

# Development Management Sub Committee

**Wednesday 22 November 2023**

**Report for forthcoming application by**

**FM Developments Ltd. for Proposal of Application Notice**

**23/06110/PAN**

**at Plot A1 Western Harbour View, Edinburgh, EH6 6PG.  
Residential development and associated works on a  
brownfield site within the Western Harbour Mixed Use  
Development Masterplan.**

**Item number**

**Report number**

**Wards**

B13 - Leith

## Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan at Plot A1, Western Harbour View, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 23/06110/PAN) on 5 October 2023.

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The site, measuring approximately 0.5 hectares, is a rectangular area of land located at the north-western corner of Western Harbour. It is reclaimed land that is now covered in vegetation and a number of trees. The site and adjacent plots are covered by a Tree Protection Order (no. 206). The plot is defined by existing roads to the west, east and south. Though access into the site has been blocked off.

To the immediate south and east of the site are further vacant plots which now also contain vegetation and trees alongside ponds that have formed over time. Further south is the wider development area of Western Harbour. To the north is the western breakwater, Edinburgh Waterfront Promenade safeguard and the open space at Lighthouse Park. To the southwest of the site is the existing flatted residential development.

### **2.2 Site History**

A number of applications have been submitted and built out within the wider Western Harbour site. Initial phases of development included Platinum Point and the Asda superstore. More recently, 455 affordable homes have been built at the junction with Lindsay Road at the southern part of the masterplan site and a new primary school.

1 July 2002 - outline permission granted for a mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements (application reference: 01/03299/OUT).

31 January 2008 - reserved matters approved on Plot A1 for 109 flats and 13 townhouses in January 2008 (application reference 07/02645/REM). Permission lapsed.

3 March 2009 - planning permission was granted to extend the period of time for the approval of reserved matters under planning permission 01/03229/OUT for a further 10 years (application reference: 09/00165/OUT).

Relevant history on adjacent Sites:

29 February 2008 - reserved matters approved on plots A2, B1 and B2 for 258 residential units and some ground floor commercial uses in December 2008 (application number 07/00007/REM). Permission lapsed.

13 May 2013 - section 42 application granted to extend the timeframe for commencing development of 07/00007/REM by six years (application number

13/00498/FUL). Permission lapsed.

10 October 2018 - committee approved a new Revised Design Framework for the land at Western Harbour within Forth Ports Ltd ownership. This replaced the previously approved masterplan and design brief (linked to application reference: 09/00165/OUT).

22 June 2020 - approval of matters specified in condition 2 of planning permission 09/00165/OUT for 938 residential units and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure approved (application reference: 19/00986/AMC).

21 April 2021 - planning permission granted for a section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made granted. This limited the time period to one year for further AMCs and restricted the site area to the same as that for 19/00986/AMC (application number 20/03225/PPP).

## **Main report**

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### **3.1 Description of the Proposal**

An application for full planning permission will be submitted for residential development and associated works.

### **3.2 Key Issues**

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

#### **a) The principle of development is acceptable in this location**

The adopted Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed use development. It is identified as Proposal EW1a in the Edinburgh Local Development Plan (LDP). The LDP sets out a number of development principles including completing the approved street layout and perimeter block urban form.

Environmental considerations in relation to biodiversity and trees will need to be taken into account.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination.

There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

**b) The design, scale and layout are acceptable within the character of the area**

The proposals will be assessed against the relevant design policies in the Local Development Plan, NPF4 and the non-statutory Edinburgh Planning Guidance (where applicable). The applicant should clearly demonstrate how the proposed design will consider the relevant development plan policies and guidance.

**c) The proposals will have a detrimental impact on the amenity**

Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected. The LDP development principles also note that proposals will be expected to design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development.

**d) The proposed access arrangements, connectivity and parking levels are acceptable**

Transport information regarding general access arrangements, sustainable travel facilities including cycle parking, and how the proposal can integrate with the surrounding transport network will be required to support this submission. A clear strategy in relation to sustainable travel should be provided.

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

The applicant will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. In order to support the application, the following documents are likely to be required:

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement and travel plan;
- Daylighting and Overshadowing information;
- Archaeological information;
- Visual appraisal information;
- Ecological Appraisal;
- Tree Survey;
- Landscape and Management Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Phase 1 Ground Investigation Report;
- Sustainability Statement and S1 form.

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

The proposal will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

### **3.3 Assessment**

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

## **Financial impact**

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

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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

## **Sustainability impact**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public events, one held on 24th October 2023 and one on 28th November 2023 between 4pm - 7pm at Leith Library.

The Proposal of Application Notice was sent to Local Ward Councillors, Leith Harbour and Newhaven Community Council, Ben Macpherson MSP and Deidre Brock MP.

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

## **Background reading/external references**

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

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

Contact: Kenneth Bowes, Senior Planning officer  
E-mail: [kenneth.bowes@edinburgh.gov.uk](mailto:kenneth.bowes@edinburgh.gov.uk) Tel:0131 529 6724

## Location Plan

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