

Development Management Sub Committee

Wednesday 29 May 2024

Report for forthcoming application by

**Edinburgh Marina Holdings Ltd. for Proposal of
Application Notice**

24/01436/PAN

**at Plot 35A Granton Harbour, West Harbour Road,
Edinburgh.**

**Mixed-use development of houses, flats (81 dwellings),
commercial units, surrounding roads and public realm
areas.**

Item number

Report number

Wards

B04 - Forth

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'Mixed-use development of houses, flats (81 dwellings), commercial units, surrounding roads and public realm areas at Plots 35A Granton Harbour.

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: 24/00581/PAN) on 5th February 2024.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site is located at the northern end of Granton Harbour. The site lies to the north and east of Plot 35 and fronts onto Granton Harbour quayside on its east side and the Forth estuary to its north. The site measures approximately 1.74 hectares.

The category 'B' listed Western Breakwater (item number 30219, listed 28 November 1989), constructed between 1842 and 1863, lies on the eastern side of plot 35, with part of its eastern flank being located under the application site.

2.2 Site History

Relevant history to the site:

20 June 2003 - Outline planning permission granted for the Granton Harbour Village, mixed use development comprising residential units, hotel and serviced apartments, shops and retail /services, restaurants /cafes, public houses, general business, leisure facilities and marina (Application reference 01/00802/OUT).

4 March 2009 - Application approved to discharge the following reserved matters, (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; (1) existing and finished ground levels. This approval was subject to conditions, requiring further information to be submitted within 1 year, on landscaping of public open space, proposed rock revetment, play equipment, configuration of roads and other access provisions, the proposed drainage scheme and related implementation provisions and maximum unit numbers per plot (Application reference 06/03636/REM).

31 January 2014 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. The application was subject to a number of conditions requiring further details to be submitted for approval regarding car parking, landscaping, and the shared cycle way on Western Harbour Road (Application reference 13/04320/AMC).

18 November 2015 - Application for approval to discharge a selected number of reserved matters which were attached to the outline planning permission under condition 2, including the siting and height of development; design and configuration of public and open spaces; access and road layouts; and footpaths and cycle routes approved (Application reference 14/05305/AMC).

2 February 2017 - Application approved for the approval of matters specified in condition 2, covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 2) approved. (Application reference 16/05618/AMC).

31 May 2017 - Application submitted for approval of matters specified in condition 2, covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Grantor Harbour, West Harbour Road (Application reference 17/02484/AMC). Permission granted.

11 September 2019- Planning application for formation of access roads and footways and public realm; and associated quay edge retention scheme, to serve the Granton Harbour plot 29 (residential development) and plot 35 (hotel development) refused (Application Reference 19/00844/FUL).

24 September 2019- Application for approval of matters conditioned under application number 2 of outline planning application reference 01/00802/OUT regarding the erection of buildings containing residential flats, hotel and serviced apartments; formation of road access, parking, and open space at plots 29 and 35 allowed on appeal (Application reference 17/05306/AMC).

10 July 2020 - Permission granted for the formation of access roads and footways to serve Granton Harbour plots 7B and 8C residential development (Application Reference 20/02026/FUL).

29 October 2020 - Planning permission appeal dismissed for the formation of access roads and footways and public realm; and associated quay edge retention scheme, to serve the Granton Harbour plot 29 (residential development) and plot 35 (hotel development) (Application reference 20/01368/FUL).

01 December 2021 - Deemed refusal and appeal dismissed - Formation of access roads, cycle ways and public realm areas around Granton Harbour Plot 35 (as amended) (application reference 20/05731/FUL and appeal reference PPA-230-2340).

01 June 2022 - Planning permission granted - Construction of rock revetment and associated pedestrian walkway at west side of inner harbour (application reference: 21/06095/FUL).

01 June 2022 - Listed building consent granted - Alterations to listed building to allow proposed mixed-use development (Plot 35A) (application reference: 21/06468/LBC).

16 June 2022 - Deemed refusal and appeal allowed - Formation of access roads, cycle ways and public realm areas (Plots 35 and 35A) (application reference 21/06440/FUL).

18 July 2023 - Planning permission refused and appeal dismissed - Mixed-use development comprising houses, flats and commercial units; surrounding roads, public realm areas and infill of land (Plot 35A) (appeal reference PPA-230-2407).

11 August 2023 - Planning permission refused and appeal in progress - Application under section 42 of the Planning Act to amend conditions 1a and 1b of approval PPA-230-2253 (18/01428/PPP), to extend the duration of the permission for three years to 20th June 2026 (application reference 23/00756/FUL).

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for a mixed-use development of houses, flats (81 dwellings), commercial units, surrounding roads and public realm areas.

3.2 Key Issues

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

a) Impact on Listed Buildings

The application site overlies the category B-listed, western arm of the harbour's Victorian breakwater completed in 1851. This part of the application site has been identified as being of archaeological importance. Listed Building Consent has previously been granted for proposed works within the application site (application reference: 21/06468/LBC). Any future application relating to plot 35A which includes physical works to listed structures will require Listed Building Consent where those works are materially different to previous consents.

The proposal will be assessed in relation to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal will also be considered against relevant NPF4 and LDP policies as well as relevant HES guidance.

b) The principle of development is acceptable in this location

This development would be a national development under the provisions of NPF4 and Section 26A of the 1997 Act as it is in the Edinburgh Waterfront area and is a mixed use development that would otherwise be of a scale and type that is classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

NPF4 contains a specific Statement of Need in relation to the Edinburgh Waterfront. It states that 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 is expected to include high-quality mixed-use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes.

The site is located within the Edinburgh Waterfront: Granton Harbour area identified in the Edinburgh Local Development Plan (LDP).

This is part of an identified housing proposal site for a major housing-led mixed use regeneration opportunity. The development principles for the site are outlined in policy EW 2c), which states that proposals will be expected to:

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

As this forms part of the wider waterfront area, LDP Policy Del 3 (Edinburgh Waterfront) will be of relevance to the assessment of the application. This policy states that planning permission will be granted for development which maximises the development potential of the area, creates a series of mixed use sustainable neighbourhoods, provides a mix of house types, sizes and affordability, and provides open space to meet the needs of the local community.

A master plan showing residential blocks, new cycle infrastructure and a revised harbour edge was approved by the Development Management Sub-Committee on 25 May 2021 (Application Reference: 17/02484/AMC).

As the PAN relates to a proposed mixed-use development of the site including residential and commercial units, any application for full planning permission which is forthcoming will be assessed against relevant housing and commercial policies set out within the LDP and NPF4.

Committee should note that a previous application for mixed-use residential/commercial development of the application site was refused (application reference: 21/06413/FUL). A subsequent appeal against this refusal was dismissed by the Planning and Environmental Appeals Division (appeal reference: PPA-230-2407). The previous application was determined to be contrary to NPF4 Policy 22 (Flood Risk and Water Management), Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation) and Policy 10 (Coastal Development). The appeal decision set out in PPA-230-2407 also identified conflicts with LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) and Env 21 (Flood Protections). Any future application relating to this site in the future must address these matters in full.

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and its supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030.

It is the intention that the modifications will be considered by the Council before the end of June 2024. Any future application will be required to consider the outcomes of this process.

c) 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.

d) 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. The LDP development principles also note that proposals will be expected to design new housing to mitigate any significant adverse impacts on residential amenity. It must be demonstrated that future occupiers of any proposed residential development will have a satisfactory residential environment with access to private greenspace, public greenspace and ensuring that amenity standards are met in relation to daylight, sunlight, privacy and noise.

e) 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. Proposals will be expected to comply with Parking Standards set out in Edinburgh Design Guidance. Cycle parking should also comply with the C7 Cycle Parking Factsheet which forms part of Edinburgh Street Design Guidance. Full details of the location and type of cycle parking must be provided. A clear strategy in relation to sustainable travel should be provided.

f) There are any other environmental factors that require consideration

Given the size of the application site and as the application will include coastal works affecting a harbour wall the application will fall under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Planning Authority is therefore required, by law, to undertake screening to determine whether an Environmental Impact Assessment is required.

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. As part of the site falls within an area identified as at high risk of coastal flooding this will include detailed information relating to flooding and surface water management.

The application site is adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest, as well as the Firth of Forth Ramsar Site and Site of Special Scientific Interest (SSSI). The site is also adjacent to the Outer Firth of Forth and St Andrews Bay Complex SPA, designated for wintering and breeding waders, wildfowl and seabirds and in proximity to the Forth Islands SPA. In line with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) a Habitat Regulations Appraisal will be required. This should be prepared in line with relevant guidance.

In order to support the application, the following documents are likely to be required:

- Pre-application Consultation Report
- Planning Statement
- Design and Access Statement
- Affordable Housing Statement
- Transport Statement and full details of parking arrangements
- Air Quality Impact Assessment
- Statement of Community Benefit
- Daylighting, overshadowing and privacy information
- Archaeological information
- Visual appraisal information
- Fully detailed landscape layout and maintenance details
- Flood Risk Assessment and Surface Water Management Plan
- Wave Modelling and Joint Probability Analysis
- Habitat Regulations Appraisal
- Preliminary Ecological Appraisal
- 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.

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

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 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

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

Consultation and engagement

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.

Event 1 was held 24 April 2024 at Granton Station, 1 Granton Square between 1500-1830.

Event 2 was held 13 May 2024 at West Hall, Granton Parish Church between 1500-1830.

The Proposal of Application Notice was sent to the following elected members: Cllr C Day, Cllr S Dijkstra-Downie, Cllr S Dobbin, Cllr K O'Neill, D Brock MP, B Macpherson MSP, J Balfour MSP, S Boyack MSP, M Briggs MSP, F Choudhury MSP, A Johnstone MSP, L Slater MSP, S Webber MSP. The PAN was also sent to Granton Community Council.

The applicant states in the cover letter provided that a website was set up to provide information for those unable to attend either of the events (www.wga.ltd/plot35a). The website provided an overview of the proposal and was to be live from the 17th April 2024 to the 29th April 2024. The website was also to allow the provision of public comments.

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

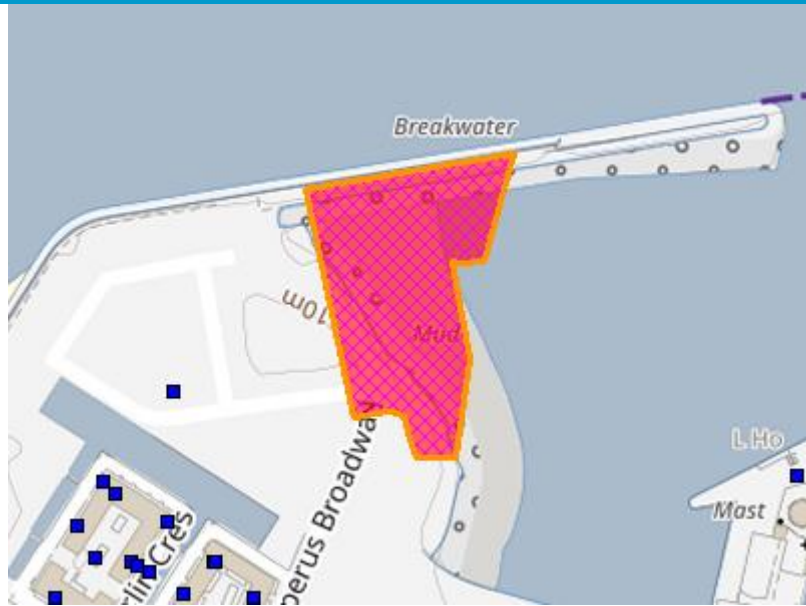
Background reading/external references

- 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](#)

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Location Plan



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