on daylight to neighbouring windows, sunlight to neighbouring amenity space or a breach of neighbouring privacy.

### Parking and Road Safety

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) states that proposed off-street parking should generally be at basement level within a building, should not compromise pedestrian safety or space which could otherwise deliver an active frontage. The design of off-street parking should promote pedestrian safety with marked walkways provided.

The layout of cycle paths, pedestrian walkways and the majority of the roads was consented through application 21/06440/FUL. However, this scheme will introduce new roads and access points to give access to car parking and cycle parking provided at ground floor and basement level. LDP Policy Tra 4 states that car parking at basement level is generally acceptable, as this limits the visibility of car parking. In this case the proposed location of car parking is screened and will not compromise active frontages. However, access to car parking from the north and south will require cars and bikes to cross shared space with pedestrians. No pedestrian paths or crossings have been identified at these access points and pedestrian movement through the site has not been explored in detail as part of a comprehensive transport statement.

The layout of the proposed development, including the proposed garden decks prioritise the desire to fit in a high level of car parking. The proposed development does not prioritise safe pedestrian movement and conflicts with LDP Policy Tra 4.

LDP Policy Tra 2 states that car parking provision should not exceed car parking standards and that lower provision will be sought subject to criteria which includes the accessibility of the site, impact on amenity, the existing provision of parking and in the case of non-residential units whether the applicant has demonstrated through a travel plan that practical measures can be undertaken to significantly reduce the use of private cars to travel to and from the site.

No detailed justification has been provided by the applicant in relation to car parking. A total of 103 car parking spaces are proposed throughout the site at both ground and basement level. The revised site plan provided in support of the application shows that this is based upon 81 spaces for the proposed residential units and 22 spaces for the proposed commercial units. The revised site plan shows that the 22 spaces proposed for the commercial units is based upon 9 units with a total floorspace of 1078 square metres. However, ground floor plans show 15 commercial units with a total floor area of 1004 square metres. The Planning Statement provided in support of the application indicates that the commercial units will be a mix of Class 1, Class 2 and Class 3 uses. The specific mix of these units is not set out. Parking Standards in Zone 2 would allow 1 car parking space per 50 square metres for Class 1 and Class 2 units and 1 car parking space per 14 square metres for Class 3 units. It is not possible to determine whether the level of car parking complies with the Parking Standards without an understanding of the mix of commercial units. Notwithstanding this, the level of car parking represents close to the maximum level that could be supported on site. This requires to be justified and further details are required.

The proposed site plan includes a schedule which indicates that 100 percent of the proposed car parking spaces are to include electric charging points. These charge points are not indicated on drawings. If planning permission is granted for this proposal, it is recommended a condition is included requiring the provision of electric charge points.

The amended site plan includes a schedule indicating that 189 cycle parking spaces are to be provided in line with Parking Standards. This includes 186 spaces for residents, two for staff and one for customers of the commercial units. Although the schedule confirms a commitment to these cycle parking spaces, no cycle parking spaces have been identified on the site plan, ground floor plan or basement plan. However, 78 storage lockers are identified at basement level. The storage lockers could provide adequate space for cycle storage for future residents of the 78 flats. If permission is granted for this scheme, it is recommended that clarification is provided by the applicant that these storage lockers are meant to satisfy cycle parking requirements. The three detached townhouses will have access to private gardens and these spaces could conceivably be used for bike storage. It remains unclear where staff and customer cycle parking is to be provided, though there is space across the site for this provision.

Edinburgh Street Design Guidance: Factsheet C7 - Cycle Parking outlines that storage lockers are an acceptable for providing long-term resident parking. However, guidance recommends that a mix of cycle parking types should be provided. Guidance recommends that no more than 80% of cycle parking should be provided by any one form of parking type. The guidance also notes that a drawback to storage lockers is the large level of space that is required. The high level of car parking proposed on the site, in tandem with the large amount of space required to provide 78 storage lockers means that the majority of the basement and part of the ground floor is taken up by parking. This limits the potential for ground floor amenity space for future occupiers and as noted above has increased the potential for conflict between pedestrians and road users. A wider mix of cycle parking should be provided across the site to meet Cycle Parking Standards. This should be fully justified in a detailed transport statement.

The guidance outlines that provision should be made for non-standard bikes. It is accepted that storage lockers could provide storage for a range of bike types. Guidance also identifies that short-term visitor cycle parking should also be provided in new developments in addition to secure access restricted long stay cycle parking. Such provision would be appropriate in this instance, given the provision of commercial units, residential units and the LDP requirement for the completion of cycle infrastructure across this site.

As noted above, as the level of flood risk to the proposed development has not been established, discussions have not been undertaken with the applicant on these matters, as it could be necessary for the proposed scheme to be changed.

### Ecology

LDP Policy Env 13 (Sites of International Importance) sets out a range of criteria for development which may impact Special Protection Areas.

LDP Policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law.

The proposal lies within Granton Harbour, adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest, and the Outer Firth of Forth and St Andrews Bay Complex SPA, designated for wintering and breeding waders, wildfowl and seabirds. A Habitats Regulation Appraisal (HRA) is therefore required and has been undertaken by the applicant.

The HRA provided by the applicant sets out that the proposal will not adversely affect the integrity of the site, providing appropriate mitigation is in place. Section 7 of the HRA report identifies potential impact pathways, assesses impacts and outlines mitigation to prevent significant impacts. This includes the development of a Pollution Prevention Plan and Construction Environmental Management Plan. Should the Committee be minded to grant consent these measures should be conditioned. Further measures to promote ecology on site, such as the use of swift bricks could also be conditioned.

The proposal is also close to the Firth of Forth Site of Special Scientific Interest (SSSI). This includes some geological interests within and adjacent to the harbour. However, the proposal is not likely to have any impacts on these interests.

NatureScot assessed the HRA provided as part of application 21/06095/FUL and set out that it agrees with the conclusions of the document and the recommended mitigation measures.

Subject to conditions, the proposal would not conflict with LDP policies Env 13 and Env 16.

### Contaminated Land

Policy Env 22 (Pollution and Air, Water and Soil Quality) states planning permission will only be granted for development where there will be no significant adverse effects for health, the environment and amenity and either there will be no significant adverse effects on: air, and soil quality the quality of the water environment; or appropriate mitigation to minimise any adverse effects can be provided.

The proposal includes the infill of an area of the inner harbour to the east of the site using surplus stockpiled material and dredged material as identified in the Phase I Geo-Environmental Risk Assessment prepared by Envirocentre, November 2021.

The Council's Contaminated Land Officer has considered the supporting information provided in detail. The consultation response provided notes some uncertainty in relation to ground water analysis noting that analysis results were not made available for reference. The report provided identifies elevated metallic contaminants in excess of Environmental Quality Standards. The Contaminated Land Officer also noted relative widespread levels of Polycyclic aromatic hydrocarbons in soil samples and one soil sample with potentially mobile chlorinated hydrocarbon solvents.

However, despite some uncertainty linked to the sampling undertaken, no further sampling was requested at this stage of the assessment on the understanding that the proposed land reclamation will be subject to SEPA and Marine Scotland licencing. Environmental Protection noted that a Watching Brief would be required and further conditions relating to remedial and protective measures to be developed in more detail as required.

Subject to conditions the proposals could comply policy Env 22.

### Developer Contributions

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development.

### *Education*

Significant plan led housing growth at Granton Waterfront will affect Forthview, Granton and Pirniehall primary schools and their feeder high schools, Broughton and Craigroyston High Schools. A site for a new primary school to serve housing growth in Granton Waterfront was identified in the 2018 Education Appraisal and the 2021 Education Appraisal. A statutory consultation is required to establish a new school, its catchment boundaries, and the high school it is aligned to.

The Education Appraisal (2021) identified a requirement for a new 18-class primary school to serve housing developments affecting Forthview, Granton and Pirniehall primary school's catchment areas.

Assessing the cumulative impact of potential housing developments using the latest Pupil Generation Rates the actions have been revised to a 14-class Primary School (420 capacity) and a one-class extension to Granton Primary School to increase its capacity to 630. Additional denominational and non-denominational secondary school places are also required.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery of education infrastructure based on a rate of £4,700 per flat and £13,897 per house for Primary School infrastructure and £3,262 per flat and £12,942 per house for Secondary School infrastructure. As a new primary school is required there is also a per unit land contribution requirement of £25 per flat and £75 per house.

### *Healthcare*

The application site is located within the Granton Waterfront Healthcare Contribution Zone. Developer contributions are required to support the delivery of a new medical practice to mitigate impact of new residential development in Granton Waterfront. A contribution of £945 per new dwelling would be required in line with guidance.

### Affordable Housing

Policy Hou 6 (Affordable Housing) in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing. 25% of the total number of units proposed should be affordable housing.

The applicant has stated that no affordable housing is required as affordable housing has been provided across the Granton Masterplan (2003) area which includes part of the application site.

However, this application is for detailed planning permission and the proposal must meet the terms of current LDP Policies. The proposal is not covered by the Section 75 agreement linked to application 01/00802/OUT and a new legal agreement would be required for any future development which falls outwith the original outline consent which was extended through application 18/01428/PPP.

In this case the provision of 20 dwellings of an acceptable affordable tenure would be required. As the applicant has indicated that no affordable housing is to be provided the application is contrary to LDP Policy Hou 6 (Affordable Housing).

## Archaeology

LDP Policies Policy Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) set out criteria related to the protection of important archaeological remains and sites.

The City Archaeologist was consulted on the proposed scheme. A programme of archaeological works was undertaken in 2008. Although there appears to be limited historical remains intact, the City Archaeologist has advised that a full programme of archaeological works would be required prior to any development that would impact the Western Breakwater directly or any land adjacent.

Subject to condition the proposal could comply with LDP Policies Env 8 and Env 9.

## Airport

The proposed development has been examined from an aerodrome safeguarding perspective. Edinburgh Airport has advised that the proposed development could conflict with safeguarding criteria unless any planning permission granted is subject to a condition requiring provision of a Bird Hazard Management Plan.

## Waste

Details of waste management and recycling proposals have been provided by the applicant. If planning permission is granted for the proposed scheme, the applicant will be required to agree the details of a waste management strategy with City of Edinburgh Waste Services prior to first occupation of the proposed residential and commercial units.

## **Conclusion in relation to the Development Plan**

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

### **c) 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.

Due to the insufficient level of information provided in relation to future flood risk and the risk posed to the development from wave over topping, the proposal is contrary to Env 21 (Flood Protection) and Scottish Planning Policy. As an adequate assessment of baseline flood risk in the present and future has not been provided it is not possible to undertake a robust assessment of the acceptability of the proposed layout and finished floor level of the proposed scheme.

The applicant has not demonstrated that the site will be safe from flood risk in the long-term and has not adequately taken into account future climate change projections.

The proposal does not comply with Paragraph 29 of SPP.

#### Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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

A summary of the representations is provided below:

##### *material considerations*

##### Objection

- Loss of daylight; this is addressed in section (b).
- Impact on listed buildings and archaeological remains; this is addressed in section (a) and (b)

##### Support

- Introduction of new shops and houses would be positive for the area; this is addressed in section (b).

Neutral

- Proposed development should incorporate the use of swift bricks; this is addressed in section (b)

*non-material considerations*

- Loss of views from private dwellings; this is not a material planning consideration

### **Conclusion in relation to identified material considerations**

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

### **Overall conclusion**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building.

The proposal is contrary to LDP Policies Env 21 (Flood Protection), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design) and Hou 6 (Affordable Housing). Insufficient information has been provided to demonstrate that the buildings and people will be free from flood risk. It has not been possible to conclude if the layout of the proposed scheme is appropriate and whether it fully complies with all LDP Policies.

On this basis the proposal is unacceptable.

The proposal does not comply with paragraph 29 of Scottish Planning Policy.

There are no material considerations which outweigh the conclusion above.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions:-**

1. The Proposal is contrary to LDP Policy Env 21 (Flood Protection). The site is located within an area identified as at risk of coastal flooding. Insufficient information has been provided to quantify present and future flood risk to the site.
2. The proposal is contrary to LDP Policy Des 7 (Layout Design) and Tra 4 (Design of Off-Street Car and Cycle Parking) as the proposal does not prioritise pedestrian movement and the design of the proposed car parks does not minimise conflict between cars and other users.

3. The proposal is contrary to LDP Des 8 (Public Realm and Landscape Design) as insufficient detail has been provided in relation to proposed planting across the site and whether this is suitable to the climatic conditions. Insufficient detail has been provided in relation to the proposed public square to the south of the site to demonstrate it will contribute positively to the character of the area.
4. The proposal is contrary to LDP Policy Hou 6 (Affordable Housing) as no provision of affordable housing is proposed.

### **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 6 December 2021**

### **Drawing Numbers/Scheme**

01, 02, 03B, 04-28, 30, 32, 33

Scheme 3

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Christopher Sillick, Planning Officer  
E-mail:christopher.sillick@edinburgh.gov.uk

## Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions; including the provision of a Bird Hazard Management Plan.

DATE: 31 January 2022

NAME: Transport Planning

COMMENT: No comments provided.

DATE:

NAME: Granton Community Council

COMMENT: No comments provided.

DATE:

NAME: Environmental Protection

COMMENT: In the context of the comments and interpretation of the Phase 1 Geo-Environmental Risk Assessment, Environmental Protection considers conditions should be applied to any planning consent in order to require mitigation of potential risks associated with land contaminants in relation to the development.

DATE: 16 March 2022

NAME: Flood Planning

COMMENT: SEPA have raised additional concerns over the modelling approach in the Flood Risk Assessment. More information is therefore required from the applicant to address the outstanding comments from CEC Flood Planning and SEPA.

DATE: 21 November 2022

NAME: Communities and Families

COMMENT: To mitigate the cumulative impact of development that would be anticipated if this proposal and other sites progressed, the proposed development is therefore required to make a contribution towards the delivery primary school and secondary school infrastructure. This includes a per unit land contribution.

If the appropriate infrastructure and land contribution is provided by the developer, Communities and Families does not object to the application.

DATE: 1 November 2022

NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals.

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

DATE: 9 June 2022

NAME: Affordable Housing

COMMENT: The applicant has stated no affordable is required as the affordable housing requirement for the Granton Harbour Masterplan has been met. However, the S75 legal agreement for the Masterplan has expired, therefore the Affordable Housing Policy now applies, and this requires 25% (20 homes) of the total provision (81 homes) for this applicant site be affordable housing.

DATE: 22 February 2022

NAME: SEPA

COMMENT: The information provided is insufficient to allow a determination of the potential impacts of flood risk. We therefore object on the grounds of flood risk.

#### Summary position on Granton Harbour

o All evidence submitted to date from the applicant and CEC confirms that the offshore breakwaters (North Mole and Eastern Breakwater) are informal flood defence measures, i.e. their construction and any associated strengthening works were not undertaken as planned measures under relevant Flood Risk Management legislation and are not adopted by the Flood Risk Management Authority (CEC Council) as formal flood defence measures.

o We note that the North Mole had strengthening works undertaken in the period between 2005 and 2009. This evidence further reinforces the reason for SEPA's precautionary approach to only modelling the benefit provided by flood defences which have been brought forward under specific Flood Risk Legislation. Informal flood defences, such as those surrounding the proposed development at Granton Harbour are not owned and maintained by the Flood Risk Management Authority. As they are privately owned, they are at increased risk of not being maintained to the correct standard of protection for the purposes of flood alleviation and are subject to uncertainty with future ownership and degrading standard of protection. We note from the applicant that the intention is to place the ownership responsibility on future occupiers, which is precisely the scenario we wish to avoid as this is unlikely to result in appropriate maintenance in perpetuity of the proposed development. This further justifies the precautionary approach outlined in the SEPA guidance (and SPP) and why informal defences should not be modelled to show the benefit they provide site occupiers who live and work behind such defences.

o The coastal modelling information supplied to date from EnviroCentre underrepresents the coastal flood hazard to the proposed development because:

o The modelling accounts for the benefit provided by the existing offshore informal walls. This is contrary to the position outlined in SEPA Guidance. Such proposals would be considered within the context of the SPP risk framework as if the scheme did not exist. The structural condition and design standard of such schemes are unknown and they therefore pose a significant level of risk to any proposed development behind or benefitting from them".

o The flood risk assessment focusses on risk from wind waves from the north but the development is at risk from severe waves from the east; the eastern breakwater is not a formal defence and with sea level rise, will increasingly leave the development exposed to increasing flood risk.

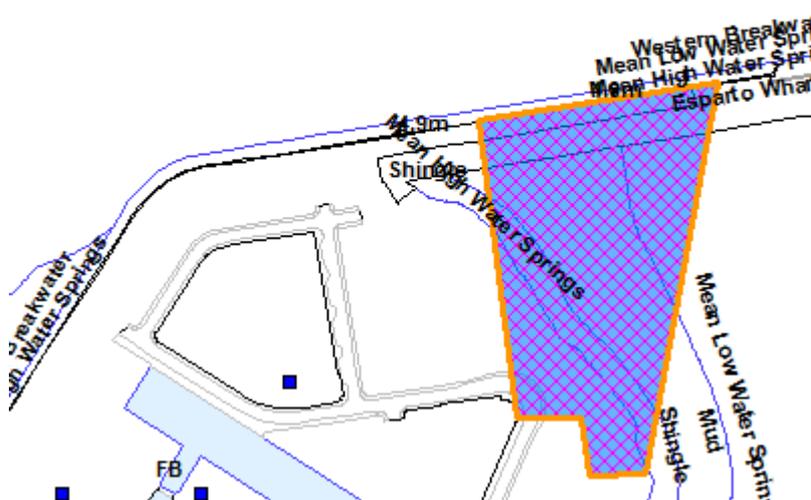
o The DHI modelling undertaken did include wave overtopping locations, but not specifically for the proposed development and is based on overtopping of a vertical wall and also only for the present day defended scenario (defended by breakwaters).

- o The proposed new structure (wall) has not been tested by overtopping calculations. In any case, waves modelled for the undefended scenario (no eastern breakwater) would be necessary and the overtopping calculated for the new wall.
  - o The equation used by EnviroCentre for calculating proposed finished floor level is not really modelling as such and this approach hasn't considered overtopping.
  - o The future flood model scenario does not take into account the impacts of sea level rise appropriately
- o Given the lack of information submitted as summarised above, we cannot comment on the acceptability of the proposed finished floor levels, pedestrian or vehicular access/egress provisions and other FRMA measures such as surface water management. Therefore, any information submitted relating to these flood mitigation measures cannot be appropriately verified and we cannot comment on the acceptability of these in relation to SPP and SEPA guidance.
- o What we can comment on is the unacceptability of the proposed 'basement' level of the proposed building at 3.1mAOD which is well below the 1 in 200 year CFB level of 3.97mAOD (without accounting for the impacts of wave overtopping, climate change and freeboard). This clearly demonstrates that the proposal would place new receptors (people and property) in an area at risk of coastal flooding, contrary to the principle of floodplain avoidance outlined in Scottish Planning Policy and contrary to the general duty of responsible authorities to reduce overall flood risk, as stated in the Flood Risk Management (Scotland) Act 2009.

DATE: 2 November 2022

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

## Location Plan



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