

Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

Land 93 metres west of Madelvic House, Granton Park Avenue, Edinburgh.

Proposal: The development of a sector-leading national centre for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. Proposed visitor and community-led spaces will maximise public access and facilitate a programme of education and outreach programmes which make full use of benefits including active public realm spaces (incl. pop-up cafe use) and bio-diverse landscaping, new /improved access, parking, and all other associated works.

Item – Committee Hearing

Application Number – 23/01068/FUL

Ward – B04 - Forth

Reasons for Referral to Committee

NPF4 designates Edinburgh Waterfront as a National Development in which this site sits. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh and is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments.

The application is referred to the Development Management Sub-Committee as the site is within the National development Area and requires the planning application to be considered by a pre-determination hearing.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide indoor and outdoor amenity space for use by local residents. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site and create a positive setting for the building. Transport generation, car and cycle parking proposals are acceptable.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site description

The Site is located to the south of Waterfront Avenue and north of West Granton Road. It is irregular in shape and extends to approximately 4.1 hectares. It comprises vacant brownfield land; parts of Waterfront Avenue are included within the site boundary. Existing site levels generally fall from the west to the east side, with a maximum level of approximately 20.0m (AOD) and minimum level of approximately 15.8m AOD. There is an average slope of 1-in-100 from west to east across the site. A 230m long, 2.5m high earth mound is located along the northern boundary of the site with land within the site fronting Waterfront Avenue higher than the existing pavement level. There is an existing (closed) vehicular access off Waterfront Avenue opposite Saltire Square. Land rises up towards West Granton Road at the southern end of the site (linking land to planning application 23/01359/FUL). Granton Park Avenue runs through the southern part of the site which provides vehicular access to the site and to the United Wire building at the rear. There is an existing private tarmac car park directly to the south of Granton Park Avenue. Other areas of the site comprise tarmacked areas with some storage and areas of natural vegetation. There are a number of trees within the site.

To the north of Waterfront Avenue uses comprise predominantly residential development, with Saltire Square being opposite the site. Beyond this further to the north is industrial land and the shorefront. The existing storage buildings for National Museums Scotland, and National Galleries of Scotland are located in the adjacent site to the south and west. To the east is the listed Madelvic Factory and United Wire premises on Granton Park Avenue. To the west is the pedestrian/cycle route known as 'the Diagonal'.

The local centre is located further to the west of the site at Waterfront Broadway, comprising of a Morrisons store and other retail facilities. To the south and south east are retail/commercial units of Lidl, B&M and a bakery alongside other small scale local stores around West Granton Road. Further to the south of West Granton Road use is predominantly residential, comprising the existing communities of Granton and Pilton. There are existing bus stops close to the site on Waterfront Avenue, and West Granton Road.

There are a number of listed buildings within the vicinity of the site. Directly to the east is the former Madelvic works, office production block and generating block, which includes the administrative block/Madelvic House. These are category B listed (ref: LB45654, listed 16th September 1998).

To the west beyond the site is the Granton Gas Holder, which has permission for its restoration and associated public realm works, is B listed (ref: 45793, listed 10 November 1998) and the Granton Station building, which has recently been renovated, is B listed (ref: 45794, listed 10 November 1998).

The A listed Caroline Park House (ref: 28040, listed 14 July 1966) and the B listed dovecot and boundary wall (originally part of the former Granton Castle/Granton House) (ref: 28139, listed 14 December 1970) lies further to the west of the site on the opposite side of Waterfront Avenue.

Proposed development

The proposed development involves regrading of land and level changes. A new building is proposed to the north of the site fronting Waterfront Avenue. It has a total floorspace of approximately 11,956 sqm, with two floors and comprises four linear blocks of varying lengths aligned in a north-south direction and connected by an internal street running east-west. Each of the four linear blocks have mono pitched roofs.

The proposed use of the building is for a collection, storage, conservation and research facility for the National Galleries of Scotland. It will include space for public and community uses, including collection viewing rooms and study spaces, a community studio, community support space and further education/ learning rooms. Ancillary uses such as catering facilities, and external pop-up cafe kiosks are also proposed. The main storage areas are to the first floor and the southern part of the building on the ground floor.

Solar PV panels are proposed to the roof with an area of approximately 650sqms. The building is designed to PassivHaus standards.

The building is set within a landscaped environment with an area of hard surface in the form of a plaza to the west of the proposed building. The landscaped areas include a new north/south green route directly linking West Granton Road with Waterfront Avenue, and a new east/west route to the south of the proposed building.

Trees will be removed from the site, with the retention of some groups along the western boundary. The proposed new landscaped areas include new tree planting, attenuation areas next to the part west and part south elevations of the building, wildflower meadows, grassed areas, terraces/landscaped forms, and spaces for public art. An area of allotments and community planting is proposed to the south of the building.

The proposed open spaces have been arranged to allow a wide range of uses. These include the opportunity to erect market stalls on the entrance plaza, temporary pavilions and marquees, and to utilise the gable ends of the building for film screenings and projections. The space will also be used to display artworks. The open areas will be lit by luminaires which are 5m and 8m high. Totem poles and wayfinding signs are included in the layout.

Vehicular access to the site is proposed from the east along Granton Park Avenue, to the rear of the proposed building. Vehicular service access is also provided to the United Wire Building. The car park is located to the south of the building and will have 27 car parking spaces including five EV charging points, and three accessible spaces. This will be controlled by an access barrier. It will be enclosed by a 4m high security fence and gates. Sixty four cycle parking spaces are proposed (comprising 34 short term and 30 long-term spaces) and provision is made for a future bike hire. The existing vehicular access off Waterfront Avenue will be surfaced as footpath and grass. Part of the existing planting along Waterfront Avenue will be removed and replaced with grasscrete to make provision for emergency vehicle use.

Proposed materials are: Aluminium Profiled Panel, Aluminium Polished Sheet, Standing Seam Roof, Pre-Cast Concrete Panel and fencing. Surface materials proposed are artificial stone near the Madelvic listed building, the perimeter of the building and the entrance plaza. The majority of the pedestrian and cycle routes, and main vehicle circulation routes are proposed as standard asphalt surfaces, as are the main vehicular circulation routes. Car parking spaces will be paved with permeable pavers, incorporating grass strips. Concrete is proposed to the surface yard.

An attenuation tank is proposed underneath the proposed car park with a capacity of 750 cubic metres.

Supporting documents:

- Design & Access Statement;
- Landscape Design & Access Statement;
- Pre-application Consultation Report;
- S1 Sustainability Form ;
- Ecological Appraisal Report;
- Transport Assessment;
- Travel Plan;
- Cultural Heritage Desk-Based Assessment;
- Noise Impact Assessment;
- Glint & Glare Analysis;
- Flood Risk Assessment;
- Drainage Strategy Report;
- Generic Quantitative Risk Assessment and Remedial Strategy;

- Updated Desk Study and Interpretative GI Report and
- Tree Survey & Arboricultural Report.

Relevant Site History

22/02899/PAN

Land 93 metres west of Madelvic House
Granton Park Avenue
Edinburgh

The development of a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks, visitor and community-led spaces, active public realm spaces (including potential pop-up café use) and bio-diverse landscaping, new/improved access, parking and all other associated works.

Pre-application Consultation approved.

13 June 2022

00/01169/OUT

11 West Shore Road
Edinburgh
EH5 1RH

(4 Marine Drive/ 11 West Shore Rd) Outline planning permission for mixed use development (including retail, food and drink, public house, residential, education, business, leisure/assembly/hotel, open space, and assoc. landscaping)(as amended)
Granted

28 February 2001

16/06013/FUL

Madelvic House
Granton Park Avenue
Edinburgh

Conversion and upgrade of existing offices to community facilities, including ancillary cafe. Change of use from class 2 to class 10 with ancillary class 3 use. Internal alterations and to reinstate openings to the rear of the building.

Granted

23 January 2017

16/05948/LBC

Madelvic House
Granton Park Avenue
Edinburgh

Conversion of existing office space into community facilities with associated ancillary cafe and the reinstating of openings to the rear of the building (currently infilled with blockwork) and installation of exterior doors.

Granted

1 February 2017

17/01717/FUL
Former Production Block
Madelvic House
Granton Park Avenue
Edinburgh

Community garden on existing brownfield site, comprising a biodiversity garden, raised community growing beds, two shipping containers for artists materials, a summer house, bark chip footpaths, and new timber perimeter fence with access gates (temporary consent for a period of 5 years).

Granted
15 June 2017

21/04049/FUL
Land 199 Metres Southeast Of
1 Waterfront Avenue
Edinburgh

Mixed use development to include (approximately) 75 residential units and (approximately) 3 commercial units. The commercial units will be either class 1 (shop), class 2 (financial, professional and other services), class 3 (food and drink) or class 4 (business). The development will include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure. (As Amended).

Granted
10 March 2022

23/02215/PAN
Site 250 Metres East Of 11 West Shore Road
Edinburgh

Residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre.

Pre-application Consultation approved.
9 June 2023

22/06290/FUL
Land 80 Metres West And East Of Saltire Street
Edinburgh

Proposed Phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape (as amended scheme 3).

23/01359/FUL
Land East Of Granton Art Centre
242 West Granton Road
Edinburgh

Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works.

Other Relevant Site History

1 May 2016 - The Granton National Collections Facility Place Brief was approved.
26 February 2020 - The Granton Development Framework was approved.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

SEPA

Scottish Water

NatureScot

City Archaeology

Environmental Protection

CEC Economic Development

Historic Environment Scotland

Edinburgh Airport Safeguarding

Transport Planning

Health and Safety Executive

Police Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 30 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 April 2023

Site Notices Date(s): 31 March 2023

Number of Contributors: 8

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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 - setting

Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act provides:

"(1) In considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

(3) In this section, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and 'development' includes redevelopment."

If listed buildings or their settings are affected, it is necessary to consider whether the proposed development would adversely affect any of the listed buildings on the site, or any features of special architectural or historic interest which they possess, or the setting of any listed building outwith the site.

If it is found that the development would adversely affect any listed buildings, a strong presumption against the proposed development arises and it is necessary then to consider whether this development is an exceptional case where the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

The Category B Listed former Madelvic Works, Office, Production Block, and Generating Block (LB: 45654) lie to the east of the proposed development site. The importance of these buildings lies in their historic interest as they were designed for the Madelvic Motor Carriage Co Ltd and are probably the earliest purpose-built motor works in Britain (Collins and Stratton). The Production block, is located directly to the east of the site and is in a fairly poor state of repair. Constructed in 1899 it comprises two ranges of two storeys linked by central single storey range to form a rectangular plan. The building is constructed in engineering brick with red sandstone dressings. The office building which lies further to the east, dates from 1899, and is two storey with original symmetrical three bays and is constructed in red brick with red sandstone dressings and a grey slate roof.

The proposed development would lie in close proximity to these listed buildings, separated from the production block by a footpath corridor with landscaped areas and cycle parking. The proposed building would sit forward of the front elevation of the listed production block and would be higher by approximately 3.2 metres at maximum roof pitch height. Given the overall height of the proposed development in relation to the listed buildings and its separation from the listed structure by a landscaped pedestrian walkway, the impact of the building on the setting of the listed buildings is acceptable. The building, layout, heights and design elements do not cause it harm and focus will still remain on the primary elevations of the building; this has been demonstrated by the applicant through a number of views. As part of a programme of regeneration, the setting of the listed building will be preserved by bringing vacant brownfield site into use and adding value to an unkempt area of land.

The category B listed Gas Holder (reference: LB45793, listed 10 November 1998) is located further north west of the site. Its environment has been altered in recent years with the demolition of the majority of the associated gas works buildings, and the ongoing re-development of the locality for a variety of uses. The outline of the Gasholder can be viewed from the rear (south) part of the site on Granton Park Avenue. Glimpses of the Gasholder will be visible from parts of the site following the development. There would be no adverse impact on its setting.

Caroline Park House is category A listed and is located further west of the site. It sits in its own grounds and it is largely screened by existing dense tree coverage. The location and design of the proposals will not harm its setting. Historic Environment Scotland (HES) raise no objection to the proposal in relation to impact on setting of Caroline Park House and grounds.

None of the listed buildings are considered vulnerable to significant impacts on their settings arising from the proposed development. This site was previously developed and is part of wider longstanding regeneration proposals which has an aim of creating new urban quarters in this part of the city. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Conclusion in relation to the listed building

Overall, the proposal will not have an adverse impact on the setting of nearby listed buildings. The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed.

NPF4 defines Edinburgh Waterfront as a National Development. This National Development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh. *'The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. Development will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for off-shore energy related to port uses. Further cruise activity should take into account the need to manage impacts on transport infrastructure.'*

Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Climate and Nature Crisis Policies 1, 2, 3, 4, 6;
- NPF4 Historic Assets and Places Policy 7;
- NPF4 Brownfield, vacant and derelict land Policy 9;
- NPF4 Energy Policy 11;
- NPF4 Zero Waste policy 12;
- NPF4 Sustainable transport policy 13;
- NPF4 Successful Places Policies 14 and 15;
- NPF4 Infrastructure Policy 18;
- NPF4 Heating and cooling Policy 19;
- NPF4 Blue and Green infrastructure Policy 20;

- NPF4 Flood Risk and Water Management Policy 22;
- NPF4 Health and Safety Policy 23;
- NPF4 Community Wealth Building policy 25;
- NPF4 Tourism policy 30;
- NPF4 Culture and creativity policy 31;
- LDP Environment Policies Env 12, Env 20, Env 21 and Env 22;
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, and Des 8;
- LDP Transport Policies Tra 2, Tra 3, and Tra 4;
- LDP Delivery Policy Del 1 and Del 3;
- LDP Employment and Economic development Policy Emp 9; and
- LDP Retail and Leisure Policy Ret 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Design and Transport policies and other Environment policies listed above. The approved Granton Waterfront Development Framework (2020) and the Granton National Collection Facility Place Brief (2016) are material considerations.

Acceptability of the Development in Principle

The Development Plan

The Local Development Plan (LDP) identifies the site as forming part of the Granton Waterfront Central Development Area (Proposal EW 2b), a large area allocated for housing-led mixed use development. Development within the Central Development Area of Granton Waterfront is guided by a number of development principles within the LDP. In relation to this site, proposals will be expected to expressly encourage the enhancement of employment and a 'destination' through existing and new commercial, cultural, tourist and retail opportunities. The development of a new cultural facility with associated uses would enhance the Granton Waterfront Central Development Area.

NPF4 policy 9 (Brownfield vacant and derelict land) supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. Local Development Plan (LDP) policy LDP Emp 9 (employment sites and premises) states that proposals to redevelop employment sites for uses other than business, industry or storage will be permitted provided the proposal will contribute to the comprehensive regeneration and improvement of the wider area and will not prejudice nearby employment activities. The site is larger than one hectare and is currently vacant; the proposal would improve the wider area and will result in the enhancement of employment and cultural opportunities which is encouraged in the LDP.

LDP policy Ret 7 (Entertainment and Leisure developments - preferred locations) states that proposals for high-quality, well-designed arts, leisure and entertainment facilities and visitor attractions at Granton Waterfront will be granted provided design is high quality with attractive frontages, is compatible with surrounding uses and will be easily accessible by public transport, foot and cycle. The proposed development will introduce a new art, leisure and visitor attraction, with active frontages, a building design reflecting the historic industrial nature of the area and is in close proximity to existing and proposed public transport links. The proposal complies with LDP policy Ret 7.

NPF4 policy 30 (Tourism) refers to communities and places enjoying economic, social, and cultural benefits from tourism, supporting resilience and job creation. NPF4 policy 31 (Culture and Creativity) sets out that development encouraging, promoting, and facilitating development which supports culture and creative industries will be supported. The Art Works will provide a mix of cultural and community land use in accordance with NPF4 and introduces uses to help create a sense of place in the local area. The proposal will contribute to the local economy and the wellbeing of local residents and visitors.

Public comments have been raised in relation to the displacement of travelling people who use this site. There is a designated gypsy traveller site at Edinburgh Cairntows which is available for use. The potential displacement of the travelling people would not override the aims of redeveloping the area in accordance with LDP and NPF4 policies, and associated Guidance.

The Granton Waterfront Development Framework (GWDF)

The site is located within 'The Link' character area within the Development Framework, the vision for this urban quarter is to be: "a highly interconnected cultural and making area that bridges new and existing neighbourhoods. It should reinforce north to south and east to west views with green routes.....Development should promote: - Culture and learning strategies - Partnership working - green routes, views and connections. - Opportunities for creative industry." The proposals are acceptable in principle in relation to the GWDF.

The Granton National Collection Facility Place Brief (GNCFPB)

The development of this site for the purpose of a National Collection Facility (NCF) is supported.

Principle Conclusion

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land. The principle of the proposed development is in line with LDP objectives and is supported by the Granton Waterfront Development Framework and the approved Place Brief. In principle, the proposal is acceptable.

Impact on setting of listed buildings

NPF4 policy 7C (Historic Assets and Places) states that '*Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.*'

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7. In addition, the Granton Development Framework requires that 'new development should ensure that existing heritage features are linked and integrated into the wider network of open spaces and new routes. The streetscape should establish views to and protect the setting of existing assets.'

The historic assets within the area have been assessed against the relevant legislation, guidance and NPF4 policies. As set out in section a) above the proposed development would not have any adverse impact on the setting of nearby listed buildings. The proposals comply with NPF4 policy 7c and the Guidance on Listed Buildings and Conservation Areas.

Design, Scale and Layout

LDP Policies Des 1-4 and 7-8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials. The design of any future application will be considered against these policies. NPF4 policy 14 (Design, Quality and Place) sets out that development proposals will be supported where they are consistent with the six qualities of successful places. NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) state that development proposals should contribute to local living.

The approved Granton National Collections Place Brief (GNCPB) and the Granton Waterfront Development Framework (GWDF) principles are material consideration; the Edinburgh Design Guidance is a material consideration in relation to design considerations of the scheme.

The proposal broadly follows the illustrative layout contained within the approved Place Brief (GNCPB). The building sits to the north area of the site with the arrival area to the north/ west and an area of public space to the west of the proposed building, fronting Waterfront Avenue. Proposals should demonstrate how pedestrian and cycle linkages to the south of the site can be achieved. The Framework (GWDF) envisaged a new community space, with public realm to encourage safe, high quality, shared and enjoyable spaces. It sets out that The Link area should be a highly interconnected cultural and making area that bridges new and existing neighbourhoods. Block structure is shown along the north, south and west site boundaries with building frontages shown as active at ground floor. A new cultural plaza is envisaged close to the Diagonal. Heights are to be developed with project partners. New pedestrian/ cycle north/south and a east/ west links are envisaged, together with an aspirational link onto Waterfront Avenue to the northern area of the site with the aim of increasing permeability and reinforcing essential connectivity between Pilton and the Waterfront developments; these are considered key elements of proposals. Potential for green roofs is highlighted.

LDP policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council. The proposal would not prejudice development proposals at the Madelvic site to the east; it is set off the boundary with a landscaped courtyard/ pedestrian route. Other areas of the site are laid out to landscaped areas and these would not prejudice development of neighbouring sites. Sites to the west of the Diagonal are shown with block structures fronting the walkway which will provide an increase in active overlooking if approved in subsequent planning applications. Existing land and buildings to the east and part south will not be prejudiced by the proposed development. The proposal will create a coordinated development, and contribute to the wider regeneration of the area. The proposals comply with LDP policy Des 2.

The proposal complies with NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) as it will enhance the level and quality of interconnectivity of the proposed development with the surrounding area, including sustainable modes of transport, employment, green space, allotments and opportunity for learning. LDP policy Env 20 (Open space in new development) sets out that provision of new publicly accessible and useable open space in new development and improvements to the green network will be negotiated. The proposals will create varied character areas with landscape design providing a mainly soft landscaped setting for access by the public. Areas include the entrance plaza, landscaped terraces, an event lawn, an area for urban gardening and allotments, a wild-flower meadow and areas of amenity grass, and the mobile orchard that is currently on-site as a meantime use. This will create interest, activity and the creation of spaces which the local community can use. Opportunities for public art are identified throughout the public realm, and a community space within the building will provide space for local people to use. This complies with NPF4 policy 31 (culture and creativity) which sets out that proposals that involving art proposals which reflect diversity, culture and creativity will be supported.

NPF4 policy 25 (Community wealth building) is complied with as the development will contribute to local wealth building strategies.

The proposed site layout responds to the safeguarded tram corridor, which runs along Waterfront Avenue and down the western side of the Diagonal shared use path. The main entrance and associated entrance plaza have been designed to have good visual connections to the safeguarded location of the tram stop on Waterfront Avenue, and provide direct access to and from the main entrance of the site.

The proposals comply with LDP policy Des 7 (layout design). The proposed building fronts onto Waterfront Avenue with an active frontage and is in line with the illustrative layout contained within the GWDF in this regard. By creating a public plaza and open space with pedestrian/cycle corridor to the west of the building, this opens up this part of the site for activity and the proposal makes some provision for active frontages facing this area from the west and part south of the building. Active frontages are key in this area; the north elevation, fronting Waterfront Avenue, will provide a feeling of activity to the street frontage and allow views into the internal spaces within the building. It is set up at a higher level than Waterfront Avenue but includes substantial amounts of glazing. Windows are proposed to the part west and south elevations of the entrance block, providing additional surveillance in this part of the site. Due to the internal activities and security there will be no windows to the majority of the south, west and east building elevations. The applicants propose the projection of images on the building which will add interest to the south and west elevations.

The applicant states that the plaza area and adjacent turfed areas allow for activation with events, will form the northern end of the proposed north south pedestrian route and will be visible from Saltire Square creating a safe and active area. In order to increase activity in this area further the applicants propose pop up cafe and allotments/ community garden. The position of the main entrance at the north west of the building maximises its connection with Waterfront Avenue, creating greater visibility of the building, and creating a more prominent building frontage and focal point to the street. The plans include locations identified for future placement of public art and four landmark columns. This is a positive step to announce the entrances to this new facility in terms of sense of welcome and wayfinding.

The design integrates above ground SUDs in line with the Council's Water Vision. The proposal complies with LDP policy Des 8 (public realm and landscape design) as external spaces including public art have been designed to be an integral part of the scheme as a whole.

A network of accessible paths across the site will be provided to link existing communities. This includes links in an east west direction to the south of the proposed building between Granton park Avenue and The Diagonal, and the north south link between Waterfront Avenue and West Granton Road. Alterations of site levels are proposed to provide more level interfaces to the National Museums site as well as to the existing diagonal foot and cycle path. All key routes will have accessible with gradients. Access to the steeper area of land to the southern part of the site (application 23/01359/FUL) will be improved as a result of the proposed development. The proposal is well-coordinated and appropriate to the intended use of the site.

The style of the building is industrial. The blocks are staggered to the south, which break up the massing of the building and provide some sense of enclosure to the service yard at the south east corner. The eastern elevation, where the secondary entrance to the building is located, will have views possible from here along the length of the internal street. The building will have PV's on the roof which have been positioned to minimise visual impact. The external appearance of the building comprises an anodised profiled aluminium rain screen cladding, and glazed curtain walling to reflect the industrial and functional aesthetic. The applicant states that the incorporation of green roofs on the building is not possible due to the proposed use of the building. Viewpoints have been provided of the development in its local and wider context. The proposal will have a positive impact on its setting in accordance with LDP policy Des 4 (impact on setting). It will have a positive impact on the character of the wider townscape and landscape, and on existing views.

The proposals represent sustainable development. The building will be Passivhaus certified, designed to be low energy and include renewable technologies to meet the building's energy demand. This is in accordance with NPF4 11 (energy) and NPF4 policy 12 (zero waste).

Conclusion in relation to design, scale and layout

Overall, the design, scale and layout are acceptable. The design and layout of the proposals comply with the Policy Des 2 (Co-ordinated Development), Policy Des 7 (Layout Design) and meet the development principles set out in the LDP for the site. The height and materials proposed are acceptable for the locality in line with Policy Des 4 (Development Design - Impact on Setting). The proposals comply with NPF4 policy 14 (Design, Quality and Place), NPF4 policy 15 (Local living and 20 minute neighbourhood), and NPF4 policy 25 (community wealth building) and meet design principles set out in NPF4. The proposal is in accordance with NPF4 policies on energy and zero waste. The proposal also generally accords with most of the aims of the Granton Waterfront Development Framework and the National Galleries Collection Facilities Place Brief.

The proposals contribute to the sustainable regeneration of the Granton Waterfront area. They are consistent with the six qualities of place set out in NPF4 bringing an area of derelict brownfield land back into a productive use, with enhancements to provide significant green open spaces, and a cultural and community benefit to the local area.

Climate Mitigation and adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise life cycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 (brownfield derelict and vacant land) intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land. The design incorporates the principles of sustainable design and construction. The building will be Passivhaus certified, designed to be low energy and include commitment to renewable technologies to meet the building's energy demand. These include the inclusion of roof mounted solar PVs and incorporation of air source heat pumps. The applicants state it will be a fossil fuel free and a net zero operational enabled building; the design aims to minimise embodied carbon emissions, with Life Cycle Carbon Assessments being used to inform the structural design and material selections. This is in accordance with NPF4 policies 11 (energy) and 12 (zero waste).

A Heat Network is not in place in the area. The proposals would comply with NPF4 Policy 19 (Heating and cooling) as they are designed and constructed to allow for cost-effective connection at a later date.

Connections within and to the local and wider area will be improved as a result of the proposed development. The large areas of green open space, incorporating sustainable urban drainage features, will provide accessible green space for the local community.

The proposal is in accordance with NPF4 policies on climate mitigation and adaptation.

Biodiversity and Trees

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 policy 4 (Natural places) states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

There are two statutory designated sites within 400m of the site. The Firth of Forth Ramsar, SPA and SSSI site and the Outer firth of Forth and St. Andrews Bay Complex SPA are designated for their coastal habitats and their importance for wintering waders and wildfowl that occur in nationally and internationally important numbers.

The assessment confirms that the proposed development will not result in significant effects to either site.

An assessment of the effects of the proposed development on the ecology of the site and the surrounding area has been undertaken. The assessment is informed by the Preliminary Ecological Appraisal, which comprised an ecological desk study and an extended Phase 1 habitat survey, which included a ground level assessment of all trees and buildings for roosting bats and an initial badger survey. Following the Preliminary Ecological Appraisal's recommendations further surveys were undertaken to establish whether the adjacent Madelvic Factory building contained bat roosts, and to establish if badgers were active on site. No bat roosts were recorded but low numbers of common and soprano pipistrelle bats were recorded passing over the site. A badger sett comprising eight entrances was recorded on site; it was found to be inactive for at least a year. The site also was considered unlikely to support great crested newts; the pond was of poor suitability for the species and is isolated from other suitable habitat.

The scrub and trees were identified as being of local value for breeding birds, but no other protected or notable species were recorded or considered likely to be present. The loss of the semi-natural habitats will be mitigated with and improved by the creation of native planting post-development, including wildflower meadows and additional native tree planting, including an orchard, and native shrubs; the proposal will contribute to these wider wildlife networks. Bat and bird boxes are proposed to be included on the site post-development. It is considered that the proposed soft landscaping is suitable to mitigate the loss of semi-natural habitats and provide enhancements for local biodiversity action plan species such as swifts and soprano pipistrelle bats.

New planting that reinforces existing planting and open spaces will add to the quality green open spaces in Granton and the wider landscape network and increase both visual and physical amenity for residents, visitors, and staff. The north-western portion of the site and the south of the site are in a Central Scotland Green Network (CSGN) neutral grassland opportunity area. Habitat creation in these areas of the site will directly support the CSGN initiative by providing native diverse grassland. In terms of biodiversity, the proposal meets the requirements of NPF4 policy 3 (Biodiversity), and NPF4 policy 4 (Natural Places).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss. NPF4 policy 6 (Forestry, woodland and trees) sets out that development proposals that enhance, expand and improve woodland and tree cover will be supported.

An Arboricultural Impact Assessment has been submitted as part of the application. This finds tree cover is variable and comprises mainly large groups of young/semi-mature Birch and Willow regeneration. The significant individual trees are mainly located near the west site boundary. Forty trees have been surveyed on site. Fifty percent of these are category C (poor quality) and 13% are category U (poor quality). Of the remaining, 35% are category B (moderate quality) and there is one category A tree (high quality). The A category Birch and good quality 'B' category trees are generally of short and medium term potential and provide screening and amenity.

The proposals involve the removal of individual trees including the category A tree and groups of lower quality trees; an area to the west of the proposed building has been identified for retention of some existing trees and their integration into the wider landscape proposals. New tree planting throughout the grounds is proposed; this comprises in excess of approximately ninety new trees. New tree planting retains the openness of the site and sightlines towards the new building as well as any future development along the boundary to the National Museums of Scotland site.

In terms of proposed tree removal and new tree planting, the proposals are acceptable. The proposals comply with NPF6 and LDP policy Env12.

Flood Risk and Drainage

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to 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. As identified on SEPA online flood risk maps, the site is subject to medium risk of surface water flooding in parts of the site. The proposed finished floor level of the development is 18mAOD: representing an approximate 14m level difference between the design flood level and the finished floor level. Fluvial and tidal flood risk is considered to be low and additional measures to reduce this risk will not be required. Allowances for peak rainfall intensity, peak river flow and sea level rise for the region have been considered to account for the effects of climate change on future flood risk. The Flood Risk Assessment concludes that fluvial, tidal and groundwater flood risk to the development is assessed to be low. The proposed land uses are considered appropriate for development at this level of flood risk, in line with the NPF4.

NPF4 policy 22 states that all rain and surface water should be managed through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer and seek to minimise the area of impermeable surface. NPF4 policy 20 (blue and green infrastructure) supports development proposals incorporating new blue and/or green infrastructure. The surface water drainage strategy comprises of several Sustainable Drainage Systems (SuDS) integrated into the development to promote biodiversity, treat water quality and attenuate surface water before being discharged to the Scottish Water Sewer at a controlled rate. The surface water drainage system will be provided to collect rainfall surface water from the roof and surrounding hardstanding/landscaped areas within the site. It is designed to store up to the 1 in 200-year storm event plus an allowance of 40% climate change. Surface water will remain attenuated on site safely without impacting off site.

The collection of external surface water run off will be captured by a series of gullies, linear/channel drains, collector pipes and SuDS, where possible, that connect to the external below ground drainage system. This includes run off from roof and surrounding hardstanding/landscaped areas. Permeable paving for the parking spaces is proposed which utilises below ground storage in these areas to contribute towards the attenuation strategy. Swales and detention basin are used as the main above ground SUDS storage features which are integrated into the landscaping south of the building. Filter drains are proposed along walkways, together with channels and gullies.

A smart rainwater harvesting system will work alongside the attenuation tank to feed the irrigation demand on site.

SEPA and CEC Flood Planning raise no objections to the proposal.

The applicant states that given site and building constraints, particularly increasing likelihood of bird strikes over an active flight zone, the use of an extensive green roof has been considered only for the cycle shed. The use of the building to store the national collection of art and due to insurance implications, green roof is not envisaged to be used in the main building.

In light of the above, the proposal generally complies with LDP policy Env 21 and NPF4 policy 22.

Amenity and health

LDP policy Des 5 (Amenity) states permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected. LDP policy Env 22 (Pollution and Air, Waste and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity. NPF4 policy 23 (Health and Safety) also states development proposals likely to have a significant adverse effect on health will not be supported.

A Noise Impact Assessment (NIA) has been provided in support of the application which considers proposed plant and delivery noise. In terms of deliveries, the NIA advises that the majority of deliveries to the Art Works are expected to take place between the hours 06:00-18:00, however there is a requirement to be able to operate anytime within the 24-hour day when needed. The service yard is located on the south-eastern corner of the building. The fourth linear block is shorter to accommodate the service yard and allowing it to be screened from the main public realm to the east by blocks two and three. The conclusions of the NIA are that noise from both deliveries and plant will be within acceptable levels within the nearest residential properties and unlikely to impact upon residential amenity.

Basic internal café facilities with no cooking ventilation proposed. There are potentially two external mobile coffee vans proposed within the grounds. Environmental Protection consider it unlikely there will be any significant residential amenity impacts on local properties by way of cooking odours or noise.

In terms of Air Quality, the applicant advises that the proposal will include a number of sustainable technologies and these are supported by Environmental Protection. The development is designed to be low car use, promoting and prioritising other modes of transport.

The site will have good lighting and 24 hour security presence to reduce potential vandalism etc. More activity will be created during the day especially which will reduce undesirable behaviour.

The proposed development will retain large separation distances to all nearest residential properties. Given this, there is no specific concern in regard to impact on daylight, sunlight, or privacy.

The proposals will have positive effects on health by providing community facilities, including green space and allotments in accordance with NPF4 policy 23 (Health and safety).

There is a need to cap the site to control the risk of existing pollution entering a contamination pathway and this will require the import of clean topsoil. Different depths of topsoil cover above a separation layer are proposed across the site in order to minimize the overall volume of imported material. These vary according to proposed use and planting regime from a minimum of 150mm for wildflower seeding to 600mm in areas of urban gardening and allotments. Environmental Protection find the site investigation reports to be generally acceptable; they recommend a condition relating to assessment and control of land contamination at the site.

Overall, the proposal will not have an adverse effect on health, the environment and amenity. The proposal complies with LDP policy Des 5, Env 22, and NPF4 policy 23 (Health and safety).

Transport

NPF4 policy 13 (sustainable transport) intention is to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably. The site currently benefits from a good level of active travel infrastructure and public transport accessibility, including existing infrastructure in the form of 'The Diagonal' pedestrian and cycle path which runs along to the western boundary of the site, as well as wide footpaths and shared use paths. There are a number of bus services close to the site. The proposed route safeguarded for the tram runs along Waterfront Avenue in front of the site.

NPF4 policy 18 (Infrastructure first) states that *development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported.* The redevelopment of the site includes the delivery of a number of new accessible routes including routes north/south and east/west through the site; these increase permeability and improve connectivity of local communities within the waterfront in addition to local amenities off Waterfront Broadway. The east west route is an active travel route in the Granton Waterfront Development Framework; a route is proposed to the south side of the proposed building to provide a link to neighbouring areas in an east west direction. The north south route is an active travel route as set out in the Granton Waterfront Development Framework. It is identified as a key transport action for the north west of the city highlighted in LDP Action Programme (April 2023, Action Reference no.TR-SA-NWLOC-6). It will run through this site connecting West Granton Road with Waterfront Avenue and then on to West Shore Road through future developments. The applicant has included the provision of this route with the proposed submission. This will result in the provision of a key pedestrian/ cycle route, within an attractive landscaped setting, linking communities in the local and wider area. The applicant states that the delivery of the proposed north south route is contingent on an agreement being reached to enable the route to be completed; this element of the proposals is submitted under a separate planning application number 23/01359/FUL. The Council approved the process of making a Compulsory Purchase Order in May 2023 to acquire this piece of land to ensure that delivery of the full route can be achieved timeously.

It is recommended that a suspensive condition is added to ensure the delivery of this route in its entirety prior to occupation of the building.

Directly to the south of both linked development sites along West Granton Road, a transport action TR-SA-NWLOC-11 (West Granton Road) is to provide a segregated cycleway (2 way) and new toucan/ puffin crossings. Scottish Government Circular 3/2012 (updated 18 November 2020) - Planning Obligations and Good Neighbour Agreements explains that obligations are to be promoted in strict compliance with the five policy tests. These tests relate to necessity; planning purpose; relationship to the development; scale and kind; and reasonableness. The circular indicates that an obligation should not be sought if it fails any one of these five tests.

The requirement to contribute towards the provision of transport or other infrastructure would meet the planning 'purpose' test if that infrastructure is necessary to make the development acceptable.

The Local Development Plan Action Programme April 2023 should be read alongside Local Development Plan Policy Del 1 (Developer Contributions) and The Supplementary Guidance on Developer Contributions and Infrastructure Delivery. It sets out how the infrastructure and services required to support the growth of the city will be delivered. The Finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (SG) sets out the Council's approach to infrastructure provision and improvements associated with development; it seeks to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development. The Guidance is not adopted but is a material planning consideration in the determination of this application. The North Edinburgh Transport Contribution zone was removed from the 2018 version of the SG. Ministers issued a Direction in January 2020 which stated that there was insufficient evidence to demonstrate that the transport contributions sought through the SG would fairly and reasonably relate in scale and kind to proposed development so as to be proportionate to such development; the relative impact of each development requiring the action should be a factor, not simply the number of units in a development.

The LDP Action Programme and Supplementary Guidance provide no specific detail or information on why the proposed transport action TR-SA-NWLOC-11 is necessary to enable the development to be acceptable in transport terms. The site is not within a contribution zone in the unadopted SG; the Development Plan requires a transport contribution in respect of development outside any contribution zone if it is clearly justified as necessary.

A Transport Assessment was submitted in support of the planning application. This details the expected transport impact of the proposed development on the existing road network. The applicant estimated trip generation and mode share for the proposed development and combined this with traffic counts to predict traffic flows in the area. The details have been assessed by transport officers and are considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The assessment is generally in line with the published guidelines on transport assessments. It concludes that it demonstrates that the addition of the development related traffic will not have an impact on the operation of the local road network.

The introduction of reduced parking, the close proximity to relevant local amenities and the extension of the Edinburgh Tram route is anticipated to have a positive impact on travel with potential to minimise new development vehicle trips.' In addition, the site will be accessed by group visits, such as school trips or workshop events, where minibus or coach travel will be provided. Given the insignificant impact on West Granton Road and the local area, the requirement for a financial contribution for Transport Action TR-SA-NWLOC-11 does not meet the planning 'purpose' test and is not necessary to make the development acceptable. An obligation for transport action does not meet the test of 'planning purpose' as set out in Circular 3/2012.

Contributions for transport infrastructure improvements should be needed for the development at the site to meet the relationship to the development test. 'Where a proposed development would either; create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a damaging impact on the environment or local amenity' a planning obligation could be sought. This site is identified in the Granton Waterfront Central Development Area in the LDP, and benefits from good public transport connections and will enhance and make provision for key existing cycle/pedestrian routes in the area. The proposal will not have an unreasonable impact on existing transport routes, and it has been demonstrated that there will not be a significant impact on the existing network as a result of the development. The development would not result in a direct need for contributions towards the proposed segregated cycleway on West Granton Road under transport action TR-SA-NWLOC-11. The proposal to contribute towards the provision of the TR-SA-NWLOC-11 infrastructure. An obligation for transport action does not meet the test of 'relationship to development test' as set out in Circular 3/2012.

Planning obligations should be reasonable in the circumstances of the particular case. Given that an obligation would not meet the tests of purpose or relationship to the proposed development, the obligation would not be reasonable.

The applicants are making provision for transport improvements within their site; these routes are set out in the Granton Waterfront Development Framework, and LDP Transport Action NWLOC 6. Contributions towards transport action TR-SA-NWLOC-11 would fail to meet at least one of the tests of the circular and are therefore not required.

In terms of infrastructure delivery, the proposal is acceptable and comply with relevant LDP and NPF4 policies.

Car Parking LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance. The development comprises 27 car parking spaces (19 standard bays, 5 EV charging bays and 3 disabled bays) located near to the east entrance of the building. The disabled parking spaces are located more than 45m away from the entrance; two rest points/benches are to be provided to help mitigate this. Thirty four short stay cycle parking spaces are proposed, 24 to be located near to the main/west entrance of the building and ten to be located near to the secondary/east entrance. These are complemented by 30 long-stay cycle parking spaces to be located within a store near to the east entrance of the site, and six of these spaces will be able to accommodate non-standard cycles. Space has been set aside for any potential roll out of an Edinburgh Cycle Hire scheme near to the main entrance.

This provision is acceptable in relation to LDP policy Tra 3 (private cycle parking). The design and layout of the proposed parking comply with LDP policy Tra4 (design of off street car and cycle parking). In terms of car and cycle parking provision, the proposals are acceptable.

In terms of accessibility, gradients along all key routes are 1 in 21 or less, with the option to include landings for each 500mm rise. The exception to this is one access path next to the LIDL retail outlet to the southern end of the site. This is at a gradient of 1 in 8 due to site constraints. This is an improvement to the existing situation and there is an available fully accessible route provided immediately west of this path.

Transport Planning have raised no objection to the planning application subject to conditions and informatives.

The construction of the new public realm and improved active travel routes will deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area. Cycle parking proposed will encourage bike usage, and car parking spaces have been kept to a minimum.

In conclusion, the overall transport provision is acceptable, in line with LDP policy and is not at odds with NPF4 transport policy objectives.

Archaeology

The proposals may reveal important evidence for the development of Granton's 19th and 20th century Industrial Heritage and potentially also earlier remains associated with the area's medieval and prehistoric past. The archaeological significance of such impacts upon the buried archaeological resource is regarded as being low-moderate. It is recommended that a programme of archaeological excavation is undertaken prior to development, in order to fully excavate, record and analysis any significant buried remains affected by groundbreaking. This is recommended as a condition.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the setting and historic interest of nearby listed buildings. The proposals are of an acceptable design. They do not result in an unacceptable impact to neighbouring amenity, are acceptable in relation to drainage and flooding, biodiversity, archaeology and do not raise concerns regarding transport matters. The proposals therefore comply with the overall objectives of the Development Plan.

The proposals will reflect the overall aims of the Granton Waterfront Development Framework, and the National Collection Facilities Place Brief.

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

The following material planning considerations have been identified:

Airport safeguarding

A Glint and Glare report has been submitted with the application. This assesses the potential impact of the proposed PV panels on the operations of Edinburgh Airport. It concludes that there is no impact is expected on the ATC tower, the aerodrome taxiways or the approach paths for runway 06 and 24 and that no mitigation is required.

Edinburgh Airport Safeguarding requires a condition for submission of and implementation of a Bird Safety management Plan on roof details and PV installation to protect the safety interests of operations at Edinburgh Airport.

Emerging policy context

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. Comments have been received in relation to human rights in relation to the use of the site by travelling people. This has been assessed in section b).

Public representations

A summary of the representations is provided below:

material considerations

Five comments in support:

- Positive about this proposal; the proposal will boost the area, will bring jobs and improve overall area for residents; assessed in section b);
- Good to develop this brownfield site where youths vandalise, start fires, fly tipping occurs and traveller's camp; assessed in section b);
- Allotments are good for the area and a great way to engage the local community; assessed in section b).

Comments raised as part of support letters:

- Flooding/ drainage implications should be checked; assessed in section b)
- What parking will be available and how will transport links facilitate the sites use?; set out in section A (application background);
- Could traffic calming be considered along Waterfront Avenue to improve pedestrian safety; this is not directly linked to/ needed as a result of the development proposal;
- How will site traffic be managed; assessed in section b);
- Will trees be kept; set out in section b);
- Existing wildlife should be a consideration; set out in section b);
- Good cycle parking and e bike charging points should be provided. Set out in section b).

One comment objecting:

- Roofs should be green; assessed in section b);
- More green space is needed for wildlife; assessed in section b).

Two general comments:

- Generally support the creation of community space; set out in section b);
- What steps will be taken to ensure community is kept safe from potential vandalism and fire starting; assessed in section b);
- Travellers who use the site will be displaced; where is a safe haven for them to move to; assessed in section b);
- Information is missing from the SI ground investigation report and should be provided; further/ full details are required by condition.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues and the material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide indoor and outdoor amenity space for use by local residents. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site and create a positive setting for the building. Transport generation, car and cycle parking are acceptable.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion. It is recommended that planning permission is granted subject to the proposed conditions and informatives.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. The building hereby approved shall not be occupied or brought into use, until the proposed north south cycle/ pedestrian link, and proposed east west pedestrian/ cycle route and associated works, and those works under planning application 23/01359/FUL have been fully implemented and made available for use to the satisfaction of the Head of Planning. The routes shall remain available to public use at all times unless otherwise agreed in writing by the Head of Planning.
5. Sample/s of the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.

6. A fully detailed landscape plan, including details of all hard and soft surfaces, boundary treatments, totem poles, signage, lighting, all planting, and bird and bat boxes shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Prior to commencement of works, a tree protection plan shall be provided and agreed in writing by the Planning Authority. Trees to be retained on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction."
8. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings or solar panel structures within the development site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

9. The electric vehicle charging points as shown on detail landscape GA - sheet 2 drawing TAW-GM-XX-XX-DR-L-1000 and dated 23/6/21 shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. The electric charging points shall be installed and operational prior to occupation of the development.
10. A Landscape and Habitat Management Plan shall be submitted for the approval of the Head of Planning prior to occupation of the building and shall cover the entire landscape area. Details of the maintenance plan for the proposed green/blue infrastructure shall include the funding arrangements for long-term delivery and upkeep of green/blue infrastructure, and the party or parties responsible for these.
11. No development shall take place until a Construction Environmental Management Plan (CEMO), relating to biodiversity, has been submitted to and approved in writing by the Head of Planning.

This should include details contained with in section 6 & supporting appendices of the Ecology Appraisal Report (including Appendices A,B,C,D) title 'The Art Works' Buro Happold revision PO2 17 February 2023.

The CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;

- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologist is needed to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person; and
- h) The use of protective fences, exclusion barriers and warning signs.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.
4. To ensure the active travel route is implemented as approved and made available for use.
5. In order to enable the Head of Planning to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To safeguard the health and condition of trees
8. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
9. to ensure necessary infrastructure is delivered.
10. To enable the Head of planning to consider these matters and detail and ensure their long term maintenance.
11. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

1. 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.

2. 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.
3. A number of traffic and other orders will be required including:
 - a. stopping up under Section 207 of the Town and Country Planning (Scotland) Act 1997;
 - b. redetermination of footway and carriageway;
4. The applicant should consider the provision of car club vehicles in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required;
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions;
6. The proposed cycle and pedestrian route must be open for use by the public in terms of the statutory definition of 'road' and requires to be the subject of separate application or road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. A number of details of the proposed route may require clarification or amendment, including the proposed gradient, use of grasscrete, slot drain, adjacent landscaping, lighting and materials. For the avoidance of doubt, details of the proposed pedestrian/ cycle routes within the site are not approved.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 March 2023

Drawing Numbers/Scheme

1-65

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
E-mail: karen.robertson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: SEPA

COMMENT: The SEPA Flood maps indicate that the only source of flood risk that is present on site is surface water risk. We have no objection to the proposed development.

DATE: 19 September 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application. However, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

DATE: 4 April 2023

NAME: NatureScot

COMMENT: NatureScot have no detailed comments to make.

DATE: 21 April 2023

NAME: City Archaeology

COMMENT: No objection to the application. A condition is recommended to ensure the completion of an archaeological programme of works.

As part of any agreed programme of archaeological works a programme of public/community engagement should be undertaken during development. The full the scope will be agreed with CECAS.

DATE: 20 April 2023

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to site contamination/ investigation and electric vehicle charging provision.

DATE: 27 April 2023

NAME: CEC Economic Development

COMMENT: The development is expected to support a net increase in employment and economic output.

DATE: 3 April 2023

NAME: Historic Environment Scotland

COMMENT: HES have no comments to make on the setting of Caroline Park House.

DATE: 12 April 2023

NAME: Edinburgh Airport Safeguarding

COMMENT: The proposal could conflict with safeguarding criteria unless any planning permission granted is subject to condition for a Bird Hazard Management Plan to be submitted.

DATE: 11 April 2023

NAME: Transport Planning

COMMENT: No objections subject to conditions and informatives.

DATE: 12 September 2023

NAME: Health and Safety Executive

COMMENT: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

DATE: 1 September 2023

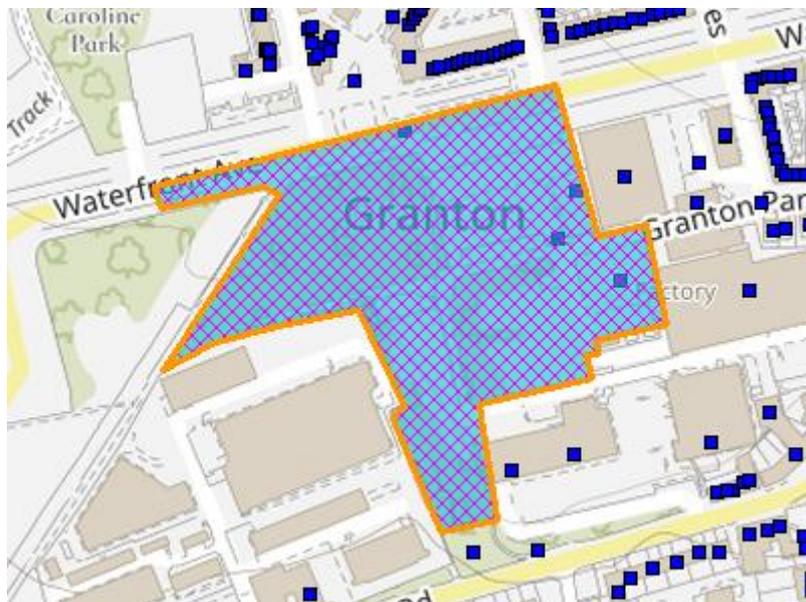
NAME: Police Scotland

COMMENT: Police Scotland welcomes the discussion with the applicant/ architects about Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 1 May 2023

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420