

Development Management Sub Committee

Wednesday 6 March 2019

Application for Approval of Matters Specified in Conditions 18/02833/AMC

At Granton Harbour, West Harbour Road, Edinburgh
Proposed marina office with associated retail, cafe space
and community boat yard (as amended)

Item number	4.7
Report number	
Wards	B04 - Forth

Summary

The proposed development will contribute to the wider regeneration of Granton Waterfront by bringing forward retail, office and leisure development on a vacant urban site. The proposal is acceptable in terms of scale, layout, design and materials. There would be no adverse effect on the amenity of other developments in the area (both existing and proposed). The setting of listed buildings within the vicinity of the site will be protected. The area will be served by suitable cycle and pedestrian links and an acceptable level of car parking and cycle parking is provided. There will be no risk from flooding at the site as a result of the proposed development.

Links

Policies and guidance for this application	NSESBB, NSP, NSLBCA, NSGD02, LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES06, LDES05, LDES07, LDES08, LEN16, LEN20, LEN21, LEN22, LTRA02, LTRA09, OTH,
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Report

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Recommendations

1.1 It is recommended that this application be Approved subject to the details below.

Background

2.1 Site description

The site lies to the north of Granton Harbour and comprises plots 8A and 8B of the Granton Masterplan. It has an area of 7385sqmetres (reduced from 9320sqm following removal of infilling/ quay works to the east of the site). To the north/north east the site is bound by Granton Harbour. A small section of Hesperus Broadway to the northwest is included within the site.

The site is relatively level and currently undeveloped; there has been recent import of infill material onto the site.

The plots directly surrounding the site are currently vacant. A residential flatted block is built to the south west at plot 28, together with a canal feature to the west.

Directly to the east of the site, the harbour is edged by a concrete quay wall with railings.

There are no listed buildings within the site. There are a number in the vicinity of the site including the Western Breakwater/ Esparto Wharf which was constructed between 1842 and 1863 and is category B listed (item number: 30219, listed on 28 November 1989).

Middle Pier to the east of the site is a category A listed structure (item number: 30216, listed on 28 November 1989). The pier contains a stone warehouse (formerly a gunpowder store) that is listed category B (item number: 30217 listed on 28 November 1989), and Harbour Light, also listed category B (item number: 30218, listed on 28 November 1989).

2.2 Site History

20 June 2003 - Outline planning permission was granted for the Granton Harbour Village, a mixed use development comprising residential units, hotel and serviced apartments, shops and retail /services, restaurants /cafes, public houses, general business, leisure facilities and marina. This permission includes a legal agreement to secure contributions towards education and transportation infrastructure, 15% affordable housing, restrictions on future tenancies within Granton Industrial Estate and the long term maintenance and upkeep of the Western Breakwater (application number: 01/00802/OUT).

14 March 2009 - Approval of reserved matters to discharge the following reserved matters as attached to outline permission 01/00802/OUT (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; existing and finished ground levels in relation to ordnance datum. This was the first approved Master Plan for Granton Harbour and allocated retail on plot 8A and housing on plot 8B. A promenade was to be provided adjacent to the site fronting the harbour (application number: 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 space; access, road layouts; footpaths and cycle routes. This related to a revised Master Plan for Granton Harbour which allocated a retail unit on plot 8A and housing on plot 8B. A 4m wide foot/cycleway was approved along the north and east boundaries of the site adjacent to the harbour. (application number: 13/04320/AMC).

17 August 2016 - 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. This was approved subject to a number of conditions and informatives. These included conditions 1 and 2 which indicated that the reserved matters applied for are not approved in respect of plots 12, 14, 15, 15A, 16 and 17 and S1 and S2. An informative sets out the Council's expectations in relation to the provision of affordable housing as detailed applications come forward on a plot by plot basis. This was a revised version of a Master Plan for the whole of Granton Harbour. The plan replaced housing on plot 8B with a community boatyard, allocated a retail, leisure, commercial building on plot 8A and relocated the foot/cycleway to the west of the site along Hesperus Broadway (application number: 14/05305/AMC).

9 December 2016 - Approval given for matters specified in condition 2 of application 01/00802/OUT for plot 3 (application reference: 16/04342/AMC).

2 February 2017 - Application was approved for matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes with the exception of plots 12, 14, 15, 15A, 16 and 17, and plots S1 and S2, and plot 8C and plot 35. This is a further revised version of the Masterplan for Granton Harbour, with the community boatyard allocated on plot 8B, an oval shaped retail, leisure, commercial building on plot 8B and a foot/cycleway provided to the west of the site along Hesperus Broadway (application reference: 16/05618/AMC).

21 April 2017 - Application approved for new marine office with associated retail and café space, dry stack storage and community boatyard (as amended) (application reference: 16/04409/AMC).

31 May 2017 - Application submitted for approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Granton Harbour, West Harbour Road (application reference:17/02484/AMC). This is a further revised masterplan. Under consideration.

22 June 2017 - Approval of matters specified in conditions on Outline application 01/00802/OUT regarding the erection of a healthcare superhub and six units in class 1, 2, and 3 use (as amended)(application reference: 17/01080/AMC).

3 August 2017 - Application approved for matters specified in condition 2 of application 01/00802/OUT for plots S1 and S2. Erection of 3/7 storey residential development of 302 units plus roads, parking and landscaping etc. (application reference: 17/01481/AMC).

15 November 2017 - Application submitted for plots 29 and 35 for housing, hotel and serviced flats, roads, open space etc. (as amended) Under consideration. (application reference: 17/05306/AMC).

27 November 2017 - Application approved for erection of buildings with 104 retirement flats and ancillary accommodation, access roads, underground parking, private open space and public space etc. (as amended)(application reference: 17/01219/AMC).

15 December 2017 - Application refused for the proposed approval of Matters Specified in conditions in outline application 01/00802/OUT regarding the erection of a healthcare superhub and five units in Class 1, Class 2 and Class 3 use submitted on Plot 19B.(application reference: 17/02865/AMC).

13 March 2018 - Application granted for the change of use of building and land from Class 6 to Class 5 to include building operations and siting of plant to permit use of existing warehouse building as a micro distillery at 29 Sealcarr Street to the east of the site (application reference: 17/03297/FUL).

8 November 2018 - Appeal submitted against non determination of an application for extension of time to existing outline planning permission by 5 years to 20th June 2023. (application reference: 18/01428/PPP).

13 June 2018 - Application for approval of matters regarding the erection of buildings containing 18 houses and 144 flats, roads, open space etc. at plots K, O, P, Q, U and T). Under consideration. (application reference: 18/02721/AMC).

18 June 2018 - Application for approval of matters conditioned for plots 7b and 8c under application 01/00802/OUT, regarding erection of buildings containing perimeter block residential flats, formation of road access, basement parking and open space. This application site lies directly to the south of the proposed boatyard. Under consideration. (application reference: 18/02812/AMC).

20 December 2018 - Planning application submitted for formation of access roads and footways to serve plots 7B and 8C on land to east of 59 Hesperus Broadway. Under consideration (18/10481/FUL).

12 February 2019 - Application for a non-material variation for plot 3 approved. (application reference: 16/04342/VARY).

Main report

3.1 Description Of The Proposal

The application is to discharge reserved matters for plots 8A and 8B which are attached to the outline planning permission (application number 01/00802/OUT). The proposal is for a new marina building with office space, and associated retail area and cafe, together with a community boat yard, landscaping and car parking.

Part of the application proposal involves building up areas of land to the east with infill material. The applicant has confirmed the infill material is already at the site. This will be retained by a new quay wall and rock revetment.

A slipway is proposed from the boatyard.

The marina building will be located in the north west area of the site. It will be of a contemporary, oval design. It would have a total floor area of 781sqm. The building has two floors; on the ground floor is a shop of 94sqm, a café/bistro of 151sqm with 84 covers, together with kitchen of 72sqm and other ancillary rooms. The café will have seating area outside. The upper level will have two meeting rooms with a total floorspace of 116sqm, an office with a floor area of 30sqm, and other ancillary rooms. The upper level will have an external terrace around the entire building.

A car park is proposed to the south of the marina building which has 21 car parking spaces. This is accessed off Hesperus Broadway. Cycle parking is proposed to the south of the marina building with five cycle racks.

A 1.8m high metal chain link fence is proposed around the boatyard.

A landscape plan has been submitted which shows an area of planting/ grassed areas to the east of the site; this includes a proposed grassed mounded area. Some tree planting is also proposed along the frontage to Hesperus Broadway and Hesperus Place on the boundaries of the proposed boatyard. Benches are proposed in the vicinity of the marina building. A pedestrian path to link the building/ site to the marina will be provided over the rock revetment to the east.

Materials

Marina building: Glazing to be curtain walling system with charcoal mullions; vertical cedar wood cladding to walls, and a metal roof.

Surface materials will comprise monoblock to car park, large paving slabs and modular granite paving around the marina building and concrete slab within the boatyard.

Previous schemes

The first and second schemes proposed a separate service access road directly to the north of the proposed marina building, different layout/ proposals to the quay wall and a larger area of infill to the east, different slipway/ pontoon facilities location, refuelling area, different proportions of floor areas per use within the building and 24 car parking spaces.

Supporting Statement

The following documents have been submitted in support of this application and are available to view on the Planning and Building Standards Online Services.

- Design and Access Statement (revised);
- An outline SUDS, Surface Water Management Plan and Drainage Design Statement;
- A Flood Risk Assessment and checklist;
- Details of Stormtech System Approved treatment Technology;
- A Noise Impact Assessment;
- A Sustainability Statement;
- Feasibility Inception report; this outlines work to extend the north revetment;
- Preliminary Marine Engineering Desk Study Assessment; this sets out marine knowledge and conditions at the site, and sets out preliminary conclusions.
- Middle Pier report; this shows cross sections of proposed remedial measures for quay wall/ revetment proposals;
- Ground investigation reports; and
- Letter from Paragon Building and Project Consultants which outlines environmental issues associated with the site and outcomes following investigation.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve 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.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The principle of development is acceptable;
- b) The proposal is acceptable in terms of impact on listed buildings;
- c) The siting, design, layout and materials are acceptable;
- d) Residential amenity issues are addressed;
- e) Transport issues are addressed;
- f) Flood risk and drainage are to an acceptable level;
- g) The proposal meets sustainability criteria;
- h) There are any equalities or human rights impacts;
- i) Other material planning considerations have been addressed; and
- j) Matters raised in representations have been addressed.

a) Principle of development

The site is located within the Granton Harbour Area at Granton Waterfront, as identified in the adopted Edinburgh Local Development Plan (LDP). It is covered by Proposal EW2c for a housing led mixed use development across Granton Harbour.

The application accords with LDP policy Del 3 as the proposals will contribute towards the creation of new urban quarters at Granton Waterfront. Policy Del 3 supports proposals which meet a number of requirements including the provision of a series of mixed use sustainable neighbourhoods that connect with the Waterfront and proposals for a mix of house types, sizes and affordability.

The outline planning permission for Granton Harbour (01/00802/OUT) supports mixed use development including restaurant/ cafes, general business, leisure facilities and a marina. It allows up to a total gross floorspace of commercial/business uses of 23,190sqm, the gross floor area of public amenity and leisure uses not exceeding 7,650sqm and the gross floor area of each retail unit not exceeding 250sqm. This current application for a new community boatyard, marina office, cafe and retail use accords with the principle of development set out in the original outline permission. The most recent approved masterplan allocated plot 8A for retail, leisure and commercial use, and a community boatyard on plot 8B. The approval of this revised masterplan is a material consideration in the determination of this planning application; the proposed uses for this current planning application accord with this latter approved masterplan. Planning approval was given in April 2017 for a new marine building and boatyard at this site.

The principle of the development is acceptable and accords with the LDP and the most recently approved masterplan.

b) Setting of Listed Buildings

The site does not contain any listed structures. The proposals are modest in size and will not harm the setting of listed structures which are located in the surrounding area of the site. Historic Environment Scotland has no objections to the proposals.

c) The proposed siting, design, layout and materials are acceptable

The development principles for Granton Harbour are set out in Table 11 of the LDP. As part of these principles, proposals will be expected to complete the approved street layout and perimeter block urban form, complete the relevant section of the Waterside Edinburgh Promenade, provide for retained and improved mooring facilities and boat storage, and include tourism and waterfront-related leisure and entertainment uses.

LDP policies Des 1, Des 4 and Des 7 and the Edinburgh Design Guidance set out the design and layout criteria against which this application is assessed.

The latest approved masterplan 16/05618/AMC approved a two storey oval shaped building on plot 8A and a boat storage facility on plot 8B. This masterplan approval is a material consideration in the determination of this application proposal. In addition, planning approval was given for a new marine building and boatyard etc. of a similar design in April 2017 at this site.

The design is bespoke to this building, combining a unique roof form and the use of materials to reflect a wave form. The design will create a recognisable structure within this part of the masterplan making a positive contribution to the sense of place.

The provision of the community boat storage area would create a sense of place focused on adjacent water activities.

The Edinburgh Design Guidance indicates that materials should normally harmonise with materials used on surrounding buildings. It also advises that where alternative materials are used, these should either harmonise with or provide striking contrast. The materials proposed are acceptable and provide a striking contrast with those within the area of the site.

In terms of car parking and landscape proposals, the proposal includes planting and grassed areas which soften the development, and the provision of reed beds on the proposed quay wall which will provide an attractive landscaped edge to the development.

The improvement of roads etc. outwith the application site boundary cannot be considered under this application. The provision of a cycle/ pedestrian route is covered in section 3.3e).

The proposals comply with LDP policies Des1, Des 4 and Des7, the design principles set out in LDP table 11, and the recent AMC planning masterplan approval. They also accord, on the whole, with the Edinburgh Design Guidance.

In terms of layout, design and materials the proposals are acceptable.

d) Residential amenity

The outline planning permission to which this proposal relates included a condition requiring a noise assessment and noise protection measures based on an open windows scenario to be submitted to protect future/existing residential development. A noise assessment has been submitted with the application. It predicts that noise from the proposed Marina will meet the required noise criteria at the nearest noise sensitive receiver with the windows open during the daytime.

The revised masterplan approvals 14/05305/AMC and 16/05618/AMC show a boatyard on plot 8B and commercial/ leisure uses on plot 8A; the use of these plots for boat storage and marina building/ café etc are therefore in accordance with these latest approved masterplans.

Environmental Protection has no objections to the proposals in terms of noise.

Informatives are recommended relating to electric vehicle charging point provision and detail of proposed boilers to be submitted.

The effect of the proposal on the amenity of nearby existing and proposed residential properties is acceptable.

e) Transport

The outline planning permission 01/00829/OUT (and the later approvals of matters specified in condition 2 of the original outline (14/05305/AMC and 16/05618/AMC)) reserved car parking for further approval; this application seeks approval of car and cycle parking for both plots 8A and 8B. The masterplan approval included the provision of the marina for approximately 300 berths and the supporting boat storage yard and ancillary buildings which are proposed as part of this AMC application.

The current parking standards require a maximum of 24 car parking spaces at the site. The 21 car parking spaces proposed would be in accordance with the current standards; three of these are designated as accessible, and three are to be equipped for electrical vehicle charging. Ten cycle parking spaces are proposed which is above the minimum requirement of eight spaces. The level of proposed car and cycle parking is acceptable. The proposed vehicular access to the car parking area and for servicing of the building is acceptable. It will be accessed directly from the existing road, Hesperus Broadway.

Condition 6 of the revised masterplans under 14/05305/AMC and 16/05618/AMC require details of a suitable Waterfront cycle/ pedestrian route to be submitted to an approved and implemented to complete the Waterside Edinburgh Promenade. These masterplans show a cycle/ pedestrian route outwith the site to the west along Hesperus Broadway. The previous planning approval for the marina building and boatyard (16/04409/AMC) did not include a pedestrian/ cycle route, but also indicated a cycle/ pedestrian route along Hesperus Broadway. This would reduce potential conflict with boat yard users. The current application proposal similarly indicates a cycle/pedestrian route along Hesperus Broadway, and not within the site itself. The proposal will not prejudice the delivery of a suitable Waterfront cycle/ pedestrian route in the masterplan area.

f) Flood risk and drainage

Table 11 of the LDP includes in its Design Principles for the Granton Harbour area provision of a strategic flood risk assessment.

Conditions on the outline planning permission 01/00802/OUT and subsequent masterplan AMC approvals require a revised flood risk assessment and surface water management plan to be submitted to and approved to inform the detailed planning applications on individual plots. The applicant has submitted in support of their application a Flood Risk Assessment and Surface Water Management Plan.

Parts of the site lie within the 0.5% annual probability (1 in 200-year) flood extent and may therefore be at medium to high risk of coastal flooding. As noted within the FRA, the predicted 1 in 200-year still water level in this area is 3.98m AOD (+/- 0.3m) as calculated using the Coastal Flood Boundary Methodology.

SEPA state that 'a marina development is non-residential and as such we have no objection to the proposals provided it is designed in accordance with the FRA and the finished floor levels are a minimum of 4.85m AOD' and SEPA would support higher finished floor levels if required by CEC Flood Prevention.

Flood Planning raise no objections to the proposal and find the information submitted in relation to potential flood risk, drainage and surface water management to be acceptable.

g) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposed development meets the essential requirements.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The statement also indicates a further 35 points to be made in relation to the provision of desirable requirements. These includes measures such as the use of sustainable timber, provision of electric charging points for vehicles, and use of low and zero carbon technologies.

h) Equalities and Human Rights Impacts

This application was assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impacts Assessment Summary is available to view on the Planning and Building Standards Online Services.

i) Other material planning considerations

Land contamination

Environmental Protection recommend a condition to assess and deal with contaminated land issues. A condition is attached.

Ecology/Natural Heritage

The Firth of Forth Special Protection Area (SPA), Ramsar and Site of Scientific Special Interest lie to the east and west of Granton Harbour, but do not include or are not directly adjacent to the site. These sensitive ecological areas are protected from development by LDP policies Env 13 Sites of European Importance and Env 14 Sites of Special Scientific Interest.

Special Protection Areas are protected under the Conservation (Natural Habitats) Regulations 1994, as amended (the "Habitat Regulations"). The legislation requires an appropriate assessment to be undertaken by the Council (as competent authority) where the effects of development are likely to have a significant effect on the qualifying interest of the site. The Firth of Forth SPA is designated for a variety of wintering and passage bird species. This designation includes the area of land outwith the site to the east of Granton Harbour.

An appropriate assessment was carried out as part of the original Outline application, with conditions attached to the consent relating to timing of dredging works, storage of materials, the requirement to submit an Ecological Watching Brief etc. These conditions will still apply, should the current development proposal be approved.

The application is not expected to have any additional impact on ecological interests or the natural environment.

Marine Scotland act as the authority responsible for the integrated management of sea areas which may be affected by development. The applicant is likely to require a Marine Scotland Licence and the applicant is aware of this.

In summary, there are no overriding ecological or natural heritage concerns as a result of this application.

Structural matters relating to the new quay wall

Building Standards has confirmed that a Geo-environmental Phase I & II reports would be required for the Building warrant application for this site as it is part of the Granton Harbour infill.

j) Material representations - objection:

- Cycle route provision - The proposed 5m wide cycle route and walkways would be entirely cut off as a result of the proposed development, and the proposal does not comply with the original masterplan. Uniform shoreline landscape not provided for the city - assessed in section 3.3c) and 3.3e).
- a boat slipway should be provided - a slipway is proposed directly from the proposed boatyard.
- Lack of public realm and landscape management - assessed in 3.3c).
- Lot of residential properties being built in the area with no recreational space - assessed in 3.3a) and c).
- Lack of community facilities - assessed in 3.3a).
- Need to improve adjacent roads for cars, cyclists and pedestrians - assessed in 3.3c).
- Lack of biodiversity - assessed in 3.3i).
Lack of Sustainable Urban Drainage - a SUDS scheme is proposed as part of this development proposal.
- Poor public consultation - the application has been advertised and neighbouring property notified.
- Misleading information provided to house purchasers as masterplans and detailed plots keep changing - neighbouring property is notified of new planning applications in the area.
- Traffic and parking - Number of new births is unclear and together with the 300 plus more properties will increase traffic and parking in the area - assessed in section 3.3e).

Material Representation - support

- Contribution to area - development will add a lot to the area & assessed in 3.3a).

Non-material Representations:

- residents may have to pay for additional costs for example for new quay wall and its maintenance.
- fencing has been erected without permission to south, west, north and some of south of Granton Harbour; this is not part of this planning application.

Conclusion

The proposed development will contribute to the wider regeneration of Granton waterfront by bringing forward retail, office and leisure development on a vacant urban site. The proposal is acceptable in terms of scale, layout, design, landscaping and materials. There would be no unacceptable adverse effect on the amenity of other developments in the area (both existing and proposed). The setting of listed buildings within the vicinity of the site will be protected. The area will be served by suitable cycle and pedestrian links and an acceptable level of car parking and cycle parking is provided. There will be no risk of flooding at the site as a result of the proposed development.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
3. 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.
4. Full details of the proposed pedestrian link path proposed over the rock revetment shall be submitted to the Planning Authority for consideration and approval prior to its implementation.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To enable the Planning Authority to consider this matter in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. 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.
3. 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.
4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

8. 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 2016 regulations or British Standard 8300:2009 as approved.
9. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

One rapid electric vehicle charging outlet shall be installed and operational prior to occupation of the development and be of the following standard:

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Four 7kw (type 2) electric vehicle charging points shall be installed and operational prior to occupation of the development.
10. It is understood that a Sustainable Urban Drainage System is proposed underneath the car park area, it is expected that this area will not come forward for adoption and will remain private, meaning the City of Edinburgh Council would have no responsibility relating to the maintenance of this system.
11. The development shall be carried out in accordance with the measures identified in the approved Sustainability Statement Form. The applicant should submit a Self Declaration Form to the Head of Planning and Building Standards on completion and prior to occupation unless otherwise agreed.
12. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.
13. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
14. The developer will need to prove that Hesperus Broadway is to an adoptable standard prior to it being used as a road to serve development(s).
15. Approval is given for only those works shown within the application site boundary.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

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 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

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

Letters have been received from four representators; three object (from same representator) and one is in support.

Background reading/external references

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

**Statutory Development
Plan Provision**

The Local Development Plan identifies the site as being within the Edinburgh Waterfront. Granton Harbour development principles are set out in EW 2c. This part of the Waterfront regeneration area is allocated for housing led mixed development. A safeguarded cycle/footpath is shown along the Edinburgh Promenade.

Date registered

18 June 2018

Drawing numbers/Scheme

1, 4c, 5a, 6-7, 8b, 9b, 10, 11b, 12c, 13a, 14-15, 16b, 17,

Scheme 3

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior Planning Officer
E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

Links - Policies

Relevant Policies:

NSESBB Non-statutory guidelines Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Other Relevant policy guidance

Appendix 1

Application for Approval of Matters Specified in Conditions 18/02833/AMC

At Granton Harbour, West Harbour Road, Edinburgh Proposed marina office with associated retail, cafe space and community boat yard (as amended)

Consultations

Historic Environment Scotland response dated 6 July 2018

We have assessed it for our historic environment interests and do not have any comments to make on the proposals.

Waste Management response - dated 7 August 2018

I have been asked to provide the comments to the application 18/02833/AMC on behalf of Waste and Cleansing Services.

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming it does not include this development.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

We wouldn't provide specific comments about how a private waste collector would collect commercial waste, since they have different systems. As long as they provide details of how they will comply with the law that would be fine.

RSPB response - dated 9 August 2018

Thank you for consulting RSPB Scotland in regard to the above application.

A scoping opinion under the Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended) was requested from RSPB Scotland earlier this year as part of the overall development masterplan for Granton Harbour. In our reply of 11 May 2018 to Scottish Government, we noted that while we were of the opinion that the proposed development would not have a significant impact on birds, the proximity of the development to the Firth of Forth Special Protection Area (SPA) would require a Habitats Regulation Appraisal (HRA) to be undertaken as required under the Conservation of Natural Habitats Conservation (Natural Habitats, &c.) Regulations 1994. An appropriate assessment (AA) should also be undertaken by the City of Edinburgh Council, as the competent authority, to determine if the proposed development is likely to have a significant impact on the designated features of the SPA. We noted from the scoping report that an HRA was in progress and that an AA will be undertaken.

The present component of the Granton Harbour development is located on previously reclaimed, post-industrial ground that has little or no nature conservation value and no works will be undertaken in the marine or intertidal habitat. On this basis we are satisfied that this proposal will have no significant impact on biodiversity and nature conservation interests.

Furthermore, we have discussed the issue with your planning department and have been advised that, having consulted SNH, it has been deemed that because of its specific nature and location, this component of the development does not represent a threat to the integrity of the SPA and would not require a separate HRA/AA or be required to await the results of these for the overall development masterplan before being progressed. On this basis, we can advise your council that RSPB Scotland does not object to the present application.

We note the design and layout of the proposed marina office and associated facilities (design and Access Statement, Section 4.1 refers). The applicant should be aware that the buildings roof may attract Lesser Black-backed and Herring Gulls for roosting and, possibly, nesting (Edinburgh has an increasing population of roof-nesting gulls). The developer should, therefore, incorporate measures that will deter the gulls from roosting communally or nesting on the buildings roof. Such pre-emptive steps should preclude the need for any deterrent or control of the birds or their nests later on.

Environmental Protection response - dated 26 October 2018

Environmental Protection has commented on similar applications/schemes for the development of this site.

As the current application is an AMC application relating to the outline planning permission, there is already consent for an acceptable quantum of development on the site. This specific proposal is for a new marina office with associated retail and cafe space with new community boat yard with associated dry stack.

Environmental Protection understands that plot-specific issues will be addressed through detailed development processes (assuming the Masterplan delivers no major shift in the content or context of the outline approval, including development phasing). This proposal follows what has been agreed in the masterplan. No detailed plans or existing sensitive receptors are located in close proximity to the application site.

Again this AMC application does not propose a major shift from what has been previously consented. Many of our issues have been addressed in the form of conditions and legal agreements for the outline application (01/00802/OUT). However due to the period of time pasted from when the outline application was consented to this AMC Environmental Protection would like to make further comment. This latest scheme does is not a big cause concern but we must stress that the applicant keeps proposed parking numbers down.

Noise

Environmental Protection had raised issues with the some of the proposed uses in the masterplan site including requesting details of how noise will be controlled on the proposed marina, for example will there be a noise management plan for users. Environmental Protection had recommended a condition is attached to ensure noise from the marina is address in the form of an updated noise impact assessment. The applicant has submitted a support noise impact assessment which has assessed all the potential noise impacts this use may have on currently undeveloped future residential developments. It should be noted that when the neighbouring site developments apply for detailed planning permission they will need to consider noise from the marina if consented.

Land contamination

Environmental Protection has received information regarding the outline consent for Granton Harbour (01/00802/OUT). The applicant has submitted an updated Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Air Quality

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation sets out the Scottish Governments core policies and principles with respect to the environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material consideration in land use planning in or adjacent to Air Quality Management Areas (AQMAs) for:

- * Large scale proposals, or
- * If they are to be occupied by sensitive groups such as the elderly or young children, or
- * If there are likely to be cumulative effects.

The planning system has a role to play in the protection of air quality, by ensuring that development does not adversely affect air quality in AQMAs or by cumulative impacts lead to the creation of further AQMAs, for which remedial measures would require to be taken.

Six AQMAs have been declared by the City of Edinburgh Council, all but one have been declared for NO₂. Those which are closest to the development site include Bernard Street, Central, Inverleith and Great Junction Street AQMAs all of which have been declared due to NO₂ exceedances which are principally due to road vehicle emissions. This development along with other proposed/committed development in the area will increase pressure on the local road network and may further impact on existing AQMAs or require the declaration of new ones. Salamander Street has also been declared a AQMA for Particulate Matter primarily due to the industrial operations in the area.

The applicants original assessment used the Design Manual for Roads and Bridges (DMRB) air quality dispersion model. Environmental Protection would not support the use of this model. Use of the ADMS-Roads model with the most up to date emission factors would however be considered appropriate nowadays.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles as identified in the second Proposed Local Development Plan (LDP). The LDP also states that the growth of the city based in car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system based on suitable alternatives to the car is therefore a high priority for the Council and continued investment in public transport walking and cycling is a central tenet of the Councils revised Local Transport Strategy 2014-2019.

The development should be encouraged to keep car parking numbers to a minimum, support car club membership, provide one rapid electric vehicle charging point in the car park, provide public transport incentives for staff and customers, improve cycle/pedestrian facilities and links. Environmental Protection would be looking for the developer to support further air quality mitigation measures at this early stage and commit to installing one rapid electric vehicle charging point in the car park. Four 7Kw (type 2 connectors) charging points is the minimum requirement in the Edinburgh Design Standards (2017), however at least one charger should be of the following standard (rapid).

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

It should be noted that the taxi trade in Edinburgh is making a shift towards electrification of its fleet. It is likely that if this use is built out then it will be well served by taxis therefore providing a charging point will futureproof the building.

With regards to air quality Environmental Protection do not object to this development. However, we encourage the developer to work with this department to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts:

1. Keep Car Parking levels to minimum.
2. Car Club facilities (electric and/or low emission vehicles).
3. Provision of electric vehicle charging facilities.
4. Public transport incentives for residents.
5. Improved cycle/pedestrian facilities and links.

Environmental Protection also advise the applicant that all energy systems must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. It is likely that the building will be served with a boiler in excess of 366Kw which is the threshold for the requirement of a chimney height calculation under the Clean Air Act 1993. This must be submitted to Environmental Protection when available.

General

Planning conditions were recommended in the outline application (01/00802/OUT). These issues will still be required to be addressed at the detailed planning stages for each future application. Information in the form of a noise impact assessment may be required upfront on issues such as noise as some of these conditions are now not enforceable. This will ensure that an acceptable level of amenity in relation to noise/vibration (operational, entertainment, plant and machinery), hours of operation, odour (cooking) and light pollution can be achieved.

On balance Environmental Protection offers no objection for this application. However; if consented it must be subject to the conditions and legal agreement recommendations from 01/00802/FUL planning application. Specifically, regarding this plot, the following conditions must be attached to any consent.

1. Prior to the commencement of construction works on site:

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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 to the satisfaction of the Head of Planning.

Local Air Quality

2. One rapid electric vehicle charging outlet shall be installed and operational prior to occupation of the development and be of the following standard:

70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

3. Four 7kw (type 2) electric vehicle charging points shall be installed and operational prior to occupation of the development.

Informative

1. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

Transport response - dated 23 January 2019

Further to the memorandum sent on the 26th of July 2018 there is no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. All accesses must be open for use by the public in terms of the statutory definition of road and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council-s waste management team to agree details.

2. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

4. The applicant should note that new road names will be required for the development and this should be discussed with the Council-s Street Naming and Numbering Team at an early opportunity.

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 2016 regulations or British Standard 8300:2009 as approved;

6. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 24 car parking spaces, 21 car parking spaces are proposed.

- b. A minimum of 8 cycle parking spaces, 10 cycle parking spaces are proposed.
- c. A minimum of 8% of the car parking needs to be designated as accessible, the 3 proposed meets this requirement.
- d. A minimum of 1 in 6 of the car parking spaces needs to be equipped for electrical vehicle charging, 3 spaces are required to meet this requirement.
- e. Development does not meet minimum requirement for motorcycle parking.

II. The proposed level of car parking is considered acceptable, whilst no formal justification for this level of car parking was provided within the application, through discussions with the applicant it was clear that this level was being provided to minimise any impact of parked vehicles associated with the proposed boat yard use on the surrounding road network and streetscape.

III. It is understood that a Sustainable Urban Drainage System is proposed underneath the car park area, it is expected that this area will not come forward for adoption and will remain private, meaning the City of Edinburgh Council would have no responsibility relating to the maintenance of this system.

Location Plan



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