

Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

Land East of Granton Art Centre, 242 West Granton Road, Edinburgh.

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

Item – Committee Hearing

Application Number – 23/01359/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 proposal will improve the quality of public realm and increase permeability through the site and the wider area. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site.

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 lies to the north of West Granton Road and has an area of approximately 0.15 Hectares. The site is heavily planted with some trees. To the south of the site the land rises up towards West Granton Road. There is an existing ramped pedestrian access between West Granton Road and The Lidl store.

To the north is vacant land which is the subject of planning application 23/01068/FUL for a new Artworks collection facility, landscaping and associated works. To the east is an existing supermarket (Lidl) with another retail store beyond.

The existing storage buildings for National Museums Scotland, and National Galleries of Scotland is located in the adjacent site to the west.

Proposed development

Land will be regraded; new soil will be imported to a depth of 150mm above a separation layer. A number of trees will be removed including those within Group T1 and eight individual trees. Some trees along the western boundary of the site will be retained. Areas of open space will be sown with wildflower grass/ meadow. A new pathway network will be provided comprising a section of the north/south active travel route through the site. This section links West Granton Road with the southern boundary of planning application 23/01068/FUL. A new way finder sign will be incorporated together with a totem sign and new lighting.

Relevant Site History

No relevant site history.

Other Relevant Site History

28 March 2023 - Planning application submitted for a new artworks facility for care, conservation, research, storage and distribution of Scotland's art works and other uses on land to the north of this application site. Planning application reference 23/01068/FUL

1 May 2016 - The Granton National Collections Facility Place Brief was approved.

26 February 2020 - The Granton Development Framework was approved.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

BAA Safeguarding

CEC Flood Planning

CEC Archaeology

SEPA

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

This report will 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 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 Brownfield, vacant and derelict land Policy 9;
- NPF4 Sustainable transport policy 13;
- NPF4 Successful Places Policies 14 and 15;
- NPF4 Infrastructure Policy 18;
- 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;

- LDP Environment Policies Env 12, Env 20, Env 21 and Env 22;
- LDP Design Policies Des 1, Des 2, Des 3, Des 7, and Des 8;
- LDP Delivery Policy Del 1 and Del 3;
- LDP Employment and Economic development Policy Emp 9;

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. LDP policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Granton Waterfront including the provision of open space in order to meet the needs of the local community, create local identity and a sense of place, and to necessary public transport improvements.

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 located within 'The Link' character area within the Granton Waterfront 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 Framework shows the provision of a proposed active travel route in a north south direction which this site forms part of.

The Granton National Collection Facility Place Brief (GNCFPB) highlights that proposals should seek removal of existing barriers to permeability and sustainable travel. The placemaking principles include a north south cycle/ pedestrian route as reflected in this application. Permeability for pedestrians and cyclists should be improved.

The active travel route proposed as part of this planning application will improve pedestrian and cycle links to the proposed new Artworks facility (planning application ref: 23/01068/FUL) and the wider area. This would meet the aims of LDP and NPF4 policies and accord with the Granton Development Framework and National Collections Facilities Place Brief. Together with the proposed new Art Works development to the north of this site the proposals will provide a mix of cultural and community land use in accordance with NPF4 and will help create a sense of place in the local area. The proposals will contribute to the local economy and the wellbeing of local residents and visitors.

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 and NPF4 objectives and is supported by the Granton Waterfront Development Framework and the approved Place Brief. In principle, the proposal is acceptable.

Design and Layout

LDP Policies Des 1-3 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 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.

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

The Brief states that proposals should demonstrate how pedestrian and cycle linkages to the south of the site can be achieved given the change in levels between West Granton Road to the south and the site. The proposed active travel route follows the illustrative layout contained within the approved Place Brief (GNCPB).

The route is indicated as a publicly accessible route in the Granton Waterfront Development Framework (GWDF).

LDP policy Des 1 (Design quality and context) sets out 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. The proposals demonstrate how pedestrian and cycle links connect West Granton Road to the proposed new artworks facility, community space and areas of public realm and beyond. The proposal encourages a safe, high quality, shared and enjoyable space and provides links to existing neighbourhoods. It will reinforce essential connectivity between Pilton and the Waterfront developments; the link is considered as a key element of proposals to develop the artworks site. The proposals comply with LDP policy Des 1.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and LDP Policy Des 8 (Public Realm and Landscape Design) are both relevant. LDP policy Des 8 requires new development of external spaces, and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art to be designed as an integral part of the scheme as a whole. The proposals would involve regrading of the land to enable provision of a more accessible footpath/ cycleway link through to the north.

The associated works including wildflower planting, a new way finder sign, a totem sign and new lighting will create a more attractive, useable and safe environment. The proposals are acceptable in relation to LDP policies Des 3 and Des 8.

The route will be lit and wayfinding sign will announce the entrance to this route; this is a positive step to announce the entrances to this new facility in terms of sense of welcome and wayfinding. The access path next to the Lidl retail outlet is at a gradient of 1 in 8 due to site constraints. The main pedestrian/ cycle route directly to the west of this path will have a gradient of less than 1:30 ensuring accessibility. This is an acceptable and much improved situation in terms of accessibility. The proposals comply with LDP policy Des 7 (layout design).

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 of adjacent land and follows the aims of the approved Brief and Framework. Access to the steeper area of land to the southern part of the site 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 proposal complies 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. 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 a green corridor with mainly soft landscaped setting for access by the public.

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

Conclusion in relation to design, scale and layout

Overall, the design and layout of the proposals are acceptable. The design and layout of the proposals comply with the design policies contained within the LDP and NPF4. The proposal also accords with 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 green open spaces, and a 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 lifecycle 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.

Connections within and to the local and wider area will be improved as a result of the proposed development. The large areas of 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, the accompanying Artworks site to the north 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. 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.

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. 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. The proposals involve the removal of the majority of trees on the site which comprise two low quality category U trees, four category C trees, and three category B trees. One Cherry tree will be retained. The proposals would not include new tree planting, however, the adjacent site to the north will introduce several new trees to create an attractive landscaped route.

The loss of trees at this site is acceptable, as it will create the link between West Granton Road and areas to the north in the form of an attractive, open corridor.

In terms of proposed tree removal and new tree planting, the proposals are acceptable. The proposals comply with NPF4 policy 6 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. It continues 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.

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. 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 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) that have been integrated into the development including filter trenches. This will promote biodiversity, treat water quality and attenuate surface water. The design has sought to integrate above ground SUDs in line with the Council's Water Vision.

The Granton Development Framework indicates the route as a 'Green Street'/secondary SuDS route. The proposal is acceptable in terms of flood risk and drainage. SEPA and CEC Flood Planning raise no objections to the proposal.

In light of the above, the proposal generally complies with LDP policy Env 21 and NPF4 policies 20 and 22.

Amenity and health

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. The proposals will have positive effects on health by providing a green link to new community facilities, including green space. The proposed route will have good lighting. More activity will be created during the day especially which will help reduce undesirable behaviour.

The proposal would not have any adverse impact on soil quality in accordance with LDP policy Env 22. 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.

Environmental Protection 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. There are currently benefits from a good level of active travel infrastructure and public transport accessibility, and wide footpaths and shared use paths including the existing 'diagonal' path which is located to the north west of the site adjacent to the proposed Artworks facility. There are a number of bus services close to the site. The site would connect to the proposed north south link to Waterfront Avenue to the north where the proposed route is safeguarded for the tram runs along Waterfront Avenue.

LDP policy Del 1 (Developer contributions and infrastructure delivery) and NPF4 policy 18 (Infrastructure first) support development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes. The LDP indicates two Active Travel routes in and in close vicinity of the site; NWLOC-6 (Granton North South route through National Galleries development to the Shore, and NWLOC-11 West Granton Road. The planning application proposal, together with the link provided under planning application 23/01068/FUL would deliver LDP action NWLOC-6; the proposal would comply with LDP policy Del 1 and NPF4 policy 18. The redevelopment of the site to the north and the link proposed to connect West Granton Road to the south increases permeability and improves connectivity of local communities within the waterfront in addition to local amenities off Waterfront Broadway. Its provision would meet the aims of the Granton Waterfront Development Framework and the National Facilities Place Brief.

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 which forms the proposals contained within this planning application. 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.

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. 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 a key existing cycle/pedestrian route 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. 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; the route is set out in the Granton Waterfront Development Framework, and LDP Transport Action NELOC 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.

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 route will deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area.

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

Archaeology

NPF4 policy 7 (Historic assets and places) states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. City archaeology state that as the proposals require significant ground works, they may reveal important evidence for the development of the Caroline Park House/ Royston estates. They recommend a condition to assess and evaluate and report potential archaeological remains.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposals are of an acceptable design. They appropriately address drainage and flooding, biodiversity, and archaeology matters and do not raise concerns regarding transport matters. The impact on trees and proposed landscaping is acceptable. 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:

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.

Public representations

No letters of representation have been received.

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 proposal will improve the quality of public realm and increase permeability through the site and the wider area. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site.

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 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. 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.
3. Development shall not commence until a Construction Environmental Management Plan relating to biodiversity, has been submitted to and approved in writing by the Planning Authority.

The plan should include details contained with in section 6 & supporting appendices of the report - Ecology Appraisal Report (Including Appendices A, B,C,D) The Art Works, Buro Happold revision PO2 17 February 2023

The Plan 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 need 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.

4. The building hereby approved under planning application 23/01068/FUL shall not be occupied or brought into use, until the proposed north south cycle/ pedestrian link and associated works have been fully implemented and made available for use to the satisfaction of the Head of Planning. The route shall remain available to public use at all times unless otherwise agreed in writing by the Head of Planning.

5. 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.

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. 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.

8. 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."
9. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons :-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to safeguard interests of nature conservation.
4. To ensure the active travel route is implemented as approved and made available for use.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To enable the Head of planning to consider these matters and detail and ensure their long term maintenance.
8. In order to safeguard protected trees.
9. In order to enable the planning authority to consider this/these matter/s in detail.

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. 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

1-9, 12, 22-27

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: Transport

COMMENT: No objections.

DATE: 12 September 2023

NAME: BAA Safeguarding

COMMENT: No objections to the proposal

DATE:

NAME: CEC Flood Planning

COMMENT: No objections

DATE: 20 June 2023

NAME: CEC Archaeology

COMMENT: No objections subject to conditions.

DATE: 20 April 2023

NAME: SEPA

COMMENT: No objections to the proposal

DATE: 4 September 2023

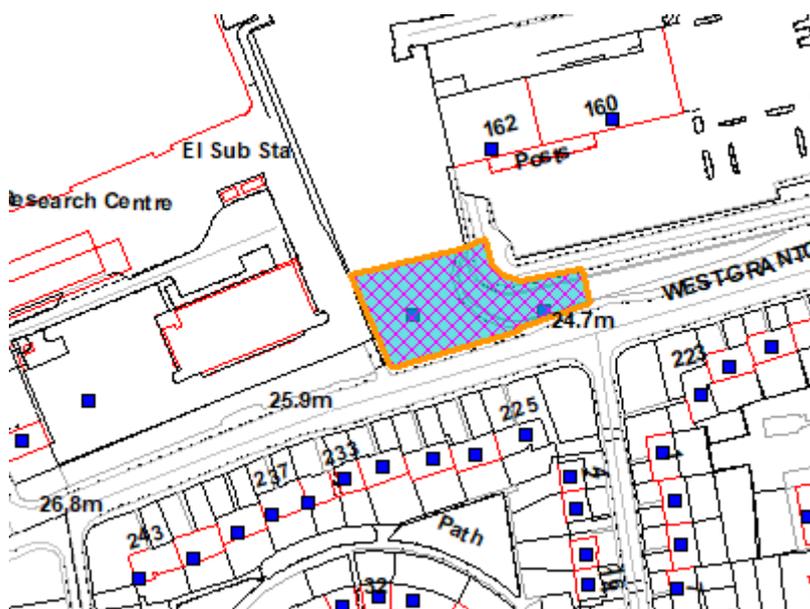
NAME: Environmental Protection

COMMENT: No objections subject to a condition relating to land contamination.

DATE: 27 September 2023

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

Location Plan



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