

# Development Management Sub Committee

Wednesday 17 December 2014

## Application for Planning Permission in Principle 14/02814/PPP

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh  
Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.**

<b>Item number</b>	6.2
<b>Report number</b>	
<b>Wards</b>	A09 - Fountainbridge/Craiglockhart

## Summary

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The proposals in principle, broadly accord with the development plan and the Fountainbridge Development Brief. A sustainable mix of uses can be achieved on the site. The indicative massing and layout is acceptable and amenity can be safeguarded. There are no implications for road or pedestrian safety at this stage and the plans make provision for a good level of public realm to be delivered. There are no other material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LPC, CITCA1, CITD1, CITD2, CITD4, CITD5, CITD6, CITD7, CITD9, CITOS3, CITEM1, CITEM5, CITH1, CITH2, CITH4, CITH7, CITCO1, CITCO2, CITR6, CITE3, CITE8, CITE9, CITE17, CITE18, CITE15, CITT1, CITT2, CITT3, CITT4, CITT5,

# Report

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### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is in the urban area of the Edinburgh City Local Plan. The site forms part of the wider Fountainbridge Area identified as proposal CC3 in the Edinburgh Local Development Plan. The site covers approximately 3.3 ha between Fountainbridge, Dundee Street and the Union Canal, and is referred to as Fountainbridge South. The Union Canal to the south is a Scheduled Ancient Monument.

The site is bound to the east by a vacant development site referred to as Freer Street (which benefits from planning permission for a residential and mixed use development and is subject to a pending decision on a PPP Masterplan proposing hotel, residential and office). To the west the site is bound by Viewforth beyond which lies the development site recently approved for the new Boroughmuir High School. The site lies immediately south and west of the city's business district, the Exchange, Haymarket and Tollcross. To the north of Fountainbridge lies the Springside development, partially built out.

The site has been cleared of all buildings, with the exception of the North British Rubber Factory, a category C listed building (item 44936) date 23/01/98, which sits in the north eastern corner and an existing tenement on the corner of Gilmore Park with Fountainbridge.

There are no other planning designations on the site.

## 2.2 Site History

November 2004 - Fountainbridge development Brief approved which includes this site.

December 2005 - an amendment to the Fountainbridge Development Brief was approved.

11 January 2006 - an application for planning permission in outline for land adjacent to 194 Fountainbridge Edinburgh. Mixed use development on brownfield site (application reference 05/00106/OUT).

22 September 2011 - an application for planning permission in principle was granted for Fountain Brewery, Gilmore Park, Edinburgh Mixed use development including offices (class 4), residential (class 9), retail (class 1), financial, professional and other services (class 2), food + drink (class 3), assembly + leisure (class 11), non-residential institutions (class 10), hotel (class 7), care home (class 8), student housing, servicing, access arrangements + provision of urban realm. Approval of siting of the principal development blocks, maximum massing + heights of the principal development blocks; points of pedestrian, vehicular + service vehicle access and egress; location of pedestrian/cycle routes through the site; and location of urban spaces including park, central amenity space, commercial amenity space + canal zone (as amended) (application reference 10/02955/PPP).

22 September 2011 - an application for Listed Building Consent Demolition of Category C(S) listed office and factory building, former North British Rubber Company Limited building at Fountain Brewery , Gilmore Park was withdrawn (application reference 10/02955/LBC).

12 February 2014 - A Proposal of Application Notice was submitted for Planning permission in principle for mixed use development comprising retail (class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10) leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works at site 60 metres South of 199 Fountainbridge Edinburgh. A report was presented to Development Management Sub Committee on 15 May 2014.

There has been a wide range of Masterplan proposals for Fountainbridge in recent years but none have been delivered. The City of Edinburgh acquired the site at Fountainbridge from Lloyds banking group in 2012 for the development of a new Boroughmuir High School. The land to the east of Viewforth was not required for the school and has been retained for the proposed development covered by the PPP application.

The EDI Group Ltd, is a City of Edinburgh arms length development company which is responsible for taking the proposed development forward.

### Applications on Neighbouring Sites

17 September 2013 - 12 Horne Terrace an application for full planning permission for the demolition of existing industrial unit and erection of 16 apartments, 3 townhouses and 1 commercial unit ( application reference 14/03752/FUL).

9 April 2014 - Application for approval of matters specified in conditions granted at site 57 metres south east of 55-63, Dundee Street, proposed new secondary school, associated facilities and ancillary development (application reference 13/05207/AMC).

24 September 2014 - Site at former 159 Fountainbridge Edinburgh. Detailed planning application for new 180-room aparthotel with service road, associated landscape works and car parking ( application reference 14/03847/FUL).

29 September 2014 - Site at former 159 Fountainbridge Edinburgh Masterplan application for mixed use development comprising Offices; Hotel/Aparthotel; Residential; Commercial and Retail uses with associated service roads, landscape works and car parking (application reference 14/03848/PPP).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposed masterplan is for planning permission in principle.

The applicant has submitted an executive summary which sets out the key features of the development as follows:

- a placemaking approach to regeneration to create a vibrant new neighbourhood that will bring life and activity to Fountainbridge.
- 340 new homes with a focus on urban family housing.
- hotel, office and retail space, including cafes, restaurant and food store.
- retention of the historic rubber building (category C listed building) for use by the Edinburgh Printmakers.
- a new canal side cultural facility that will also be a hub for creative industries.
- a new public realm that has been designed to encourage life and activity in the neutral public spaces and enhance the canal waterway.
- a holistic approach to creating an exemplar of sustainable place-making founded on an infrastructure of district heating with an onsite energy centre.

The indicative mix of uses proposed are:

- residential - 29,110 square metres (340 homes inc 25% affordable)
- office - 11,621 square metres
- hotel - 6,765 square metres
- retail - 4,476 square metres
- cultural - 11,858 square metres
- parking spaces - 345

Total 63,829 square metres of mixed use development.

The 345 car parking spaces are proposed to be allocated as follows;

Office	43	spaces	12%
Residential	237	spaces	69%
Hotel	24	spaces	7%
Retail	27	spaces	8%
Cultural/Leisure	14	spaces	14%
Total	345	spaces	100%

The application includes a Design and Access Statement and a public realm drawing which illustrates how the development could be delivered.

The proposed development focuses on a key public space at Leamington Bridge with a proposed cultural use to the east and a supermarket to west. A hotel use is proposed fronting this space to the north with the Union Canal providing focus to the south. The western side of the development site would be predominately housing with a mix of commercial retail and office space proposed at ground floor level. The main proportion of the office space is proposed fronting Fountainbridge wrapping around the site. The category C listed building will remain on the site providing a cultural space for the Edinburgh Printmakers.

The site would have two main points of vehicle access from Dundee Street/Fountainbridge. The proposed internal roads would offer shared surface encouraging cycle permeability and further pedestrian only routes through the site.

Key spaces are proposed through the site which has different characters:

- The primary canalside frontage.
- The main space at the Lift Bridge and the approach leading to Fountainbridge.
- Secondary and more intimate spaces within the central residential area.

The proposal draws upon the key principle of the Fountainbridge Development Brief but differs from the spatial arrangements. The main departures from the development brief are:-

The canalside space and the Leamington Bridge are the principal spaces, rather than the western space by Viewforth Bridge, as they are identified as the confluence of routes through the site;

The suggested route via Drysdale Road is not seen as a connection as it is terminated by the Western Approach Road;

The divergence of routes at Viewforth is now superseded by the location of the new school but it is still possible to filter through the site; and

The outline masterplan has been developed involving the local community from the outset with the objective of delivering a new neighbourhood in Edinburgh prioritising long term civic benefit with high quality active public spaces and a blend of city centre living working and leisure.

## Supporting Information

The application is accompanied by the following documents available on the planning portal;

- Design and Access Statement
- Archaeology
- Ecology
- Transport
- Drainage Strategy Plan and Flood Risk Assessment
- Air Quality
- Ground Conditions Report

### 3.2 Determining Issues

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 the proposed development is acceptable;
- b) the layout, massing and public realm complies with the terms of the Fountainbridge Development Brief and satisfies the regeneration of the city centre;
- c) the scale and design of the proposals are acceptable;
- d) the proposals will preserve and enhance the historic environment the proposal will protect long views;
- e) the proposals adversely affects residential amenity for both existing and future residents;
- f) the proposal raises any implications for road or pedestrian safety;
- g) the proposal meets the Council's requirements in respect of sustainability;

- h) there will be an adverse impact on biodiversity;
- i) the proposals have any equalities or human rights impacts;
- j) the proposal will affect existing infrastructure; and
- k) material representations or community council comments raise issues to be addressed.

a) Principle

The application site occupies a strategically important location to the west of the city centre, close to the Exchange and Haymarket and incorporating the Union Canal. The closure of the brewery on the site a number of years ago was followed by the approval of the Fountainbridge Development Brief in 2005, which set out the main planning and design principles upon which development in the area is based. The brief recognises the potential of the site to incorporate a wide range of uses, including housing, office, business, retail, leisure, community and tourist facilities.

The application site remains one of the final areas of land within the Fountainbridge Development Brief area to be redeveloped. The development site is identified in the adopted local plan and the emerging Edinburgh Local Development Plan, proposal CC3, as a commercial led development opportunity within the Fountainbridge area.

Policy Des 3 of the Edinburgh Local Development Plan encourages development which maintains and enhances the City's character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

Policy Des 3 guides development in the City Centre to ensure proposals provide an appropriate mix of uses and are of a high quality of design taking account of the characteristics of the historic environment. Given the demand for office floorspace in the City Centre, the limited availability of development sites and the importance of office jobs to the economy, the policy requires office provision to be included in major mixed use development proposals wherever possible.

The applicant includes a market commentary within the application submission which provides analysis in respect of the key market sectors that form the basis of the land use mix being progressed through the application.

The commentary includes analysis of market conditions in respect of office development in the city through the economic downturn. Subsequently the applicants conclude that the need for as much office floorspace as originally envisaged at the determination of the Lloyds planning application ref 10/02955/PPP in 2011 has subsided.

The applicant has sought to reach a mixed use that will strike the right balance of land use to deliver the place-making agenda for the site as a whole, whilst retaining a mix that is commercially viable and attractive to occupiers.



A core element of office space, a minimum of 11,621 square metres, is proposed as part of the mix of the land use, with other commercial uses and the inclusion of the arts venue and cultural uses responding to market interest and the public consultation exercise. It is recognised that if the hotel (plot F proposed 6,765 square metres) and/or cultural centre (plot G proposed 11,858 square metres) fail to materialise at the detailed application stage that these development plots offer the opportunity to provide up to 18,623 square metres additional office space, which would achieve over 30,000 square metres of office space across the site, which would be welcomed in this location.

In order to ensure that the aspirations of the Local Development Plan to achieve commercial led development in this location it is recommended that a minimum office floor space of 11,621 square metres is prescribed by condition.

### Retail

The Fountainbridge Development Brief supports retail in this location as does the adopted local plan and the emerging Edinburgh Local Development Plan. It identifies that there is potential to provide new convenience shopping facilities and some comparison retailing, possibly adjacent to the canal. The site is accessible by a range of transport modes, meeting the requirement of policy Ret 5. Fountainbridge is identified as a proposed local centre in the emerging Local Development Plan and as such the principle of retail on the site complies with the aspirations of policy RET 4 and is considered acceptable in scale and type.

The principle of retail has been established on the site through existing planning permissions. The approved PPP for Lloyds included up to 11,000 square metres of retail and leisure uses, over a larger site. This proposal includes a potential of up to 4476 square metres of retail floor space. Therefore in accordance with planning policy the applicant has carried out a Retail Impact Assessment.

The proposed location of the retail units fits with the development plan and the Development Brief aspirations for the site. The position of the main store centrally located relative to the housing is acceptable and the retail fronting the canal meets with the brief.

The applicant states in the Retail Impact Assessment that they intend to secure niche and high end retail and catering occupiers rather than merely pursuing national operators, focusing on the positive contribution that such retailers can bring to the land use mix and sense of place across the site, as well as allowing opportunities for local businesses to come into the site where appropriate.

The Retail Impact Assessment identifies a primary catchment area based on a ten minute walk and includes town and local centres. It is predicted that given the proposed scale of retail there is unlikely to be significant impact on adjacent town and local centres.

In conclusion it is considered that the level of retail proposed through the PPP is the maximum that would be acceptable on the site and a condition is recommended to put a cap on the retail floorspace, particularly on the larger units, ensuring that retail is encouraged to be dispersed around the site, fronting the Canal and Fountainbridge.

## Residential

The proposal includes residential development over approximately 50% of the site which serves to meet the objective of the Development Brief in connecting with the community. The residential proposal, whilst in outline, will provide for a mix of 1, 2 and 3 bed units meeting the objectives of Edinburgh Local Development Plan Hou 2 to achieve a good mix of dwelling types and sizes. At this PPP application stage the applicant has indicated that least 25% of the units will be available for affordable housing. This will be secured through the provision of a section 75 Legal Agreement.

## Cultural Quarter

The proposed cultural quarter within the site is acceptable in principle and meets with the aspirations to achieve a mix of uses in this location enhancing its attractiveness and vitality. Should the cultural quarter fail to materialise on plot G it is recommended that this site should accommodate office space, class 4, to meet with the aspirations of the emerging Local Development Plan.

## Hotel

The principle of the hotel within the site is considered an acceptable use being within the central area of the Edinburgh City Local Plan and contributing to the tourist economy of the area. It also meets with policy EMP5 of the Edinburgh Local Development Plan. The proposed site within the centre of the development area is considered acceptable. It is recommended that a condition is imposed to cap the overall floor area of the proposed hotel and its location so that the aspiration for a sustainable mix of uses on the site is not compromised.

Should the hotel fail to materialise on plot F it is recommended that this site should accommodate office space, class 4, to meet with the aspirations of the emerging Local Development Plan.

## Waterspace

The Edinburgh Local Development Plan and the Fountainbridge Brief identify the need to explore potential for expansion of waterspace within the site. This aspiration is reflective of The Edinburgh Canal Strategy 2011 which seeks to stimulate the development and regeneration of canalside communities.

The approved outline planning application included a water basin in the south west corner of the site. In response to the public consultation exercise and through consultation with Scottish Canals and Historic Scotland the new waterspace takes the form of a series of water zones through the site. These spaces will enhance placemaking and will meet a wide audience in respect of providing recreational value and enjoyment of waterspace through the site whilst connecting the development to the Union Canal. The proposed stepped approach to the canal will help to bring greater interaction with the canal and allow for additional moorings, an aspiration of Scottish Canals.

The proposed masterplan seeks to make the most of the linear nature of the canal and the frontage along the towpath. Scottish Canals has raised no objection to the loss of the scale of the waterspace proposed with the Lloyds scheme. Given that the proposed water space will reach a wider audience beyond boat users, and will retain a vibrant and active canalside, it is considered that the proposal could achieve an acceptable solution at the detailed application stage.

### Community Facilities

The public consultation exercise has raised matters of meeting the need for community facilities on the site such as health facilities and social community space. The proposal is in outline at this stage and as such end users have not been identified. The land owner has been working with the community through a community project called "Growing the Place" to involve the community in the development of the site through gardening projects and a series of temporary uses.

There is provision within the application site to accommodate community or health facilities should an appropriate proposal come forward.

Subject to details at the AMC application stage it is considered that the proposals sit comfortably with the emerging proposals for the adjoining Freer Street site. The Edinburgh Urban Design Panel welcomes the full mix of uses proposed in the development.

It is concluded that the principle of the proposed mixed use development is acceptable on the site.

### b) Layout, Massing and Public Realm

The Fountainbridge Development Brief calls for the creation of a sense of place, integration with the area as a whole with improved movement to the wider city, formation of a heart to the site and formation of spaces that contribute to streetscape and create private amenity.

The proposed layout is in the form of a series of plots which forms a hierarchy of streets through the site allowing for connecting north and south routes through and secondary routes running east to west.

Key spaces are proposed through the site which will have different characteristics varying from the primary canalside frontage, the main space at the Lift Bridge and the approach leading to Fountainbridge, and secondary and more intimate spaces within the central residential area. Such an approach is welcomed and meets the aspirations of the Development Brief. The details of these spaces will be worked up at the detailed application stage.

The illustrative public realm drawing identifies different landscape zones and water features through the site, supported by a series of illustrative design drawings which demonstrate that a high quality public realm could be created at the detailed stage.

The applicant has indicated from the outset its aspiration to provide a high level civic investment. It is concluded that the proposed masterplan makes provision for the implementation of a high quality public realm, the detail and delivery of which will be secured through planning conditions.

The impact of the massing of the buildings has been assessed using the maximum heights proposed in the masterplan and it is concluded that the proposal will not materially affect key city views either by breaking the skyline or obstructing landmark features including the Castle.

The layout, massing and public realm sit reasonably comfortably with the outline proposals for the adjoining Freer Street Site. Of potential concern is the proximity of plot G, cultural quarter to the boundary. The coordinated delivery of these sites will come at the detailed application stage ensuring compatibility of heights, materials and public realm treatments.

CAA have raised no objection to the height of the proposal subject to conditions.

It is concluded that the layout, massing and public realm comply with the terms of the Fountainbridge Development Brief.

#### c) Scale and Design

The design of the development is presented in illustrative form; the full details of elevations, architecture, roof forms, materials etc is reserved for consideration at the AMC application stage. From the illustrative information submitted it is concluded that the masterplan allows for an appropriate scale and design of development to be delivered on the site that would accord with the scale set out in the Fountainbridge Development Brief. The Edinburgh Urban Design Panel welcomes the development as a piece of civic investment in the city.

#### d) Historic Environment

Proposal CC 3 of the Edinburgh Local Development Plan aims to ensure that the development of the Fountainbridge site protects and enhances key townscape view.

The Fountainbridge Development Brief provides general guidance on the massing of the new development, establishing a hierarchy of spaces with heights designed to reflect 16m eaves and 19m to the ridge. The proposal generally accords with these guidelines, with the exception of Fountainbridge where the proposal sits further forward to Fountainbridge at the eastern end of the site following the line of the existing tenement building. The proposed roof at this point would be higher than that set out in the Fountainbridge Development Brief but would be set back stepping up in height to form an intermediate level to the taller buildings towards Edinburgh Quay. This approach is considered generally welcome however a full assessment of the height and roof form will be required at the detailed stage. A condition will secure this.

On Dundee Street, the proposal will set the buildings back to avoid the sewer alignment. The buildings to the north side have been set forward from the Development Brief alignment so this set back on the south side maintains the width of the street.

This set back will reveal part of the gable of the Rubber Building which provides an opportunity for the future arts building to be given more prominence. The proposals accommodate the Dundee Street highway improvements including the cycle way.

The application is for planning permission in principle, included within which it is sought to approve the maximum height of buildings that can be achieved across the site. The visual impact of the massing of the development is demonstrated in the Design and Access Statement using the relevant city-wide key views identified in the Edinburgh Design Guidance 2013. These key views have regard to the neighbouring World Heritage Site and Conservation Areas. The analysis demonstrates that the massing of the proposed masterplan does not break the skyline or obstruct landmark features. It is therefore concluded that the massing of the proposal would not have a detrimental impact upon the views in and out of the Edinburgh World Heritage Site or the neighbouring Conservation Areas.

In comparison to the consented Lloyds scheme, the proposal is for a much lower level of development. The Lloyds scheme included an EIA which assessed that proposal against key views in the Edinburgh Skyline study and concluded, following some amendments, that the proposed massing of that development would not result in a detrimental impact upon the Edinburgh World Heritage Site or key local views. The comparatively lower height proposed in this application are an improvement over the previously consented scheme.

#### Listed buildings

The proposal includes the retention of the former North British Rubber Company building which is category C listed (Item 44936) date 23/01/98. This is welcomed by Archaeology, and is a positive gain over the Lloyds scheme which proposed its demolition. Any modifications to the building will require listed building consent.

The proposed development would have the potential to impact on the setting of listed buildings close to the site boundary.

#### 158-164 Fountainbridge and 90-92 Grove Street

This building is a category A listed building, outwith the site boundary, and fronts onto Fountainbridge. The area is going through comprehensive regeneration and there will be some impact on the setting of this listed building. It is identified that this tenement is a robust, ornamental building which has never been positioned in isolation. The proposals will not be detrimental to the character and setting of this building.

#### Gilmore Place Viewforth Church

Located to the south of the site Viewforth Church is a category B listed building (item 27104). The level of development down the view from Gilmore Place has no impact on the setting of this building.

#### Horne Terrace, Union Canal No.1, Viewforth Bridge

Located at the far west of the site, next to Horne Terrace, the bridge over the Union Canal is category B listed (Item 47615).

The existing setting of the bridge will be altered with an alternative form of development to the north and new steps proposed to the northern edge. The framed views of the bridge will be retained as part of the proposals. The enhancement of the towpath will further enhance the setting of the bridge.

Historic Scotland has made no observations regarding the impact of the proposal upon any of the listed buildings on or adjoining the development site.

### Scheduled Ancient Monument

The Union Canal is a scheduled ancient monument and is within the application site boundary. The development seeks to enhance the setting of the canal and promote public usage of the canal towpath.

Historic Scotland has been consulted on the proposals. In assessing the impact of the level of development upon the monument they conclude that the line of buildings is set well back from the edge of the canal and that the development will not have an adverse impact on the setting of the Union Canal at this point. Historic Scotland note that the proposals include a slapping through the canal edge to provide a linear water feature between sets of buildings and that the proposal includes landscaping and steps hard against the towpath edge. Historic Scotland has raised no objection to the application. The applicant will be required to obtain prior written consent from Scottish Ministers under the Ancient Monuments and Archaeological Areas Act 1979 (termed scheduled monument consent:SMC), and planning permission, for works to the canal edge and the slapping.

The applicant has indicated that they will enter into a Memorandum of Agreement with Scottish Canals to ensure deliverability of the canalside improvements.

### Archaeology

Archaeology identify that the site forms a major component of industrial activity in the area since the late 18th century. The expansion of which was aided by the major transport infrastructure of the Union Canal and Caledonian Railway to the north. Accordingly the application must be considered under terms of Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policies ENV8 and ENV9. It is recommended that a programme of archaeological works is undertaken prior to development, a condition is therefore recommended.

Archaeology also recommend that a historic building survey is carried out on the North British Rubber company office building.

The public consultation exercise has shown the importance of the industrial heritage to the local community. It is essential that the rich heritage is interpreted within the final design of the development. A detailed scheme will be required to look at the return of the former Brewery Clock plus designs which commemorate and interpret the sites industrial heritage. A condition is recommended to achieve this.

It is concluded that the proposals as presented in outline will preserve, and subject to detail could enhance, the historic environment and protect long views.

#### e) Residential Amenity

There are a number of existing residential units within close proximity or adjacent to the application site boundary. For planning permission in principle the setting of building heights and massing need to be assessed in the context of the impact on existing residential properties. The properties to be most affected by the development are 195-209 Fountainbridge.

The applicant has undertaken a preliminary daylighting assessment which uses the 25 degree method, which considers the impact of the development upon those existing residential units. The heights of the development proposed to the south of this tenement has been reduced as a result of this initial study, however a full Daylight Privacy and Sunlight Assessment will be required with each AMC application.

With regards to the amenity provided for proposed future occupants of the residential units, initial assessment reveal that the 340 proposed dwellings will be built to a high density, as experienced in inner city locations and in parts amenity including daylight, sunlight and privacy may be compromised.

A detailed assessment will be required with each AMC application to fully assess the residential amenity being created. The preliminary assessment shows that the proposed courtyard spaces within these residential locations are likely to fail the sunlighting criteria. However given the site location as an inner city site it is considered that the much needed housing is welcomed and it is recognised that the residents will take amenity from the upgraded canal side and from the Meadows, a ten minute walk away.

As the masterplan cannot deliver adequate open space, the applicant will be required to contribute financially to the outstanding open space actions of the South West Open Space Action Plan of which the upgrade of Dalry Community Park has been identified. This will be secured through a suitable Legal Agreement.

Environmental Assessment has recommended conditions to be considered at the AMC stages to ensure that a good quality of residential amenity can be provided on the site. These recommended conditions are accepted with the exception of the proposed restrictions on land use including no change from class 4 to class 6. This request is considered inappropriate as the change is deemed permissible under permitted development rights.

It is concluded that, subject to the recommended conditions in respect of the details to come forward at the AMC stage, the proposal could be developed to achieve a good level of amenity for the occupants and without detrimental impact to neighbouring residents.

#### f) Road and Pedestrian Safety

Policy Tra 2 of the Edinburgh City Local Plan requires a planning agreement to be entered into where appropriate when planning permission for a major development is likely to give rise to additional journeys.

Historically the site has been impermeable to pedestrian and cycle traffic as the former brewery was a highly secure environment providing a barrier between Fountainbridge and the Canal. The proposed redevelopment of the site will ensure that it becomes more permeable from a pedestrian and cycling perspective. The comprehensive delivery of the proposed shared surfaces and dedicated pedestrian routes at the detailed application stage will actively encourage pedestrian and cycle activity. The proposed level of development will require improvements to Fountainbridge/Dundee Street which include dedicated on street cycle lanes. This will be delivered through a suitable Legal Agreement.

Policy Tra 3 of the Edinburgh City Local Plan requires that where the proposed tram network will help to address the transport impacts of a development, a contribution will be sought towards its construction and associated public realm works. The contribution will be in addition to any that may be required in accordance with Policy Tra 2.

The site is well served by public transport. CEC Developer Contribution Guidelines of 2014 Annex 2c requires that where a development falls within 750 metres of the tram corridor it should pay a contribution calculated using zone 3 weightings (based on the shortest walking distance between any part of the site and the nearest edge of the tram corridor). Transport have measured this shortest walking distance using a geographical information system (GIS) and advise that this site lies within 750 metres walking distance of both the tram corridor and the Haymarket Tramstop.

This will form the basis of a contribution that will be secured via suitable legal agreement. When the amount has been determined it will be reported to the Sub-Committee before the agreement is signed.

The development will be required to contribute to upgrading of bus stops and to real Time Information, and to make a City Car Club contribution, this will be sought through a suitable Legal Agreement.

The development lies within zone 2 of CEC parking standards. The parking standards justify parking range between 23 and 605 spaces. The proposed 345 spaces meet 57% of the permitted maximum which is considered acceptable in this location. It also meets the maximum threshold supported by the Air Quality Assessment.

Compared to the approved Lloyds scheme, this is a lesser number of car parking spaces. The proposal allocates car parking predominately to residential units which generate a relatively low number of trips during peak hours. The proposed car parking is considered an acceptable level given the proximity to public transport network, including the Tram, and as such Environmental Assessment has raised no objection to the level of parking, subject to conditions.

A condition is recommended to ensure that cycle parking will be provided in accordance with Council standards.

It is concluded that the planning permission in principle provides the opportunity for any forthcoming detailed proposal to integrate well with the existing transport network, with pedestrians, cyclists, public transport patrons and car users catered for in a sustainable manner.



### g) Sustainability

The applicant has submitted a sustainability statement in support of the application.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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 proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures including: rainwater harvesting, green roofs and living walls, home composting and communal recycling point.

The applicant has advised that the use of energy within the proposed development will be targeted through a range of passive measures to reduce demand such as natural ventilation and solar shading, combined with active measures to improve efficiency, specifically through the implementation of a district heating network. A detailed specialist study has been carried out to determine the feasibility of such a network; identifying the most appropriate sources of heat and the economic viability.

To offer further carbon reductions, solar photovoltaic panels may be integrated.

The proposal meets the necessary sustainability criteria at the outline stage.

### h) Biodiversity

The Fountainbridge Development Brief recognises the Union Canal as a valuable asset and proposals are therefore required to protect and where possible enhance its archaeological, wildlife, recreational and amenity interest.

In June 2014 a phase 1 habitat survey was carried out by ENVIRON and identified that North British Rubber Building has potential for bat roosting. Subsequent studies were carried out which revealed that no bats were recorded exiting or entering any part of the building.

The Ecology report recommends that the detailed landscape scheme to accompany the development should include features which are beneficial to bats, this can be secured at the AMC stage.

No evidence of any other mammals in the form of burrows or tracks was recorded on the site. There was no vegetation of significance found on the site which is largely bare former industrial land.

It is considered that the proposal will not have a detrimental impact upon biodiversity of the site and that the proposal makes provision for enhanced landscaping through water features and tree planting that will be beneficial to the Masterplan area.

#### i) Human Right Impact

The proposal is for planning permission in principle at this stage and is looking to provide a mixed use community and bring new permeability to the site. The proposal will provide a public realm which is DDA compliant and improve access to the canal side and the proposal will include 25% affordable housing. The proposal will have a positive impact on human rights and raises no equality issues.

The local community have been involved from the start with the developer seeking representations from all members of society.

The proposal aims to provide a sustainable community offering a mixed use development which has the possibilities to be DDA compliant. The development includes a wide range of housing styles and sizes that could be build for specific needs and makes provision for affordable housing. The detailed proposals will include public buildings which will need to be fully accessible to all users.

The development site is on a network of public transport routes and the AMC applications will be required to make adequate provision for both disabled car parking users and cycle parking.

The public buildings such as the cultural quarter space, office hotel and supermarket will be required to be accessible for all users and this will be worked through the detailed applications and regulated by Building Standards.

A full assessment of the impact of the proposal upon existing and proposed residential amenity will be made through the subsequent approval of matters specified in condition applications.

The opening up of the Union Canal for all users with the introduction of landscaped spaces and public realm improvements will have a positive aspect on human rights and raises no equality issues at this stage.

#### j) Infrastructure

##### Drainage

Drainage matters have not been concluded to a satisfactory position with respect to the planning permission in principle application.

The applicants propose that surface water is discharged into the Lochrin sewer. It is recommended that the applicant will be required to provide further information such as, full details of surface water attenuation and surface water drainage, including proposed drainage layouts and specific details of attenuation structures at each approval of matters specified in conditions application.

##### Education

The predicted future pupil generation from the proposal is as follows:

Proposed Catchment School      Predicted Pupil Generation  
(from August 2016)

Bruntsfield Primary School	28
Boroughmuir High School	15
St Cuthbert's RC Primary School	5
St Augustine's RC High School	2

The Council's approach to developer contributions and infrastructure provision through the LDP/Action Programme process requires actions to be identified to address this net impact.

However, where it has been identified that a number of developments will have a cumulative impact on education infrastructure, actions to address this cumulative impact should be established with a corresponding contribution zone. Within contribution zones, legal agreements will be used to secure developer contributions cumulatively and pro-rata across a wide area.

With regards to this application, work is underway to identify the relevant action(s) to address the cumulative impact of development and to establish the actual cost of delivering the additional infrastructure within the Fountainbridge area. Once this assessment is complete, the Action Programme will be updated, a contribution zone established and the total cost identified.

The applicant will be required to sign a legal agreement contributing its share of the actions required to address the impact of cumulative development. When the amount has been determined it will be reported to the sub-committee before the agreement is signed. The applicant has confirmed that it is happy with this approach.

It is concluded that infrastructure capacity can be resolved at the detailed approval of matters specified in conditions application stage.

#### k) Material issues raised by representations or community council

It should be recognised that this is an application in principle and that many of the issues raised will be addressed at the detailed stage:

- Sustainability – this has been addressed in section 2.3 h);
- Land Use Mix – this has been addressed in section 2.3 a);
- Scale, Height, Massing and Design – this has been addressed in section 2.3 b); and c)
- Transport and cycling – this has been addressed in section 2.3 f).

It is concluded that the proposals broadly comply with the development plan and the Fountainbridge Development Brief. A sustainable mix of uses can be achieved on the site. The indicative massing and layout is acceptable and amenity can be safeguarded.

There are no implications for road or pedestrian safety at this stage and the plans make provision for a good level of public realm to be delivered. There are no other material considerations that outweigh this conclusion. It is recommended that planning permission in principle be granted subject to the conditions stated.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. No development shall take place until a plan identifying individual sub-sites and phasing has been submitted to and approved in writing by the Planning Authority. Any subsequent alterations to this plan shall be agreed in writing by the Head of Planning. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.
2. Before any work on a site which forms part of an identified sub-site development plot is commenced details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission shall be in the form of a detailed layout of the site within the relevant development plot.

#### Approval of matters

- Height, massing, siting and ground floor levels within the approved planning permission in principle levels;
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm including the canal basin;
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of underground and surface parking and cycle parking provision in accordance with standards agreed within the PPP;
- Amendments of any treatment to adopted roads and footways;
- Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;
- Signing of pedestrian and cycle access routes to/from and through the development;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;
- Waste management and recycling facilities;
- External lighting, including floodlighting and street lighting arrangements for the development; and
- Site investigation/decontamination arrangements;

#### Landscaping

- (i) Detailed soft and hard landscaping plan and levels.
  - (ii) A schedule of all plants to comprise species, plant size and proposed number and density.
  - (iii) Inclusion of hard and soft landscaping details.
  - (iv) Landscape management plan including schedule for implementation and maintenance of planting scheme.
  - (v) Any boundary treatments.
3. Each application for approval of matters specified in condition shall be accompanied by a phasing plan for the development of the site. The phasing plan shall identify the car parking, individual blocks with associated landscaping and public realm to come forward as part of the development.
  4. The approval of matters specified in condition application shall make provision for the minimum of 11, 621 square metres of class 4 office to be delivered on the site.
  5. The details of matters specified in condition pursuant to this permission shall be in accordance with the masterplan drawing 02a accompanying this application.
  6. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Head of Planning before work is commenced on a site; note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction.
  7. Prior to the commencement of construction works on site:
    - (a) A site survey (including intrusive investigation where necessary) 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 an 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.
  8. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the road and commercial noise (existing and proposed) has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.
  9. Class 1 Retail hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.

10. Class 3/ Class 7/ Class 10 / Class 11 (Food & Drink/Hotel/ Non Residential Institutions/Assembly and Leisure) detailed plans of where the commercial ventilation ducts will be installed shall be submitted to the satisfaction of the Head of Planning.
11. Class 3/ Class 10 / Class 11 (Food & Drink/ Non Residential Institutions/ Assembly and Leisure) Hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.
12. Hours of operation and siting of any external seating area will require to be agreed at the Approval of Matters in Conditions (AMC) stage.
13. Class 7/ Class 10/ Class 11 - The siting of the premises should be reserved and agreed at the approval of matters in conditions application stage.
14. Class 10 - Prior to occupation of the Class 10 premises, the Council as Planning Authority shall be provided with a written statement detailing the proposed use and the potential of that use to cause noise disturbance to occupiers of nearby residential properties. The Planning Authority shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and implemented.
15. Prior to occupation of the Class 11 premises, the Council as Planning Authority shall be provided with a written statement detailing the proposed use and the potential of that use to cause noise disturbance to occupiers of nearby residential properties. The Planning Authority shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and implemented.
16. A maximum of 6,765 square metres shall be Hotel use (class 7) and restricted to plot F as identified in the approved Masterplan drawing 2A (PPP02 01).
17. An application for approval of reserved matters shall be accompanied by a detailed Daylight Privacy and Sunlight assessment.
18. Any application for approval of reserved matters shall include a minimum of 70% active commercial frontage onto Fountainbridge/Dundee Street. For the avoidance of doubt, uses considered appropriate to maintain an active frontage are those within class 1 (retail), class 2 (financial and other services), and class 3 (Food and Drink) as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997.
19. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building

Recording, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

20. Full details of a heritage interpretation plan shall be submitted with each AMC application for the approval of the planning authority in consultation with CEC Archaeology.
21. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
  - monitoring of any standing water within the site temporary or permanent.
  - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
  - management of any flat/shallow pitched/green roofs on buildings within the site.
  - which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.
  - reinstatement of grass areas.
  - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.
  - which waste materials can be brought on to the site/what if any exceptions e.g.
  - green waste.
  - monitoring of waste imports (although this may be covered by the site licence).
  - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste.
  - signs deterring people from feeding the birds.

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

22. Obstacle lights shall be placed on cranes or other construction equipment to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).

23. The development is close to the aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.
24. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:
  - Attenuation times
  - Profiles & dimensions of water bodies
  - Details of marginal planting

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure that the proposal provides adequate office floorspace within the city centre in accordance with Edinburgh Local Development Plan and the Fountainbridge Development Brief.
5. To ensure that an appropriate form and quality of development is achieved for this site.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In order to protect the amenity of the occupiers of the development.
13. In order to protect the amenity of the occupiers of the development.
14. In order to protect the amenity of the occupiers of the development.



15. In order to protect the amenity of the occupiers of the development.
16. To ensure that the proposal provides a suitable mix of accommodation in accordance with Edinburgh Local Development Plan and the Fountainbridge Development Brief.
17. In order to protect the amenity of the occupiers of the development.
18. To ensure the vitality and viability of the new Local Centre as required in the Fountainbridge Development Brief.
19. In order to safeguard the interests of archaeological heritage.
20. In order to safeguard the interests of archaeological heritage.
21. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season.

Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

22. Permanently illuminated obstacle lighting is required for the duration of construction and on construction equipment to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.

For further information please refer to Advice Note 4 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>).

23. To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.  
For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>).

Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>).

24. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

## **Informatives**

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.  
  
b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is 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 each phase 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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.
5. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions
6. The applicant is reminded of the need to apply for Scheduled Monument Consent and Listed Building Consent.

7. Consent shall not be issued until a suitable legal agreement as been concluded in relation to a contribution to outstanding open space actions set out in the South West Open Space Action Plan.
8. A detailed assessment of Daylight Privacy and Sunlight shall be required to accompany each AMC application for residential development.
9. Consent shall not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.
10. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate school accommodation pressures in the local catchment area.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The application is subject to a legal agreement for developer contributions.

## **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 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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The period for neighbour comment ended on 8 August 2014. 20 letters of representation has been received.

In support :

- Good community consultation/engagement
- Positive enlightened development
- Layout is sensible and appropriate
- Strong support for the proposed mix of uses
- Support retail uses at ground level - important to create a sense of place
- Welcome the creation of a new community
- Encourage more housing - critical mass of 400 to create a strong community
- Good permeability through the site
- Material palette supported
- Good public realm strategy - ensure good quality delivered

Matters of concern:

### Sustainability

The proposals should meet market demand, they should contribute to a sustainable development.

Scheme should include recycling provision.

The site is ideal for District heating - provide linked ground sourcing.

The site should become "state of the art sustainability eco-city".

### Land Use

Further profile of housing need as well as market assessment required:

The promise of community facilities is vague - there should be dedicated community space on the quayside.

Include local social projects for parents and families, more inclusive social community space - not commercial.

The proposal needs to meet Local Plan objectives - policy housing 4 -including health facilities -

Proposal should make provision for public toilets

The site offers opportunities for greater floorspace, application should be more ambitious regard height and residential numbers.

Why so much office space - is it needed - provide more housing.

Support and encourage local businesses better for the economy than large conglomerates.

Affordable housing to reflect local needs for families not just one bed units.

### Scale Height Massing Design

Too low:

Height on Fountainbridge/Dundee Street to the west it is 9m lower than previously consented and below the height of the 2005 brief. It is considered that the strong edge to Fountainbridge corridor will be lost.

Overall the heights will be much lower than the consented scheme - opportunities within brownfield sites should be maximised.

Too high:

Heights across the site are too high, mainly six storey will lead to overdevelopment of the site.

Danger of unrelieved high density throughout Fountainbridge.

Create an undesirable environment like the financial sector.

Avoid creating wind tunnel.

Concern at proposed height along canal side - will dwarf and overshadow and close in the canal.

Leamington bridge will become dwarfed by the proposed new buildings.

Need for a daylight study/sunlight sweep path analysis.

### Design

Plan indicates a mix of flat and pitched roofs but the graphics show pre-dominantly flat roofs. A variety of roof lines should be provided.

Pitch roofs allow more sunlight in and allow for PV panels to capture solar power.

The proposal should maintain the 19m width of the quayside - will set a precedent for reduced width along West Register frontage.

Introduce more soft landscaping /green areas with raised beds and planting to soften the environment.

Encourage biodiversity including swift nesting sites.

Public space to allow for through routes to the public so they don't become private spaces.

### Materials

Materials should be brick throughout like the rubber building not glass and concrete.

Introduce colour as per the illustrations.

This is not place making but making places for profit - creating barren environments for parts of Edinburgh and a disenchanting and disillusioned public.

### Waterside

Opportunity of operational waterspace is being missed - as set out in ELP and FDB a provision of 1000sq m should be considered. Ratho canal basin as an example. Open book study of costs should be provided.

The stepped down edge to the canal will make it impossible for boats to moor on this section which would mean less localised canal boat activity - a main attraction.

### Transport

Concern regarding the junction of Viewforth with the development and the school - a likely pinch point may require further public space and access infrastructure.

The streets between the high buildings are too narrow - create a threatening unwelcomed space.

### Cycling

Development should make life safer and easier for cyclists.

Requests to remove the cobbles and replace with a paved smooth path - area already used by some 800 bikes daily.

Provide cycle ramps to Viewforth from the towpath, provide ramps through the development. Ramps may not need to be DDA compliant gradient 1:20 but 1:12 may be acceptable and attainable.

Provide space for cycle routes - avoid the pinch point over the water feature, avoid planters and clutter.

Provide signage for cyclists.

Provide a segregated connection to the Telfer subway.

Provide consistent surfacing through the site.

Provide cycle lanes on Fountainbridge.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development  
Plan Provision**

The proposal is subject to SESPlan Strategic Development Plan June 2013. The Strategic Development Plan sets out a spatial strategy which recognises existing development commitments and promotes a sustainable pattern of growth. The strategy promotes economic growth and the delivery of housing in the most sustainable locations.

The Second Proposed Edinburgh Local Development Plan 2014 identifies Fountainbridge as a key part in the City Centre Strategic Development Area.

Proposal CC3 Fountainbridge promotes a Comprehensive mixed use redevelopment of the land previously occupied by the Fountainbridge Brewery.

**Development Principles**

Proposals will be expected to

- provide mixed use development including a local centre , residential office, small business units, retail, leisure, community and tourist visitor facilities.
- create a layout which integrates with adjoining neighbourhoods in Dalry, Tollcross and Viewforth.
- improve north-south linkages, in particular provide a strong pedestrian/cycle link to Haymarket that reduces the barrier effect of the West Approach Road
- create new public spaces and streetscape consistent with the approved Fountainbridge Public Realm Strategy.
- proposals should explore potential for expansion of water space and should provide attractive frontages to the canal, safeguarding its nature conservation.
- contribute to the improvement of the Dalry Community Park (Proposal GS1).
- protect and enhance key townscape views.

**Date registered**

4 July 2014

**Drawing numbers/Scheme**

(Scheme 2) 1, 2a, 3a.,

## **David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Jennifer Paton, Senior planning officer

E-mail:jennifer.paton@edinburgh.gov.uk Tel:0131 529 6473

## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

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

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

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 7 (New Pedestrian Routes in the City Centre) relates to the creation of new pedestrian routes in the City Centre.

Policy Des 9 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.



Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

# Appendix 1

## **Application for Planning Permission in Principle 14/02814/PPP**

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh  
Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.**

### **Consultations**

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#### **Transport**

*We would be pleased if the application could be continued for the Transport Planning Section to have further discussions with the schemes consultants.*

#### **Transport 28 November 2014**

*I have no objections to the application subject to the following being applied as legal agreements or conditions as considered appropriate.*

#### *Fountainbridge / Dundee Street - Works to the Public Road*

*As per clause 13 of section 75 concluded for the development of the entire site (10/02955/PPP) the works to the public road to be procured and constructed by the developer at out at no cost to the Council*

*This will be in accordance with the drawings as noted in the concluded legal agreement, however, it is considered that they should be revised to exclude the raised table section on Dundee Street. This is because that, since the 2010 application was approved by the council, the high school has been approved. It is not considered that a long raised table with the footway and carriageway at the same level is considered appropriate in the vicinity of a school. This matter will be further discussed with the applicant and the Area Roads Manager.*

*The above works will required to be approved by the Head of Transport and carried out under the authority of section 56 permits issued by the Area Roads Manger The link below refers to the full procedures-*

*[http://www.edinburgh.gov.uk/info/1317/roads\\_and\\_pavements-permission\\_to\\_occupy/359/road\\_occupation\\_permits/1](http://www.edinburgh.gov.uk/info/1317/roads_and_pavements-permission_to_occupy/359/road_occupation_permits/1)*

*The approval will require completion by the developer of a stage2 (detailed) road safety audit signed off by the council.*

### *Traffic Regulation Orders*

*The developer will meet the full cost of any TRO's that require to be promoted as a result of the development. These will include waiting and loading restrictions, redetermination, disabled parking bays and city car club spaces. (The estimated cost for each order is £2,500)*

### *Tram Contribution*

*In accordance with the Council's approved developers contribution policy it is considered that a tram contribution should be applied in respect of this development. The developer's agent has submitted information which indicates that development lies more than the 750 metres to the haymarket tram stop and that, as such, no contribution should be levied. The policy specifically refers to the distance to the tram corridor and as per the attached drawing is within 750 metres.*

*Notwithstanding this the "Developer Contributions and Affordable Housing Guidance - February 2014". Paragraph G states the following:-*

*"Major developments outwith the defined zones will also be considered for their relationship to the proposed tram system and may be required to make a contribution, especially where a step change in transport infrastructure is required. In such cases, the Transport Assessment submitted with the application should address fully the potential role which should be played by the tram in absorbing the transport impacts of the development."*

*It is considered that the above applies in this case and a tram contribution is £1,158,368 is applicable This is based on:-*

*Residential - 340 units - £247,429  
Office - 11,621m<sup>2</sup> - £402,087  
Hotel - 80 rooms - £121,133  
Retail - 4,476m<sup>2</sup> - £205,896  
Cultural - 11,858m<sup>2</sup> - £181,823 (based on leisure)*

*Further more it is noted that the section75 concluded for the development of the entire site (10/02955/PPP) includes a tram contribution of approx £1.5M*

### *Travel Plans*

*Travel plans will be required for all site types ie hotel, residential, offices and retail. It is recommended that an overall travel plan coordinator is appointed for the site and this is secured by legal agreement.  
(Edinburgh's Local Transport Strategy 2014 - 2019 - Travplan3)*

### *Internal Cycle Ways*

*These cycle routes will require to be approved at the detailed design stage (reserved matters).*

### *Parking*

*The development site lies in Zone 2 of the parking standards which for this type of development and the differing land uses the parking standards lie in the range of 23 - 605 spaces. The current master plan proposal is to provide 345 spaces which is 57% of the permitted maximum.*

### *Public Transport Infrastructure and Bus Stop Improvements on Fountainbridge and Dundee Street.*

*A contribution of £17,000 is required for the upgrading and possible repositioning of the existing bus stops. The contribution will also provide real time information within these bus stops.*

*As it will not be possible to determine the optimum position for the bus stops in relation to the new buildings and roads until detailed applications are submitted the location of the stops should be a reserved matter.*

### *City Car Club*

*A contribution of £7,000 is required for car club provision.*

*The developer will provide 6 city car club spaces within the development site.*

*(Edinburgh's Local Transport Strategy 2014 - 2019, Cars3)*

### *Road Construction Consent (RCC)*

*In addition to an RCC being required for the widening of Fountainbridge RCC applications will be required for all new development roads. Regardless of whether or not these roads are ultimately presented to the Council for adoption all roads must be open for public use and can only be controlled by the Council as the Local Roads Authority. As such no parking spaces adjacent to the running carriageway can be allocated to any user or resident. This development lies within the central controlled parking zone and as such appropriate council permits will be required.*

*(Reason:- Legal requirement)*

## **Affordable Housing**

### *1. Introduction*

*I refer to the consultation request from the Planning Department about this planning application.*

*Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.*

*o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*

*o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

## *2. Affordable Housing Requirement*

*This application proposal is for up to 340 residential homes and as such the AHP will apply. The applicant has proposed that 25% of the homes on site will be affordable and we welcome this.*

*The applicant has indicated that the housing element of the proposed development is to include a mix of house types and tenures. Self-build and cooperative housing models will also be considered. The applicant has indicated that the affordable homes will be delivered in Phases 4 and 5, which are the predominantly residential phases.*

*We would welcome early discussions with the developer prior to detailed planning to ensure that the affordable housing element is to be delivered in accordance with the Council's Affordable Housing Policy.*

*This department requests that the approved affordable tenures to be provided on site follow the principles of tenure blind construction. They should also provide a representative mix of house types and sizes and be well integrated to provide a mixed sustainable community*

## *3. Summary*

*Dependent on final site capacity, this proposal will deliver around 85 homes (25% of the site capacity) of approved affordable housing tenures making a contribution to Edinburgh's evidenced affordable housing need and is warmly welcomed by this department.*

*This department would request that the developer enter into early dialogue with the Council and Registered Social Landlords regarding the most suitable delivery mechanism for the affordable housing requirement.*

*The developer will be required to enter into a Section 75 legal agreement to secure these affordable homes*

*We would be happy to assist with any queries around the affordable housing for this development.*

## Archaeology

*Further to your consultation request, we would like to make the following revised comments and recommendations in respect to this application in principal for a proposed mixed use development comprising retail, financial services, food and drink, office/light industrial, hotel, housing, community use, leisure, public house and associated parking, open space, infrastructure and public realm works.*

*Bounded to the south by the Scheduled Monument of the early-19th century Union Canal, the application area occupies most of the former site of the 20th century Fountain Brewery and the nationally important North British Rubber Company (NBRCo) works established in 1856. As stated in the accompanying Archaeological report by CFA Archaeology the Fountainbridge area to which this site forms a major component has since the late 18th century been a focus of industrial activity, the expansion of which was aided by the major transport infrastructure of the Union Canal and Caledonian Railway to the north. The 19th century OS maps of the site demonstrate that in addition to the NBRCo works a range of other industrial concerns occupied the area at various times including the early 19th century Castle Silk Works.*

*The most significant of these industrial concerns was the rubber works established by the North British Rubber Company (NBRCo) in 1856.. This significant industrial concern expanded rapidly through the 19th century and by the turn of the 20th century had by and large taken over the majority of this proposed development site. In 1966 the rubber factory was engulfed in a major fire which resulted in the demolition to ground level of substantial sections of the factory. However this site was less affect by the fire and until demolished very recently still contained significant and important industrial brick buildings of which only the listed (Cs) NBRCo office building on the corner of Gilmore Park & Dundee Street survives intact.*

*Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

### *Buried Archaeology*

*As stated this site is regarded as being of archaeological significance primarily in terms of its Industrial Archaeology. The proposed development will require extensive excavations in terms of construction of new buildings, landscaping, utilities, roads car-parking etc. Having read over CFA Archaeology's accompanying Archaeological Report, I agree with their general impact conclusions summarised in table 4 p 16, namely that such works are regarded as having on the whole minor-moderate archaeological impacts.*

*Accordingly it is recommended that a programme of archaeological works is undertaken prior to development. In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the*

*appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected.*

### *Archaeological Public Engagement*

*Further given the potential importance of these remains in terms of the industrial history of Edinburgh and in particular to the local Fountainbridge area it is essential that this programme of archaeological works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.*

### *NBRCo Office Building*

*It is to be welcomed that this important former industrial building is to be retained within the current proposals, especially as its historic importance as the last meaning full surviving building of the NBRCo factory has undoubtedly increased. The proposals will see its conversion into new use, although the final details have yet to be submitted (the removal of the outer brown paint would be supported so that the underlying decorative historic brick work can be revealed) any such works will undoubtedly have an impact. Accordingly if consent is granted it is recommended that the programme of historic building survey (level 2-3) as outlined in para. 67 of CFA's accompanying Archaeological report is undertaken.*

*It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following CEC condition;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Recording, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

### *Interpretation*

*This site at Fountainbridge has been central to the industrial heritage of Edinburgh, from the early 19th century through to the end of the 20th with the closure of the Fountain Brewery. The results of the community planning exercise have also shown the importance of this industrial heritage is also shared by the local community. Accordingly it is essential that this rich heritage is interpreted within the final design of this development. In part this aided by the retention of the NBRCo Office building and works to improve the landscape surrounding the Union Canal. However a fuller scheme is required which will see the return of the former fountain Brewery Clock, once an important landscape feature of the area, plus designs which commemorate and interpret the sites industrial heritage. This could include public art works as wells as more tradition interpretive panels.*



*Accordingly it is recommended that further archaeological condition(s) be attached to any consent granted that will require these undertakings.*

## **SEPA**

*We have no objection to this planning application. Please note the advice provided below.*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take account of factors not considered at the planning application stage.*

### *Advice for the Planning Authority*

#### *1. Flood Risk*

*1.1 We have reviewed the information provided in this consultation and it is noted that, although the site appears to lie outwith the SEPA Flood Map, the application site is at, or adjacent to, a location for which we hold a record of flooding and consequently the site may be at risk of flooding. It should be highlighted that the Flood Map does not assess the flood risk from the Union Canal due to the controlled nature of this water body.*

*1.2 A breach occurred in the Union Canal on the 23rd June 2002 which resulted in 8 houses and shops including the brewery in the Fountainbridge area flooding. It was reported that "parts of the Fountainbridge area in the city centre were under five feet of water yesterday morning after a section of the canal collapsed near the Leamington Lift Bridge at Lochrin Basin. Eight people had to be evacuated from nearby flats by Police Marine Unit boats, others sought refuge with neighbours, and workers at the Scottish Courage brewery were evacuated as millions of gallons of water poured onto the streets".*

*1.3 This shows that canals are susceptible to failure and great care should be taken if any new development is proposed alongside or down gradient of the union canal, particularly to ensure that development does not have any impact on the structural integrity on these embankments. After the 2002 breach additional steel sheet piles were driven into the canal bed.*

*1.4 It is recommended that contact is made with your Flood Prevention Authority and British Waterways regarding this issue. While we have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

#### *2. Drainage Foul Drainage*

*2.1 We support the proposed connection of all foul drainage arising from the site to the public drainage network vested by Scottish Water (SW).*

*2.2 The applicant should deal directly with SW to confirm that the existing sewerage infrastructure has sufficient capacity to accept the volume of foul drainage arising from*

*this development proposal. We will expect SW to ensure that this connection will not cause or contribute to the operation of existed consented sewer overflows.*

### *Surface Water*

*2.3 The applicant has outlined within the application that surface water arising from the development will be discharged into the combined system.*

*2.4 It should be noted that SW only accepts surface water into a combined system in exceptional circumstances. Removing surface water from the combined sewer is beneficial as it, increases capacity in infrastructure for future development and reduces the risk of pollution events.*

*2.5 It is noted that the applicant is proposing storm cell attenuation units on site. We have observed that once installed these tend to be neglected and not adequately maintained. For that reason the Council should ensure that such issues are addressed as part of any future development management plan. We would also highlight that such units do not constitute a level of treatment under the SUDS treatment trail.*

*2.6 We note and welcome that a separate foul and surface water system is proposed on site, we would strongly recommend that any future drainage design at the site should allow for potential future disconnection of surface water (future proofing).*

### *3. Sustainable Waste Management*

*3.1 Every effort should be made onsite to employ best practice when dealing with waste arising from the site. All waste materials that are required to be removed from the site should be disposed of at an appropriate licensed waste facility.*

*3.2 If the developer is required to import additional soils for profiling then they will be required to register a paragraph 19 exemption under The Waste Management Licensing (Scotland) Regulations 2011.*

*Detailed Advice for the Applicant*

### *4. Flood Risk Caveats & Additional Information for the Applicant*

*4.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit [http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx).*

*4.2 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

*4.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the*

phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## 5. Drainage

5.1 We would highlight that if porous paving is to be used as 2 levels of treatment in certain areas of the site then a geo liner will be required to achieve the two levels. We would also clearly highlight that 'cells' to store water do not count as an individual SUDS level.

5.2 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled *The SUDS Manual*. Advice can also be found in the SEPA Guidance Note *Planning advice on sustainable drainage systems (SUDS)*. Please refer to the SUDS section of our website for details of regulatory requirements.

## 6. Construction Phase, Pollution Prevention

6.1 Construction works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at [www.sepa.org.uk](http://www.sepa.org.uk) and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

6.2 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

6.3 The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

6.4 We will duly expect the applicant to take all necessary measures are in place to ensure that pollutants typically associated with the construction phase of the project do not cause pollution of the environment, specifically the water environment. This should give particular consideration to contaminated surface water run off arising from earthworks, roads, drainage, compounds, concrete batching facilities and any other associated infrastructure.

6.5 We would therefore expect the applicant to install temporary drainage facilities, inclusive of good housekeeping arrangements to manage this aspect of the project. This is a legal requirement of the Controlled Activity Regulations. The system should comply with the rules detailed in GBR's 10 & 11.

## Scottish Water

*Thank you for your application regarding the above proposed development.*

*Following an assessment of our assets I can now confirm that at this time:*

*Water: The revised peak demand calculations submitted are deemed to be excessive for this development. Please could these be revised or, failing this, a flow and pressure test is required to ensure that the network can supply adequate flow and pressure to your proposed development and our existing properties in the area.*

*Wastewater: There is sufficient capacity in the Edinburgh PFI Waste Water Treatment Works to service the demands from your development; however, this is subject to surface water attenuation to 4.5 litres per second prior to discharge to combined sewer.*

*Please be advised that Scottish Water will not adopt surface water and foul pumping stations associated with this development.*

*Scottish Water is committed to assisting development in Scotland and has funding under our current investment period to upgrade our water and waste water treatment works however our regulations from the Scottish Executive for our current investment programme (2006-2014) state that should your development require Scottish Water networks to be upgraded this cost will have to be met by the developer.*

*It is important to note that Scottish Water is unable to reserve capacity and connections to the water & wastewater networks can only be granted on a first come first served basis. For this reason we may have to review our ability to serve the development on receipt of an application to connect.*

*I trust that the above is acceptable. If you have any questions, please do not hesitate to contact me directly to discuss.*

## **Tollcross Community Council**

*We would like to comment on the above application. We are broadly in favour of this application and particularly of the proposed mix of uses. We are very keen to see the cultural centre included and the housing units. We are also pleased to see that smaller retail units are proposed for the development. We also applaud the public engagement in the development of the proposals.*

*However we do have some comments that we would like to make;*

### **1. Heights of Buildings**

*The variation in heights is a good feature of the proposal. We were led to believe during consultations that the highest buildings would be along Fountainbridge (the lowest land level) and that there would be a stepping down towards the canal edge. The proposal is for the highest buildings (7 storeys) to be along the canal edge. We feel this detracts from the amenity of the canal and dwarfs the lift bridge. Furthermore it creates a wind tunnel with the other high buildings in the area.*

### **2. Housing**

*Whilst we approve the proposals for housing, we wonder if it could not be given a higher priority with more units. This site is only about a third of the original site, the masterplan for which had much more housing proposed. We have seen almost 2/3 of the site developed (or proposed) with no long term residential property. Therefore the*

*proportion of the whole brewery site used for housing does not accord with previous views of a major new community being created.*

*A further point about housing is that it is virtually the last phase of the development when housing is so much needed in Edinburgh.*

### *3. Small retail units*

*Almost all the big developments in this and other areas have proposed small retail units as the public find this proposal attractive. On no developments in this area have these small units materialised. The ground floor activities have been restricted to pubs, restaurants and large chain small supermarkets. It is necessary to include in plans, how small units will be delivered and it probably means affordable small business rents. It is pointless to build small units when no small business could afford them.*

### *4. Sustainability*

*We feel that a greater degree of sustainability could be built in to the proposal. The proposal talks up how they are going to ensure that it is an exemplar project in terms of sustainable development and placemaking for Edinburgh and Scotland with talk about the carbon emission savings they could make from installing a district heating system, etc. But the sustainability statement is not very ambitious on energy and carbon savings. They meet all the requirements (marked as essential) of the 2010 Building Standards so are awarded 80/80 points. Under the desirable elements they only get 25/65 points, mainly because they are reusing a derelict site, aim to have rainwater harvesting and green roofs/ living walls. They don't propose to use sustainable timber (or say that they will not use tropical hardwood on the site), or to have a neighbourhood recycling point, nor enable occupants to connect to a combined heat and power plant (or have spare energy generated that can be supplied to the national grid). On the energy front, it appears just to be an efficient boiler, at this stage positioned under the residential western part of the site.*

### *5. Streets and Spaces*

*Generally, the public spaces and linking routes make for good permeability and will be well used and appreciated. The proposals compare the width of streets and public spaces in the development brief with those of these proposals. In virtually all cases the spaces (widths) have been reduced but no reasonable case has been made for this. There are examples in this area of narrow roads/walkways between high buildings which the public have complained about as being uninviting.*

*Whilst we are supportive of much of the proposal, we hope that our comments can be taken account of.*

## **Flooding**

*Please see queries/issues noted below regarding the flood risk assessment and drainage strategy document titled:*

*Fountain South Masterplan Fountainbridge Edinburgh Drainage Strategy Plan and Flood Risk Assessment.*

All text references section of the report.

## 6.2 Surface Water Attenuation

*The requirement to attenuate the flows to 1 in 2 year Greenfield runoff equivalency also applies to brownfield sites. The allowable discharge and associated attenuation storage will need to be recalculated to accommodate this requirement.*

## 6.4 Surface Water Discharge

*As previously advised by Alvin Barber on 05 March 2014 (HY527/117/AB - attached) we strongly recommend surface water is discharged to the surface water sewer in the Western Approach Road. Alternatively the surface water sewer could be discharged to the Union Canal. Scottish Canals would need to be consulted and approve the discharge.*

*We also need an indicative plan of the pre and post overland flow routes.*

## Education

*The application will have cumulative impact with other developments in the area on school infrastructure capacity.. Under the Action Plan approach the applicant is required to sign a suitable Legal Agreement to contribute to education infrastructure to be identified through the next update of the Action Programme, expected in february 2015.*

## Edinburgh Airport - response dated 22/07/2014

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:*

### *Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- monitoring of any standing water within the site temporary or permanent*
- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'*
- reinstatement of grass areas*
- maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- monitoring of waste imports (although this may be covered by the site licence)*
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*

- signs deterring people from feeding the birds.

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

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

#### *Obstacle Lighting During The Construction Period*

*Obstacle lights shall be placed on cranes or other construction equipment to be used in the development. The obstacle lighting scheme shall be implemented for the duration of the construction period. These obstacle lights must be steady state red lights with a minimum intensity of 200 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome) ).*

*Reason: Permanently illuminated obstacle lighting is required for the duration of construction and on construction equipment to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.*

*For further information please refer to Advice Note 4 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>).*

#### *Control of Lighting on the Proposed Development*

*The development is close to the aircraft taking off from or landing at the aerodrome. Lighting schemes required during construction and for the completed development shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is no light spill above the horizontal.*

*Reason: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.*

*For further information please refer to Advice Note 2 'Lighting Near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>).*

*Your attention is drawn to the Air Navigation Order 2005, Article 135, which states that, "A person shall not exhibit in the United Kingdom any light which: (a) by reason of its glare is liable to endanger aircraft taking off or landing at an aerodrome; or (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft." The Order also grants the Civil Aviation Authority power to serve notice to extinguish or screen any such light which may endanger aircraft. Further information can be found Advice Note 2 'Lighting Near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>)*

#### *Submission of SUDS Details*

*Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:*

- Attenuation times*
- Profiles & dimensions of water bodies*
- Details of marginal planting*

*No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.*

*Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.*

*As the application is for planning permission in principle, it is important that Edinburgh Airport is consulted on all reserved matters relating to siting and design, external appearance (including lighting) and landscaping.*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*



## **Edinburgh Urban Design Panel**

*The Panel welcomes the idea of the development being a piece of civic investment. It is important that this ambition is maintained through to delivery of the project. The work that has been done so far provides a very strong basis for taking forward the design with such positive aspects as the proposed mix, connectivity and public square. In refining the proposals the spatial definition of square, the impacts on views and context resulting from height, car parking numbers and character of the canal side space should be further considered.*

### *Main Report*

#### *1 Introduction*

*1.1 This report relates to proposals for a mixed use development at Fountainbridge in Edinburgh.*

*1.2 The brief for the current project envisages a range of uses including, office, housing retail and leisure uses with a high quality public realm and good pedestrian connectivity throughout the site.*

*1.3 This is the first time that the proposals have been reviewed.*

*1.4 No declarations of interest were made by any panel members in relation to this scheme.*

*1.5 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*

*1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the panel forming a differing view about the proposals at a later stage.*

*1.7 The Panel welcome seeing the proposals at this stage.*

#### *2 Ambition*

*2.1 The notion of this development being a civic investment is strongly supported. It is important that this ambition is carried through the planning process and to the delivery of the development.*

*2.2 While this report suggests areas of improvement and further design exploration, what has been presented at this stage is a very strong and well considered proposal.*

#### *3 Context*

*3.1 Integration with context is key to the success of the development. While it is clear that the design has been developed in a way that is respectful of the environment, in developing the design further, context should be at the forefront of considerations.*

*3.2 The design needs to contribute to and build upon Edinburgh's character. This is particularly important with the design of buildings, where scale, design and proportion of windows, materials and so on, will all contribute to this.*

*3.3 The retention of the North British Rubber factory building is very much welcomed. It will make a valuable addition to the development, both through its historical value and in terms of the proposed artistic use.*

*3.4 The relationship of the development to Fountainbridge / Dundee Street should be considered further as this is the primary elevation and access point to the site that most people will experience.*

#### *4 Heights and views*

*4.1 Understanding the impact of development on views, to and through the site, and in particular, upon the city's skyline is essential. Visual analysis which shows this is therefore essential. In the absence of it, it is not possible to be certain that the heights proposed are appropriate.*

*4.2 Notwithstanding this, the idea of creating a range of heights is supported as it appears likely to add to the character and is appropriate for this canal side location.*

*4.3 It will be very important to ensure that the microclimatic effects of building height are carefully considered. Buildings that are too high will impact negatively on courtyard spaces and the new streets by casting shadows. Sun path analysis should therefore be carried out before the building heights are fixed.*

#### *5 Canal*

*5.1 Care needs to be taken with the character of spaces created fronting onto the Canal. While it is clear there will be strong benefits in creating a pedestrian friendly environment that has a sense of vibrancy resulting from the active uses facing onto it, the design should be mindful of the Canal's industrial past. This aspect of character has the potential to make a positive contribution to the development. The detailing of the space will be important, with materials, proportions of trees / soft landscape elements and so on all having an effect on the ability of the design to reinforce or dilute this aspect of the Canal's history.*

*5.2 The detail of the edge of the canal and the proposed perpendicular extension to it will be subject to further discussion with Historic Scotland.*

#### *6 Connections*

*6.1 The proposed pedestrian friendly routes through the site are welcomed. The links provided by Fountainbridge and the direct diagonally aligned links proposed help allow the site to connect well with its surroundings.*

*6.2 The proposed level change with steps will be less attractive as a through route. It will therefore create a lower key connection that is appropriate in the more predominantly residential area of the site.*

6.3 *The approach taken to cyclists of mixing them with pedestrians, rather than segregating them, along the canal frontage is appropriate. The design of the space and its surfaces should be developed to encourage cyclists to move slowly.*

## 7 Public square

7.1 *The notion of creating a usable public square within the site is supported. However, as currently envisaged, the square's spatial definition is compromised by the width of the routes coming into it - particularly the new route which connects it to Grove Street.*

7.2 *While the notion of providing a view from Fountainbridge to the Leamington Lift Bridge is good, care needs to be taken that in achieving this is not at the expense of the quality and usability of the public space. In taking forward the design, it is recommended the new street is narrowed and further consideration is given to its exact alignment.*

## 8 Uses

8.1 *The concept of creating a truly mixed use development is welcomed. The mix of uses will bring vitality to this important site.*

8.2 *The notion of bringing both family housing and affordable housing is welcomed and should remain a part of the proposals as this will help the social sustainability of the development.*

8.3 *It is important that the eventual uses achieve the quality suggested by the visualisations provided. With the neighbouring use of high school uses like hot food takeaways may be commercially attractive. However these would be to the detriment of the quality of place and should therefore be resisted.*

## 9 Parking

9.1 *The level of parking proposed seems excessive. The Panel previously encouraged a reduced level of car parking on the neighbouring site immediately east. The cumulative effect of car parking on both these sites will have an impact on the capacity of the road network. This is particularly the case for parking for offices / workplaces where there is the greatest likelihood that the spaces will result in peak time car movement. Given the proximity to the city centre and public transport's high level of accessibility, both developer and the Council are strongly encouraged to work together to reduce the level of car parking proposed.*

## 10 Phasing

10.1 *It is likely that the development will be built over a long period of time. It is important that each phase of the development is designed so that its success is not reliant on the implementation of future phase but can work - in urban design terms - in its own right.*

10.2 *The intermediate use of spaces that are not yet developed should be considered. The notion of temporary greening them is therefore welcomed.*

## 11 Other matters

11.1 *The topography of the site and the proposal needs to be fully understood. Sections through the site which take in its surroundings need to be provided so that its impact on context can be fully understood.*

11.2 *Levels in plan and section need to be explored early in the design process since even small relatively differences in level can have a strong influence on the quality of space and the ability of buildings to relate well to spaces.*

## 12 Recommendations

12.1 *In developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:*

- o The ambition of the development being a piece of civic investment.*
- o The full mix of uses proposed.*
- o The concept of pedestrian friendly connectivity through the site.*
- o The retention of the listed building.*
- o The idea of temporarily greening spaces while different phases of the development are delivered.*
- o The change in level with steps being within the residential area.*

12.2 *In developing the proposals the Panel suggests the following matters should be addressed:*

- o The spatial definition of the public square and in particular how the proposed streets relate to it.*
- o Impacts of building heights on views, immediate context and microclimate.*
- o The advice that numbers of car parking spaces should be reduced.*
- o Further consideration of the character of the development in relation to the canal.*
- o Further consideration of the relationship of the development to Fountainbridge / Dundee Street.*
- o The need to provide further information to allow the proposals to be fully assessed - such as visual analysis and site wide sections.*

## **Historic Scotland comment**

*Historic Scotland has no objection to the principle of the application.*

## *Development Proposals*

*The proposed planning in principle application is for a mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), officelight industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.*

## *Historic Environment Interests*

*The proposals affect an archaeological site of national importance termed Union Canal, Fountainbridge to River Almond, which is scheduled under the Ancient Monuments and Archaeological Areas Act 1979. This section of canal is located in an urban area. The canal is enclosed on both sides by buildings and structures of 19th and 20th century date.*

### *Policy Background*

*Scottish Planning Policy sets out the national planning policy and indicates how the planning system will contribute towards the delivery of Scottish Ministers' policies as set out in the current Scottish Historic Environment Policy.*

*Paragraph 145 states that "Where there is potential for a proposed development to have an adverse effect on scheduled monument or the integrity of its setting, permission should only be granted where there are exceptional circumstances". National Plan Policy is reflected in The City of Edinburgh's Local Plan Policy for the protection of scheduled monuments.*

### *Assessment of Impact*

*The line of buildings is set well back from the edge of the canal and therefore, we consider the development will not have an adverse impact on the urban setting of the Union Canal at this point. We note, however, that the proposals have been designed to include landscaping and steps hard against the towpath edge. The proposal also includes a slapping through the canal edge to provide a linear water feature between sets of buildings. We are content that the scale, design and layout of development along the Canal will respect the site and setting of this asset.*

### *Historic Scotland's Position*

*On the basis of the information submitted with the application, we have no objection to the principle of the application.*

### *Scheduled Monument Consent*

*Finally, although not a planning matter, you may wish make the applicant aware that the prior written consent of Scottish Ministers under the Ancient Monuments and Archaeological Areas Act 1979 (termed scheduled monument consent: SMC) will also be required in this case, in addition to planning permission, for works to the canal edge and the slapping.*

*We would be happy to discuss any of the issues raised in this response with the applicant. Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.*

## **Environmental Health**

### *The Proposal*

### *Background Air Quality*

Particles (PM10) currently exceed the Scottish annual target where we monitor at the roadside locations, Queen Street and Haymarket. An assessment using the Design Manual for Roads and Bridges (DMRB) screening model showed that Slateford Road exceeded the PM10 annual objective. Most of the congested main roads in the city centre are likely to exceed this objective due to high urban background concentrations relative to the more onerous Scottish objective of 18 µg/m<sup>3</sup>. Slateford Road is one of the main routes leading to this site from the West.

This department also has concerns about nitrogen dioxide (NO<sub>2</sub>) levels in the Fountainbridge area; occurrence of nitrogen dioxide is due to traffic sources, which can be exacerbated in locations that have been identified as street canyons and with congested junctions. Street canyons are narrow streets where the height of the buildings on both sides of the road is greater than the road width. Street canyons can affect the pattern of air pollution dispersion and lead to elevated air pollutant concentrations. The site is also juxtaposing the City Centre Air Quality Management Area for NO<sub>2</sub>.

It is worth noting that a newly proposed air quality management area covering Angle Park/Dundee Street should be extended along Dundee Street as far as Murdoch Terrace which is approximately 300m west of the development site. Monitoring will continue in Fountainbridge in relation to borderline results. This proposed extension of the AQMA was presented in The Air Quality Assessment and Review - Progress Report which was presented to the Transport and Environment Committee on 26 August 2014

#### *Impacts on Local Air Quality*

Due to the size, scale, location and other committed developments consented in the area this department had initial concerns with the likely impact on local air quality. The main causes of concern relating to the level of parking, creation of new street canyons and construction site impacts. The applicant has carried out a detailed Air Quality Impact for the development which has addressed all the above concerns.

The applicant has further reduced the initially proposed level of car parking from 363 to a more sustainable level of 345. The site is very well serviced in terms of public transport, walking and cycling connections. The applicant has also committed to investigating the integration of city car club spaces and electric charging points for low emission vehicles. With these mitigation measures in place the impact on Local Air Quality has been shown not to be significant.

The Proposed Development will introduce buildings to the south side of Dundee Street/Fountainbridge, which will be similar in height and mass to the existing/demolished industrial units. The proposed heights and massing have been designed to reflect the consented masterplan for the north side of Fountainbridge. The applicant will maintain a wide street corridor, in excess of the building heights on either side of the road. A model has been used to assess street canyon effects which assumed the section of Fountainbridge be considered as a continuous street canyon, with no breaks. In reality, the buildings introduced will not technically create a street canyon, due to the gaps between blocks of buildings on either side of the road corridor and the generous road width. Therefore the assessment carried out was for the very worst case scenario and concluded that there will be no serious adverse impacts subject to the proposed mitigation measures being implemented. This applicant has

*confirmed that avoidance of street canyon creation has been a consideration in the design process which has arrived at the masterplan.*

*Due to the close proximity of sensitive receptors to the site mitigation measures will be required to control dust during the construction phase. The Air Quality Impact Assessment has assessed this and the applicant has suggested a number of satisfactory mitigation measures which will protect neighbouring amenity.*

#### *Contaminated Land*

*The site previously had a number of operations which may have caused the land to become contaminated. Therefore this Department will recommend a condition which ensures that the land is made suitable for the end uses proposed.*

#### *Noise*

*A vehicle repair premises which operates during daytime hours, seven days a week, is situated to the north-west of the application site. Therefore, there is the possibility that noise from the premises may impact upon any proposed residential properties to be situated nearby. A noise impact assessment should be provided at the Approval of Matters Specified in Conditions (AMC) stage to ensure that nearby residential properties will be protected from noise from the vehicle repair centre.*

*The proposal includes the introduction of unspecified Class 10 and Class 11 premises. Additionally, a Class 7 hotel which may include a public bar is proposed. Some uses within Class 10, Class 11 and premises with bars are not necessarily compatible within predominantly residential areas. Such premises require to be adequately conditioned and appropriately sited to be able to operate within a residential area without impacting upon residential amenity. Such premises will require a noise impact assessment recommending detailed measures designed to protect localised residential amenity. Therefore, this Department will only support unspecified Class 10, Class 11 and premises including a bar within this application if the applicant provides information at the AMC stage which proves that localised amenity will be protected. In this regard, the siting of such premises is recommended to be reserved for further details to be provided at the AMC stage. This would allow an adequate assessment of the siting of such premises to ensure that residential amenity will not be detrimentally affected by the premises which can cause noise and disturbance. This Department also recommends that a noise impact assessment be provided in support of the Class 10, Class 11 and premises including a bar to demonstrate that residential amenity will be protected. The noise impact assessments will be recommended by way of a condition.*

*Additionally, some premises may include external eating and drinking areas. The siting of such areas should be reserved for details to be provided at the approval of matters in conditions stage.*

#### *Odour*

*The application proposes Class 3 premises, kiosks, pavilions, a hotel, a care home, class 10 and class 11 premises which may all include food operations. Ventilation is likely to be required to adequately deal with kitchen effluvia from these premises and ensure that they reach an appropriate height. Therefore, the siting of such premises will*

*require to be fully assessed at the AMC stage to ensure that odours from food operations do not impact upon localised residential amenity. Ventilation details will be required upfront with any detailed application.*

*Thus Environmental Assessment has no objections to this application subject to the following conditions:*

#### *Site in General*

#### *Air Quality*

*1. Detailed site plans of where the electric vehicle charging outlets and ducting shall be submitted to the satisfaction of the Head of Planning.*

#### *Contaminated Land*

*2. Prior to the commencement of construction works on site:*

*(a) A site survey ( including intrusive investigation where necessary) 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.*

*1. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the road and commercial noise (existing and proposed) has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.*

*2. Class 1 Retail Hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.*

*3. Class 3/ Class 7/ Class 10 / Class 11 (Food & Drink/Hotel/ Non Residential Institutions/ Assembly and Leisure) detailed plans of where the commercial ventilation ducts will be installed shall be submitted to the satisfaction of the Head of Planning*

*4. Class 3/ Class 10 / Class 11 (Food & Drink/ Non Residential Institutions/ Assembly and Leisure) Hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.*

*5. Hours of operation and siting of any external seating area will require to be agreed at the Approval of Matters in Conditions (AMC) stage.*



6. *Class 4 use - No permitted change to use to Class 6 will be allowed.*
7. *Class 7/ Class 10/ Class 11 - The siting of the premises should be reserved and agreed at the approval of matters in conditions application stage.*
8. *Class 10 - Prior to occupation of the Class 10 premises, the Head of Planning shall be provided with a written statement detailing the proposed use and the potential of that use to cause noise disturbance to occupiers of nearby residential properties. The Head of Planning shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and implemented.*
9. *Prior to occupation of the Class 11 premises, the Head of Planning shall be provided with a written statement detailing the proposed use and the potential of that use to cause noise disturbance to occupiers of nearby residential properties. The Head of Planning shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the premises must not be occupied prior to any proposed mitigation measures being agreed with the Head of Planning and implemented.*

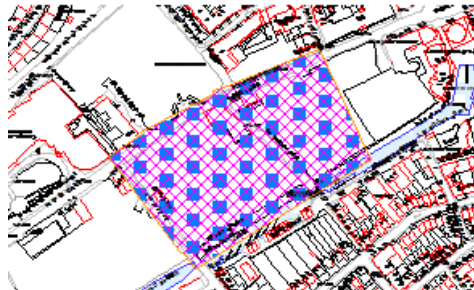
#### *Informatives*

1. *The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*
2. *When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993*
3. *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
4. *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
5. *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*

6. *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
7. *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*
8. *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*
9. *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*
10. *No bonfires shall be permitted.*

## **Location Plan**

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