

Development Management Sub Committee

Wednesday 29 April 2015

Application for Planning Permission in Principle 14/03848/PPP

**At Site At Former 159, Fountainbridge, Edinburgh
PPP Masterplan application for mixed use development
comprising Offices; Hotel/Aparthotel; Residential;
Commercial and Retail uses with associated service roads,
landscape works and car parking (as amended).**

Item number	7.1
Report number	
Wards	A09 - Fountainbridge/Craiglockhart

Summary

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 massing, scale, layout and public realm are considered appropriate. There are no anticipated adverse amenity and transport impacts arising from the proposed development. The proposals are acceptable in all other respects subject to the conclusion of a suitable legal agreement and conditions to address issues described above. There are no other material considerations which outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITCA1, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITD9, CITOS3, CITE3, CITE8, CITE9, CITE15, CITE16, CITE17, CITE18, CITH1, CITH2, CITH4, CITH7, CITEM1, CITEM5, CITCO1, CITCO2, CITT1, CITT2, CITT3, CITT4, CITT5, NSG, NP01, NSDCAH, NSGD02, NSGESS, NSMDV, NSP, OTH, DBFOUN,
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Report

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landscape works and car parking (as amended).**

Recommendations

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

Background

2.1 Site description

The site is approximately 1.14 hectares in area. It is bounded to the north by Fountainbridge. Edinburgh Quay and Freer Street lie to the east. The towpath of the Union Canal forms the site's south boundary. The canal and its banks and towpath are a scheduled ancient monument (Index number 11097, 15 December 2003). On the west lies a former brewery site. The application site lies south and west of the city's business district, the Exchange, Haymarket and Tollcross. To the north of Fountainbridge lies the Springside residential development.

The application site is vacant brownfield land.

There is a substantial drop in ground level from the edge of the Union Canal towpath to the south part of the application site.

Vehicular and pedestrian access to the site is taken from Fountainbridge and from the recently formed service road (Freer Street) to Edinburgh Quay. The canal towpath is identified as a core cycle route.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief, which includes this site, approved.

1 December 2005 - Fountainbridge Development Brief Amendment approved.

4 June 2007 - planning permission granted for mixed use development with 171 housing units, commercial space, public open space and associated parking and service areas (as amended) (03/04621/FUL). It included financial contributions to education, transport and public realm works.

7 June 2013 - proposal of application notice submitted for masterplan proposals for mixed use development comprising offices; hotel/aparthotel; residential; commercial and retail, newbuild development on brownfield site (13/02177/PAN). A report was presented to the Development Management Sub-Committee on 28 August 2014. This is the proposal of application notice to which this application for planning permission in principle relates.

7 June 2013 - proposal of application notice submitted for an aparthotel on the south-east part of the site (13/02182/PAN). A report was presented to the Development Management Sub-Committee on 28 August 2014.

14 May 2014 - application for change of use of vacant land to create temporary car park, including cycle parking and electric car charging points refused (13/05303/FUL). An appeal against refusal was dismissed on 10 February 2015.

24 September 2014 - application for detailed planning permission submitted for an aparthotel on the south-east part of the site (14/03847/FUL). The application runs concurrently with this application (14/03848/PPP). It includes the part of this application site known as Block D.

Other relevant planning applications

a) On land to the west

22 September 2011 - planning permission in principle granted for mixed use development including offices, residential, retail, financial, professional and other services, food and drink, assembly and leisure, non-residential institutions, hotel, care home, student housing, servicing, access arrangements and provision of urban realm (10/02955/PPP).

17 December 2014 - planning permission in principle minded to grant 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 (14/02814/PPP).

b) On land to the north

4 December 2013 - planning permission minded to granted, subject to legal agreement, for erection of 181 bedroom 4 star hotel with associated facilities, food and drink (class 3) unit, carparking hard and soft landscaping and other associated works (13/01405/FUL).

Main report

3.1 Description Of The Proposal

The application is for planning permission in principle for a mixed-use development with associated service roads, landscape works and car parking. While the application is for planning permission in principle, consent is sought, subject to conditions, for height, massing, layout, uses, car parking, and public realm.

The applicant has submitted a design and access statement which describes the development approach adopted. The masterplan promotes a mixed-use development round high quality public spaces. The application drawings illustrate how the development would be delivered using four blocks positioned around landscaped routes and spaces.

The principal uses proposed are: two office blocks to the north of the site, a residential block to the south west and hotel/aparthotel block to the south east. Retail and commercial uses would be distributed throughout the site, primarily at ground floor level.

The key public spaces proposed are: a southern square beside the Union Canal, a residential square to the east of the residential block, a business square to the south and west of the western office block, integrated steps and ramp linking the public realm levels on the south and north, and a linear square between the two office blocks. There would be a private grassed and landscaped courtyard to the east of the residential block.

The breakdown of the main uses proposed is:

Block A (North West Office)- five storeys of accommodation over ground floor entrance and retail/commercial space plus basement parking, amounting to 9,323 square metres floor area;

Block B (North East Office) - five storeys of accommodation over ground floor entrance and retail/commercial space plus basement parking, amounting to 4,762 square metres floor area;

Block C (Residential) - seven storeys of accommodation over ground floor retail/commercial space plus basement parking, incorporating 78 apartments, including 25% affordable housing provision;

Block D (Aparthotel) - eight storeys of accommodation over ground floor entrance and retail/commercial space and lower ground floor parking. The provision of 176 guest rooms and 4 apartments, and 250 square metres food and beverage uses; and

Retail/ commercial - one storey at ground floor level, distributed throughout site totalling 1,789 square metres - the retail/commercial elements referred to in the description of Blocks A-D above combine to form this total.

The allocation of car parking spaces proposed across the site is:

Residential:	78 spaces (including disabled & visitor parking).
Aparthotel:	41 spaces (including disabled parking).
Office:	48 spaces (including disabled parking).
Retail/commercial:	13 spaces (including disabled parking).

Total **180 spaces**

The provision of electric vehicle charging points are proposed for all four blocks.

Vehicle access will be from two points on Fountainbridge. One will be a shared access with the adjacent site to the west (application reference: 14/02814/PPP). The other will be by Freer Street on the east, shared with Edinburgh Quay. Pedestrian access will be from both of these points and from Fountainbridge through the linear square and from the canal towpath. The residential public square and the linear square will be car-free. The main east-west route will include a shared surface for transport and pedestrians. Car parking will be accessed from an east-west route through the site, with a drop-off point for the aparthotel at its lower entrance. The proposed routes and landscaping will link with the adjacent site to the west.

Materials

The primary hard landscaping material for use in public spaces will be granite. Further details will be brought forward in due course as part of application(s) for matters specified in conditions.

Previous scheme (Scheme 1)

A number of amendments have been brought forward during the assessment of the proposals. The main changes relate to:

- Pulling the northern building line back from Fountainbridge;
- Reduction in the width of the east-west route;
- Reduction of car parking from 212 to 180 spaces;
- Inclusion of electric vehicle charging points; and
- Additional ground floor entrances to aparthotel from public realm.

Additional revised and clarified plans were submitted in February and March 2015.

Supporting information

The following documents were submitted in support of the application:

- Air Quality Assessment;
- Daylighting, Sunlight and Privacy Analysis;
- Design and Access Statement (revised);
- Drainage Strategy, SUDS & Flood Risk Assessment;
- Noise Impact Assessment;
- Planning Policy Statement
- Pre-application Consultation Report:
- Site Investigation Report:
- Sustainability Form;
- Transport Statement and Addendum;
- Utility Infrastructure Report; and
- View Analysis.

These documents are available to view on Planning and Building Standards Online Services.

The application was been screened for the need to be supported by an Environmental Impact Assessment on 17 October 2013 and assessed as not requiring such.

3.2 Determining Issues

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 development is acceptable;
- b) the proposal preserves or enhances the historic environment including the setting of adjacent listed buildings and the Union Canal;
- c) the layout, massing and public realm comply with the terms of the Fountainbridge Development Brief and integrate with the area as a whole;
- d) the proposed scale, design and materials are acceptable;
- e) the proposals safeguard the amenity of neighbours and provide an acceptable living environment for future residents;
- f) the proposals raise road or pedestrian issues;
- g) flooding and drainage issues arise;
- h) the proposals meet sustainability criteria;
- i) the proposals raise infrastructure or local facilities issues;
- j) there are any other material considerations;
- k) the proposals have any equalities or human rights impacts; and
- l) material representations or community council comments raise issues to be addressed.

a) Principle

The Edinburgh City Local Plan (ECLP) Proposals Map includes the site within the 'urban area' in which there is general support for a mix of uses, including those promoted in this application. The ECLP notes that the application site and the wider Fountainbridge area lie within a strategically important location close to the city centre. To this end the ECLP promotes land at Fountainbridge as a major development opportunity (reference CA3: Fountainbridge).

ECLP policy Ca1: The Central Area, requires development proposals to enhance the character, attractiveness, vitality and accessibility of the city centre, contribute to its role as the regional service centre and capital city.

The application site is also addressed by the Fountainbridge Development Brief (as amended).

The Second Proposed Edinburgh Local Development Plan (LDP) broadly maintains the policy position of the ECLP and requires development in the City Centre to provide an appropriate mix of uses that are of a high quality of design and take account of the characteristics of the city's historic environment. In light of the demand for office space in the city centre and its importance to the economy, the LDP requires office use to be included in major mixed-use development proposals, wherever possible. LDP Proposal CC3: Fountainbridge, within the wider Fountainbridge area, promotes the site for 'Commercial-led mixed-use development'.

The mixed-use nature of the proposed masterplan is acceptable in principle and broadly complies with the provisions of both the ECLP and the Second Proposed LDP. Likewise, all of the uses proposed by the application are acceptable in terms of the approved Fountainbridge Development Brief.

Office use

The scale of office use promoted by the application proposals will ensure that the requirements of the development plan and the Fountainbridge Development brief for the central area is satisfied.

Residential use

The Fountainbridge Development Brief seeks the creation of an urban environment that is predominantly residential in character, i.e. between 50% and 60% of land used for housing purposes. The application proposals will contribute to this objective.

The LDP Housing Land Study notes that a previous planning permission for a larger site that incorporated the current application site proposed 171 flats as part of a mixed-use scheme (application reference: 03/04621/FUL). Although the application site itself is not specifically included in the Housing Land Study the application proposals promote 78 residential units, also as part of a mixed-use scheme, and in this regard is considered to make a meaningful contribution to housing land requirements at Fountainbridge and accordingly is acceptable in principle.

As required by the development plan, an affordable housing provision of 25% of total number of residential units is proposed. If the application is acceptable to Committee, the affordable housing provision will be secured through a suitable legal agreement.

Hotel use

ECLP Policy Emp 5: Hotel Development, supports hotel development in the Central Area of the City where it contributes to a mixed-use scheme. It also supports hotel development on main approach roads to the city centre within the urban area. In locational terms the application site satisfies these criteria. Furthermore, the Fountainbridge Development Brief (2004), as amended (2005), identifies the area as being suitable for hotel accommodation as part of a mixed-use scheme. The LDP also broadly supports hotel use on this site as part of a mixed-use scheme and recognises that ancillary cafe/restaurant uses at ground floor level could support and promote canal-side activity.

Commercial/ Retail

The Fountainbridge Development Brief supports retail use of an appropriate scale and character in this location, as does the ECLP and LDP. The application site however does not form part of, or is adjacent to, a defined shopping centre. The shopping centre at Tollcross is a defined shopping centre and is protected in its role as such by the provisions of ECLP policy Ret5: Out-of-Centre Development. LDP Table 6 (5) proposes a new local centre of unspecified size and location at Fountainbridge. In December 2014 the sub-committee was minded to grant planning permission in principle to a mixed-use development (reference: 14/02814/PPP) which would effectively create a new local centre on land at 199 Fountainbridge, located immediately to the west of the application site.

In the absence of retail analysis in support of the application it is proposed that the extent of retail use is limited to a maximum of 250 square metres within the overall 1,789 square metres of retail/commercial floorspace proposed. This amount of retail use would allow for convenience or speciality retail use without prejudice to the creation of a new local centre. A condition of planning permission to this effect is recommended.

The application proposals promote 'leisure' and 'sui generis' uses, including hot food takeaway use. Given the potential environmental and amenity impacts of such uses it is recommended that these uses do not form part of any planning permission in principle that may be granted and are considered on a case-by-case basis in due course. A condition of planning permission to this effect is recommended.

In summary, the proposed uses are acceptable, subject to conditions and a suitable legal agreement.

b) Historic environment

The canal-side at Fountainbridge has a predominantly urban character. The proposed built form has mass, height and a position close to the canal towpath which contribute to this character.

The predominant proposed use of brick and metal, and the angular design of the proposed aparthotel, give a semi-industrial feel which is appropriate in the canal's historic context. Scheduled Ancient Monument Consent is required for works affecting the canal and its banks and towpaths.

A programme of archaeological evaluation and monitoring of the site was carried out in 2007. No further archaeological works are required in relation to buried undesignated remains. The site lies outwith the World Heritage Site and the proposals are not considered to have an impact on its outstanding universal value.

There are no listed buildings on the application site. However, the proposal has the potential to affect the setting of the listed building at 158-164 Fountainbridge and 90-92 Grove Street, located on the north side of Fountainbridge. The building is listed category A (date of listing: 14/12/1970, listing reference: 28778). The building lies beyond the site boundary and fronts onto Fountainbridge. The tenement is regarded as a robust, ornamental building which was originally part of a group of buildings and not intended to be seen in isolation. Nonetheless, the application proposals themselves will not cause detriment to the character and setting of the listed building.

Historic Scotland has been consulted on the application proposals and has raised no objection to the application.

In summary, the proposals will preserve the historic environment.

c) Layout, massing and public realm

An aspiration of the Fountainbridge Development Brief is to create a sense of place, for new development to integrate with the area as a whole and promote improved movement through the site and to the wider city beyond, the formation of a distinctive heart to the site and spaces that contribute to an improved streetscape.

The proposed development layout takes account of the Lochrin sewer which runs under the site and constrains development above it. With north-south links, balance of public and private space, building lines on Fountainbridge and the canalside which responds appropriately to its context, and integrates with the masterplan to the west, the proposed layout broadly accords with the Fountainbridge Development Brief.

The submitted View Analysis indicates that the proposal is unlikely to have any effect in terms of most identified skyline views. From some viewpoints, the proposed buildings will be visible below the skyline and merge with existing buildings. The effect is limited and does not give rise to any significant impact. In terms of view W1C (Western Approach Road), the proposed buildings will have some impact, but given the context of the buildings around the site and nature of the view, the development is considered acceptable.

The proposal is no higher than the adjoining Edinburgh Quay and continues the Fountainbridge building line, thus protecting views of Edinburgh Castle.

The key spaces on the site will have different characteristics. There will be a progression from the active primary canal-side frontage to a residential square, through an integrated stair/ramp towards the business square and a tighter linear square between the offices, before opening on to Fountainbridge. The privacy of the residential court will offer contrast and an opportunity for more domestic uses. The active frontages to Fountainbridge and the canal and the incorporation of routes between are a positive feature of the proposal.

The proposed public realm supports the development brief's aim of connecting Fountainbridge with the canal and conforms to the aspirations of the Fountainbridge Public Realm Strategy. Pedestrian movement is prioritised through the provision of extensive car-free areas of public realm. The east-west road links the application site with the adjacent site on the west. The proposals also allow cyclists access to the cycling route, on the west of the site, from Fountainbridge to the canal's towpath which is a core path that is also an off-road cycle route, in accordance with the brief. The residential block and the ground floor commercial activity, along with appropriate lighting, which is to include coloured inset lighting of some paths, should ensure that pedestrian and cycle routes are safe and attractive to use.

External public spaces over the whole site will be factored to ensure that they are maintained appropriately and kept in good repair. The public spaces will be developed to adoptable standard.

In summary, the layout, massing and public realm proposals are considered acceptable.

d) Scale, design, materials

The applicant is seeking approval for the scale of the proposed office, residential and hotel blocks, which rise from five to eight storeys, plus plant on the roofs. The development brief notes that the Fountainbridge area is characterised by buildings of greatly differing scales.

The brief also offers guidance on the height of new development. For the most part the application promotes development that is higher than that specified by the brief but which is broadly similar to an approved scheme for the site (03/04621/FUL). The proposal is no higher than Edinburgh Quay. Although the scale differs from property located on the opposite side of the canal, the proposed heights fit well in the wider urban context relative to Edinburgh Quay and to the neighbouring site to the west which Committee is minded to grant planning permission in principle for. The proximity, scale, height and relationship of Blocks B and D to Edinburgh Quay (and Edinburgh Quay 2) are appropriate in the prevailing urban context. The detailed design of buildings will be brought forward at the AMC (application for matters conditioned) stage and will be required to respond appropriately to adjacent property.

The applicant is also seeking approval to the provision of basement car parking areas. The location of the car parking at basement level, as supported by the Edinburgh Urban Design Panel, will benefit amenity by allowing high quality car-free public realm to be created at street level. The full details, elevations, architecture, roof forms and materials are all to be reserved for consideration through future AMC applications.

The Fountainbridge Public Realm Strategy emphasises the need for a cohesive palette of materials to contribute to a successful sense of place. The application seeks approval for public realm and landscaping measures. The quality of design and the materials proposed are considered to be high. The submitted proposals do not include details of public art. However public art could be incorporated into a landscaping scheme and thus contribute to the creation of a sense of place. To ensure the cohesive delivery of the public realm and other development on the site a condition of planning permission requiring the approval of materials is recommended.

The scale, design and materials of the development proposed are acceptable in principle.

e) Amenity

The applicant has submitted assessments of the proposals' effect, in terms of daylight and sunlight, on both existing and proposed development.

Daylighting

Existing property

Approved guidance seeks to protect the amenity of residential buildings. Residential flats at Edinburgh Quay have been assessed. The internal daylighting of offices and commercial buildings is not protected by the guidance. The offices at Edinburgh Quay were designed on the basis that land at Freer Street would be developed in due course. Using the criteria of the Edinburgh Design Guidance relating to Vertical Sky Component (VSC) and internal Average Daylight Factor (ADF) the impact on the daylight of existing residential property is acceptable.

Proposed residential block (Block C)

In the majority of situations assessed, the VSC did not pass the '27% threshold' test. Given this is a new build, the design at the AMC (application for matters subject to condition) stage will need to ensure that adequate daylight can be provided. This will be possible by including large areas of glass.

Subject to detailed design, the masterplan can provide adequate daylighting in new buildings and the impact on existing residential property is acceptable.

Sunlight

The submitted sunpath analysis shows that the proposals will restrict sunlight to adjacent property. However, the affected residential property located to the east is already considerably overshadowed to the rear. The affected rooms will be bedrooms and ancillary rooms. The main residential living spaces face on to the canal from which they take considerable amenity and light. Given these factors and the site's city centre location and context the impact of proposed development on sunlight to neighbouring residential property is considered acceptable.

The Edinburgh Design Guidance (EDG) provides that at least half of the area of gardens and spaces should be capable of receiving potential sunlight during the Spring Equinox for more than three hours a day.

The sunpath analysis indicates that approximately one quarter of the proposed residential court would receive three hours of sunlight at any point during the Spring Equinox. However, the amenity of public spaces created by the proposals, the city centre location, and amenity gained from close proximity to the canal compensate, on balance, for any deficiency in the sunlight to the residential court.

Privacy

Privacy distance calculations show that adequate privacy will be achieved for proposed and existing residential property.

Open Space

In terms of ECLP policy Hou3: Private Open Space in Housing Developments, the proposals satisfy the 20% green space requirement expressed in clause a) of the policy. However, the proposals do not provide the required amount of communal open space, falling short by approximately one quarter. The ECLP at paragraph 6.18 notes that the full open space requirements may be dispensed with, but only if considered necessary to maintain the intensity of development and mixed uses characteristic of the city centre. Qualified support for higher densities in the Central Area is expressed in policy Hou4: Density and in this regard the application site lies in an area in which the Council seeks to promote higher density development that is able to take advantage of good public transport and other services. In this context, this infringement to policy Hou3 is considered justified.

The Council's Open Space Strategy considers accessibility to green space throughout the City. The proposed residential block is within 400 metres of local green space at Gardener's Crescent, within 800 metres of the Meadows and a good value playspace at Bruntsfield Links East. There is also a playspace of excellent value on the east of the Meadows. The site borders the canal, an area of high amenity.

The proposals are acceptable in terms of open, green and play space.

Noise

A Noise Impact Assessment (NIA) has been submitted in support of the application. The NIA does not consider the impact of noise from activities associated with commercial uses at basement and ground floor levels within the development on occupants of the residential block. While it is considered inappropriate to impose conditions to control such activities through a planning permission, noise nuisance can be controlled through other statutory powers available to the Council.

Contaminated land

The Council's Environmental Assessment Service has raised no objection to the applicant's Site Investigation Report.

Air quality

The Council's Environmental Assessment Service has raised no objection to the application in respect of air quality, subject to conditions/informatives addressing parking provision, a Framework Travel Plan, promotion of alternative transport options, inclusion of pedestrian walkways into surrounding environments, use of low polluting boilers and incorporation of electric vehicle charging points.

Car parking has been reduced from 212 to 180 spaces through amendments to the application. The applicant has submitted a Travel Plan Framework which notes that the site is well located in relation to public transport and is adjacent to a core path which is also a cycle path along the Union Canal towpath. Cycling is further encouraged by cycle parking provision in accordance with Parking Standards and Edinburgh Design Guidance. The masterplan layout includes public realm which prioritises pedestrians and has walkways connecting well with surrounding areas. The applicant has been advised to incorporate low-polluting boilers within the development. The applicant will install electric vehicle charging points in all four blocks of development.

Odour

In order to prevent the adverse impacts on residential amenity of commercial cooking operations the Council's Environmental Assessment Service has advised that the developer be required to submit further detailed proposals in respect of commercial kitchen ventilation systems. Such matters will be considered in more detail at the AMC application stage. A suitable condition is recommended to this effect.

Lighting

An indicative lighting plan has been submitted in support of the application. Such matters will be considered in more detail at the AMC application stage. Illuminated advertisement proposals will require separate application/s to secure advertisement consent.

Anti-social behaviour and safety

Some concern has been raised about potential use of the premises as 'party flats'. The applicant has submitted a supporting Planning Statement from the intended operator of the proposed aparthotel which notes that the target occupiers will be drawn from the extended corporate market. Leisure visitors, including families and festival goers, are anticipated to fill in vacant periods. Should issues relating to anti-social behaviour arise, they can be dealt with through more appropriate statutory legislation.

Police Scotland has been consulted and has raised no concerns about safety or anti-social behaviour, other than to recommend that access to the underground car park is controlled to prevent crime.

In summary, the application proposals are satisfactory in terms of impacts on amenity.

f) Road and pedestrian

Cycle and pedestrian

The proposals will allow cyclists and pedestrians to move through the site from Fountainbridge to the Union Canal. The masterplan proposals allow for the continuation of a cycle route along Fountainbridge as part of a wider strategy to encourage sustainable modes of transport. The proposed level of development will require improvements to Fountainbridge/ Dundee Street which include the provision of dedicated on-street cycle lanes. These will be secured through a suitable legal agreement.

Public ground level cycle parking is also to be included. Concern has been raised regarding cyclists' use of the integrated steps and ramp linking the levels of public realm within the site. The ramp is intended primarily for people with prams, buggies and the disabled. The Council's cycle team has confirmed that there is sufficient provision for cycles by the canal towpath and other routes. However, a wheel trough could be included in the steps to provide assistance for cycles. Conditions are recommended to ensure that cycle parking is provided in accordance with Council standards and the cycle trough incorporated.

Car parking

Approval is sought for car parking.

The proposed car parking is:

Residential:	78 spaces (100% of maximum per parking standards).
Aparthotel:	41 spaces (57% of maximum per parking standards).
Office:	48 spaces (44% of maximum per parking standards).
Retail/commercial:	13 spaces (50% of maximum per parking standards).

Total: 180 spaces

The provision of 180 car parking spaces is considered acceptable in this location and strikes a balance between suitable parking for visitors, staff and service vehicles and the avoidance of overspill parking, proximity to public transport, and potential impact on air quality.

The Fountainbridge Development Brief requires development proposals to be supported at the planning application stage by a comprehensive transport assessment that assesses the cumulative transport impact of proposals and gives detailed consideration to trip forecasting, mitigation measures, an area wide traffic management strategy, sustainable transport initiatives and forthcoming Council transportation schemes. The applicant has submitted a Transport Statement.

The Council's Transport Service has considered the Transport Statement and assessed junction capacities, the adequacy of car park entrances to each of the proposed blocks, the impact of new development on the Edinburgh Quay car park and pedestrian safety.

The Transport Statement does not analyse the capacity of the Freer Street junction with Fountainbridge, as Transport acknowledges that there is sufficient capacity at this junction. Transport information submitted in support of a previous application (13/05303/FUL) for a temporary car park on the site predicted a maximum peak queue on Freer Street of four vehicles from a 300 space car park. Given that the full parking sought on the application site is 180 Transport is content that the T-junction will function satisfactorily, that the proposal will not result in queuing on Fountainbridge and that a predicted maximum queue of four would not extend to the Edinburgh Quay car park entrance.

The proposed electric vehicle charging points will aid sustainability.

Transport has raised no objection to the proposal overall subject to conditions/informatives being imposed relating to the submission of a Travel Plan at the AMC application stage in due course, a contributions to the City Car Club and to Tram, the widening of Fountainbridge to permit cycle lane continuation and the cost of Traffic Regulation Orders (TROs) and re-determination orders that require to be promoted as a result of the development being met by the developer. The orders cost approximately £2,500 each.

Developer contributions

ECLP Policy Tra 3: Tram Contributions, states that, where the tram network will help to address the transport impacts of a development, a financial contribution will be sought towards its construction and associated public realm works. The Council's 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). The ECLP (at paragraph 9.10) narrates that a contribution may also be required for development beyond those limits, if warranted by its scale and likely travel demands.

The site is within 750 metres walking distance of the tram corridor. It is also within 750 metres of the nearest tram stop measured as the crow flies. It is more than 750 metres walking distance from the nearest tram stop.

Transport has assessed the proposal as being within Zone 3 of the tram corridor. In addition, it considers that, even if the site was considered to lie outwith Zone 3, the development warrants a Tram contribution. The total contribution requested is £892,317. The components are:

Residential development of 78 units:	£74,257
Office development of 13061m2:	£451,911
Hotel of 180 rooms:	£275,467
Retail / Leisure of 1967m2:	£90,682

The applicant has disputed this assessment and to support its position has submitted an addendum to its statement. The addendum maintains the position that the site lies outwith zone 3. The addendum also considers that likely tram usage that can be attributed to the development will be minimal and that this should be reflected in the level of tram contribution sought. The Transport Service has confirmed that its assessment is correct and seeks a total tram contribution of £892,317.

Transport's recommendations are accepted in respect of Travel Plans, the widening of Fountainbridge/ Dundee Street, TROs and the tram contribution. Given that the proposed development will be well served by public transport, provides for improved conditions for pedestrians and cyclists and a suitable level of cycle and vehicle parking a contribution to the City Car Club is not considered appropriate.

The Scottish Fire and Rescue Service has been consulted on the proposals and raise no objection to the proposals.

The proposals, through their design, encourage pedestrian movement to and through the site. The uses proposed within the development will not give rise to any road safety or transport issues, subject to the transport interventions and contributions described above being secured.

g) Flooding and drainage

The submitted Drainage Strategy Plan and Flood Risk Assessment show that the Lochrin sewer will be diverted as part of the new drainage works. SEPA, Scottish Canals, Scottish Water and the Council's Flooding team have all been consulted on the proposals and none has raised objections to the proposals.

CEC Flooding has advised that strict adherence to applicable guidance is required when carrying out earthworks near the canal to ensure that there is no breach. It also advise that underground parking areas should be tanked to prevent ground water ingress and the top of the entrance ramps to the underground parking areas should be raised to prevent surface water ingress to the basements. An informative to this effect is recommended.

The application is acceptable in terms of flooding and drainage.

h) Sustainability

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

Part B

<u>Essential Criteria</u>	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water Conservation	10	10
Section 3: Surface Water run-off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total Points	80	80

Desirable Elements

In addition the applicant has given a commitment to the inclusion of additional sustainability measures, described as 'desirable elements'. The additional measures include the provision of electric vehicle charging points, recycling facilities for domestic properties in compliance with Council refuse standards and use of sustainable timber.

Regarding low and zero carbon equipment, this is an outline application and at this stage the design is not sufficiently developed to confirm the extent of zero and low carbon equipment needed to comply with the appropriate standards. The information would be brought forward in the future detailed applications. The proposal does not include a district heating network.

The application meets the necessary sustainability criteria at the planning permission in principle stage.

i) Infrastructure and local facilities

Education

The ECLP Policy Com 2: School Contribution, requires new housing development which would lead to an additional demand for school places that cannot be met in schools serving the development will be expected to make a financial contribution to meet the cost of providing the necessary additional places.

The emerging LDP Action Programme: Developer Contributions and Affordable Housing Guideline (February 2014) introduces a new approach to developer contributions, focusing on identified actions. However, the application site is not specifically promoted as a housing proposal by the LDP and it does not lie within a defined Contribution Zone. A new policy is being developed to address the issue of education contributions arising from development proposals on such sites. In the meantime, and as an interim measure, contributions will be sought on the following basis, (as set out in the emerging LDP Action Programme: Developer Contributions and Affordable Housing Guideline):

"the net impact on education infrastructure capacity will be assessed. If it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified in the Action Programme, the Council will consider whether a legal agreement can be used to mitigate those impacts. These identified infrastructure requirements may be added to the actions in the Action Programme in due course. The Council will always ensure that contributions are proportionate to the impacts arising from any new development and used to mitigate those impacts."

The catchment schools for the application site are described below. Using the assumed pupil generation rates set out in the LDP Revised Education Appraisal (June 2014), the Council's Education Service predicts that the development will generate pupils as follows:

<u>Proposed catchment school</u>	<u>Predicted pupil generation</u>
Tollcross PS	5
James Gillespie's HS	2
St Cuthbert's RC PS	1
St Augustine's RC HS	0

Information held by the Planning Service indicates that in 2013/2014 school capacity levels were as follows:

School	Capacity (Children)	Roll	% of school capacity
James Gillespie's HS	1150	1133	98.5%
St Cuthbert's RC PS	210	181	86.2%
St Augustine's RC HS	900	698	77.5 %

Non-denominational primary schools which feed into the non-denominational high school are:

School	Capacity (Children)	Roll	% of school capacity
Tollcross Primary	294	155	52.7 %
James Gillespie Primary	462	419	90.7%
Sciennes Primary	630	633	100.5%
Preston Street Primary	259	268	103.5%
Royal Mile Primary	210	130	61.9%
Total	1855	1605	86.5%

In October 2009 the education contributions sought were £411 per flat for non-denominational primary schools and £357 per flat for non-denominational secondary school. For a proposal of 78 flats this would equate to a total education contribution of £59,904 at 2009 prices. If acceptable to the Committee this figure would be index linked when the contribution is secured, however, for information purposes only, this would equate to a total of £72,620 at 1st quarter 2015 values.

It is recommended that this contribution is secured through a legal agreement which would include a requirement for the Council to identify and implement relevant actions to increase capacity at primary schools feeding James Gillespie's High School within a set time limit.

Should there be a funding shortfall in providing additional non-denominational primary capacity in the area it will be the Council's responsibility to investigate other means of addressing such a situation. This could have financial implications for the Council as at present there is no identified budget provision for education infrastructure required to serve new development.

Scottish Water and Scottish Power were consulted on the proposals and neither raised objections to the application. There is adequate infrastructure and local facilities for the development.

j) Other material issues

Ecology

The Fountainbridge Development Brief recognises the Union Canal as a valuable asset. Proposals are therefore required to protect and where possible enhance its ecological interest. The site is largely vacant former industrial land and does not contain buildings which might harbour bats. It is considered to have a low potential for protected wildlife and no vegetation of significance. The proposal makes provision for landscaping which will be beneficial to the area.

Canal

The Union Canal is managed and maintained by Scottish Canals, which is generally supportive of the applicant's mixed-use urban regeneration approach. It has requested that a developer contribution is secured through a suitable legal agreement towards the improvement of the canal in line with the proposals of the Edinburgh Union Canal Strategy (2011). Development accessibility would be improved by upgrading the canal towpath adjacent to the site. Scottish Canals costs the re-setting the canal towpath adjacent to the Freer Street masterplan site (14/03848/PPP) of which this site forms part as £176,000). To secure this contribution through a Section 75 agreement is not considered appropriate as it would not satisfy all the tests of the circular. It is therefore suggested that a contribution to the upgrade of the towpath is secured through a suitable legal agreement between the applicant and Scottish Canals. The applicant is agreeable in principle to this approach.

Airport

Edinburgh Airport has been consulted and has raised no objections to the proposal, subject to the imposition of conditions regarding Bird Hazard Management and details being submitted of the Sustainable Urban Drainage Schemes (SUDS) measures to protect the safe movement of aircraft and the operation of Edinburgh Airport. It is noted that the proposed SUDS will be underground.

The application is acceptable in terms of ecology and aviation safety, subject to the imposition of appropriate conditions.

k) Equalities and human rights

The application has been assessed in terms of equalities and human rights impacts. These will be assessed further on receipt of any related detailed application.

Given the difference in ground levels across the site and the nature and condition of the cobbled canal towpath the applicant has given due regard to equality of access for those residing, working and visiting the site. Potential negative impacts from construction works will be temporary and limited in nature. A condition of planning permission is recommended to ensure that the detailing of the main steps/ramp is appropriate and contains handrails to assist the infirm and disabled in using them. An Equality and Human Rights Assessment is available to view via the Planning and Building Standards Online Service.

So far as can be determined at this stage the application proposals are considered likely to have an overall positive impact on equalities and human rights.

I) Material issues raised by representations or community council

The application was subject to pre-application consultation exercises. A pre-application consultation report is available to view on Planning and Building Standards Online Service. Neighbours were notified on 30 September 2014 and the application was advertised on 10 October 2014. Two letters of representation were received, one from SPOKES, a cycling interest group, the other from a neighbour. The letters raise the following material issues:

Support

- Land use;
- Design quality;
- Public realm quality; and
- Improved connectivity with surrounding area.

Objection

- Land use - this has been addressed in section 3.3.a);
- Layout, height, massing, public realm- this has been addressed in section 3.3.c);
- Scale and design- addressed in section 3.3.d);
- Amenity - addressed in section 3.3.e);
- Road, traffic, cycling and pedestrian issues - addressed in section 3.3.f); and
- Flooding and Drainage issues - addressed in section 3.3.g).

Tollcross Community Council objected to the proposal on the following grounds:

- Land use - this has been addressed in section 3.3.a);
- Historic environment and canal setting - addressed in section 3.3.b);
- Scale, design, public realm (including canalside) - addressed in section 3.3.c);
- Amenity - addressed in section 3.3.e);
- Road, traffic, pedestrian issues - addressed in section 3.3.f);
- Cycling - addressed in section 3.3.f); and
- Flooding and drainage issues - addressed in section 3.3.g).

This is an application in principle and some of the issues raised will be addressed at the detailed stage.

Conclusion

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 massing, scale, layout and public realm are considered appropriate. There are no anticipated adverse impacts arising from the proposed development. The proposals are acceptable in all other respects subject to the conclusion of a suitable legal agreement and conditions to address issues described above. There are no other material considerations which outweigh this conclusion.

It is recommended that planning permission in principle is granted subject to the conditions and informatives stated below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, details of the under-noted matters shall be submitted and approved by the Head of Planning and Building Standards, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- (a) Design and external appearance of buildings and other structures.
- (b) Design and configuration of all external materials and finishes.
- (c) Cycle parking, motorcycle parking provision in accordance with Edinburgh Council Parking Standards.
- (d) Full details of waste management and recycling facilities and servicing.
- (e) All operational aspects of the proposed uses, including details of servicing arrangements.
- (f) Details of external lighting, including floodlighting and street lighting arrangements.
- (g) Site investigation/decontamination arrangements.
- (h) Hard and soft landscaping details, including:
 - (i) A schedule of plants to comprise species, plant size and proposed number/density.
 - (ii) Programme of completion and subsequent maintenance.
 - (iii) Existing and proposed services such as cables, pipelines, substations.
 - (iv) Other artefacts and structures such as street furniture, lighting columns and fittings
 - (v) Any boundary treatments.
 - (vi) Details of phasing of these works.
 - (vii) Existing and finished ground levels in relation to Ordnance Datum.
 - (viii) Existing and finished ground levels in relation to Ordnance Datum.
 - (ix) Water attenuation features (taking cognisance of informatives relating to airport safety).

2. Before construction of the associated building begins, construction details and specifications, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Head of Planning and Building Standards. On-site sample panels of the materials may be required.
3. Notwithstanding the application details submitted with this application, there shall be a maximum total gross floor space of 250 square metres of retail, office or restaurant use (as defined in Classes 1, 2 and 3 of the Schedule, Article 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and any subsequent amending or replacement Order) provided within the application site; whether that provision is comprised as a single unit or subdivided into two or more units.
4. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Building Standards.ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Head of Planning and Building Standards.
5. 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; and
 - 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.
6. The construction of the aparthotel, residential building or commercial office buildings shall be completed in accordance with the requirements specified in sections 8.1 and 8.2, and all services and offices plant to those buildings shall be in accordance with the requirements specified in section 8.3 of the Noise Impact Assessment reference number 14287-R02-A dated 22 September 2014, by Sandy Brown Consultants.

In particular, the aparthotel building services and fixed plant should be designed to not exceed 40dB(A) Leq,5min outside the nearest noise - sensitive residential properties.

7. Prior to the initiation of development the applicant shall submit for the approval of the Head of Planning and Building Standards, details of the kitchens' ventilation systems in respect of Class 1 and 3 uses, which shall be located internally within the building (except at their termination), capable of achieving a minimum of 30 air changes per hour and be ducted to the roof level.
8. Before construction begins, and notwithstanding the submitted drawings, details (including handrails) of the main steps and ramp shall be submitted for the approval of the Head of Planning and Building Standards. The approved detailed scheme shall be implemented before the initial occupation of the aparthotel.
9. Notwithstanding the application details submitted with this application sui generis and leisure uses are not consented and will require individual assessment in subsequent applications.
10. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Head of Planning and Building Standards. 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; and
 - 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 Head of Planning and Building Standards.

11. Prior to the initiation of development, the applicant shall submit details of the electric vehicle charging points to be provided in the car-parks for approval in writing by the Head of Planning and Building Standards. The scheme/s approved shall be implemented prior to occupation.

Reasons:-

1. In order to enable the planning authority to consider these matters in detail.
2. In order to enable the planning authority to consider these matters in detail and to ensure that an appropriate form and quality of development is achieved for this site.
3. Given the location of the site outwith any defined retail centre within the development plan and so as to protect the vitality and viability of those defined retail centres.
4. To safeguard public safety.
5. 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/>).
6. In order to ensure development control and protect residential amenity.
7. To ensure that no cooking odours escape or are exhausted into any neighbouring premises so as to protect residential amenity.
8. In order to ensure suitable access provision for all.
9. In order to protect resident amenity.
10. 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.
11. To ensure the charging point/s are suitable for users.

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 the development of the site a 'Notice of Completion of Development' must be given, in writing to the Council.
 4. Consent shall not be issued until suitable legal agreements, including those requiring a financial contribution payable to the City of Edinburgh Council, have been concluded in relation to:
 - i) Transport infrastructure, including Tram contribution, as set out in section 3.3 f)(Tram £892,317) and (Traffic regulation and redetermination orders - approximately £2,500 each);
 - ii) Developer to widen Fountainbridge in accordance with Drawing AFM.AR. (PL)026 P1 (Proposed Road Layout) for the section of Fountainbridge to the north of the application boundary and the section within the application boundary. Works will require to be carried out under the authority of a section 56 Road (Scotland) Act 1984 permits and a Road Construction Consent (section 21 of same Act) to enable cycles lanes to be provided to tie in with widening being carried out in conjunction with adjacent approved development. Edinburgh Council is to mark out the cycle lanes;
 - iii) 25% affordable housing provision;
 - iv) Education contribution as set out in section 3.3 i) (£59,904 (at 2009 prices)); and
 - v) Travel Plan.
 5. The applicant is reminded of the need to apply for Scheduled Monument Consent.
 6. The applicant is advised that all gas-fired boilers should meet a minimum standard of <40mgNOx/KWh.
 7. Renewable energy sources, such as PV, solar and ground source heat pumps are recommended to ensure low impact on air quality.
 8. The development is close to the aerodrome and the approach to the runway. Edinburgh Airport has drawn attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>).

Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

9. At least two Electric vehicle charging outlets should be of the following standard:
 - Charging outlet (wall or ground mounted) should be of the following standard: Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.
10. The relevant parties should conclude an agreement to upgrade the canal towpath adjacent to the site to a good standard.
11. CEC Flooding have advised that strict adherence to applicable guidance is required when carrying out earthworks near the canal, to ensure there is no breach. They also advise that underground parking areas should be tanked to prevent ground water ingress and the top of the entrance ramps to the underground parking areas should be raised to prevent surface water ingress to the basements.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for secure developer contributions towards the provision of essential infrastructure to meet the needs of the development proposed.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application was assessed in terms of equalities and human rights impacts. The impacts are identified in the Assessment section of the main report at 3.3 j).

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

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 31 October 2014. Two letters of representation have been received, one of which is from a cycling group.

Support

- Use of long-vacant site;
- Comprehensive redevelopment and mix of uses - would benefit community;
- High quality design promoted for buildings;
- Vibrant street level activities;
- Attractive public realm; and
- Enhanced connectivity between Fountainbridge, canal and development to west.

Concerns

Use

Lack of vitality and interest in relation to Quay 2.

Scale, Height, Massing, Design

- Appearance and proximity of Office Block B (Northeastmost block in masterplan) relative to Edinburgh Quay:
- Offices in Quay 2 -principal aspect to west - new buildings will have significant impact on setting and occupier amenity;
- Blank facade on eastern elevation of Block B -opposite active frontage of Edinburgh Quay - would have very poor aspect for Quay 2 and reduce commercial attractiveness to tenants; and
- Inconsistent and unacceptable for Office Block B to turn its back on Quay 2.

Amenity

- ensure no illuminated signage or lighting causes disturbance to occupiers of EQ2;
- Construction impacts (dust, noise, lorry movements, hours of operation, other impacts) may be significant - information requested before development implemented;
- Separation distances between Office Block B and Edinburgh Quay 2;
- concerns about natural lighting, especially to lower floors - object - distance should be increased;
- window separation distances of 12 metres at upper and 14.4 metres at lower level/s for office Blocks A and B should be applied to non-domestic neighbours;
- insufficient separation compounds blank elevation - canyon effect;
- daylight analysis also needed for non-domestic building relationships;

- Proximity of Aparthotel to Quay 2;
- Separation distance of aparthotel rear (north extension) too close to southern façade of Quay 2 (5 metres). Windows in offices on that elevation - hotel proximity detrimental to office Quay 2 tenants;
- Separation distance should be no less than between Quay 2 and proposed office Block B. Or (less acceptably) upper floors of hotel should be set back; and
- Appropriate separation distance vital for proposed massing and building height to be acceptable.

Traffic

- Zig-zag ramp difficult for cyclists - should be straight path;
- Need cycle parking at ground level to encourage use;
- Further detail sought on;
- Safety of existing junction and road to Edinburgh Quay car park - should be able to accommodate two way traffic and pavements, for safety and accessibility of all users;
- Proximity of car park entrances of Quay 2, proposed Blocks B, C and D to each other, Block B entrance will need sharp turn into/out of existing access road -- transport statement does not address safety of this arrangement;
- Traffic flows from 212 spaces significant increase to that already generated by Edinburgh Quay car park - further assurance needed on junction capacity;
- Tailbacks in entering/exiting site in peak periods could obstruct traffic flow on Fountainbridge and/or carpark entrances;
- Tailbacks would exacerbate any difficulty arising from carpark entrances proximity; and
- Transport Statement does not comment on junction capacity.

Flooding and Drainage

Quay 2 Basement Basement De-Watering System - Proposed development and any development in area may create an imbalance in water table - direct consequences for de-watering system - impacts should be investigated and applicant should carry out alterations needed to system in consultation with Edinburgh Quay proprietors. Tollcross Community Council was consulted. It objected to the proposal on the following grounds:

Development scale

- Overdevelopment of site, including footprints and heights;
- Difficult to see how high quality public realm achievable given building height and spaces between;
- Lighting and daylighting concerns - and dark and forbidding at night;
- Lack of active frontages on routes through development;
- Edinburgh Quay height should not set precedent; and
- Adjacent site masterplan does not propose buildings of similar height along the canal - as shown on schematic.

Addressing the canal

- Buildings along canal edge unattractive, dull, too high;
- Detract considerably from canal experience;
- Loss of daylight and sunlight to canal, end of canal will be drearier;
- Canal should be addressed in some way;
- More evidence of how vibrant activity to be achieved;
- Public realm along canal - needs, widened, greenery and ambiance; and
- No detail about public realm along canal and how it is to be used.

Uses

- The proposal fits the mixed use criteria but commercial uses prioritised over housing;
- Student halls, a school, hotel, an aparthotel add offices have transient populations. These majority uses seem to negate the aspiration of creating a community;
- Existing aparthotel has caused problems. Another apart-hotel would be fourth site of short-stay apartments;
- Lack of community or social uses proposed; and
- Too many hot food takeaways and alcohol licences in area already.

Background reading/external references

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

Statutory Development Plan Provision

The development plan for the site comprises the South East Scotland Strategic Development Plan (SESplan) (June 2013) and the Edinburgh City Local Plan (ECLP) (January 2010). The SESplan 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 and anticipates that significant contributions to business and housing land requirements being met in Central Edinburgh. The ECLP promotes Fountainbridge as one of four major development opportunities in Central Edinburgh and requires development proposals to provide a mix of uses including a local centre, residential, office, small business units, retail, leisure, community and tourist visitor facilities.

The emerging Edinburgh Local Development Plan (LDP) (June 2014) identifies Fountainbridge as a key component of 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 and, 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;
- explore potential for expansion of water space and provide attractive frontages to the canal, safeguarding its nature conservation;
- contribute to the improvement of the Dalry Community Park (Proposal GS1); and
- protect and enhance key townscape views.

Date registered 24 September 2014

Drawing numbers/Scheme 1A-2A,3C,13C,14B-16B,17A-19A,20C-22C,23B,24A-26A,28A-29A,,
31,32,34,35,
31-35,

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Links - Policies

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 3 (Development Design) sets criteria for assessing development design.

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

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

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 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 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 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 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.

Relevant Non-Statutory Guidelines

National Policy Designing Streets: This document sets out government aspirations for street design and the role of the planning system in delivering this as part of a wider agenda to improve urban design and placemaking generally.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

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

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

Other Relevant policy guidance

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

Appendix 1

Application for Planning Permission in Principle 14/03848/PPP

**At Site At Former 159, Fountainbridge, Edinburgh
PPP Masterplan application for mixed use development
comprising Offices; Hotel/Aparthotel; Residential;
Commercial and Retail uses with associated service roads,
landscape works and car parking (as amended).**

Consultations

Edinburgh Urban Design Panel Report

Executive Summary

The Panel welcomes the proposals as they have developed thus far, particularly the proposals for active uses and frontages to Fountainbridge and the Canal, the idea of providing routes through the site and the concealment of car parking under buildings.

In taking the proposals forward it is essential that further consideration is given to the impacts of the massing and positioning of the buildings on the usability and quality of spaces and routes and the ability of the scheme to integrate with its surroundings. Accessibility of the site needs to be considered at this early stage in order to meet the needs of all users including disabled people. The potential to reduce car parking numbers should be explored. Community safety - particularly in the interior streets / routes - needs borne in mind. The potential to meaningfully address sustainability should be taken.

Main Report

1 Introduction

1.1 This report relates to proposals for an apartment hotel and a wider masterplan for a site known as Freer Street at Fountainbridge.

1.2 The brief for the current project envisages an apartment hotel, housing, commercial / office space as well as mixed uses at ground levels on Fountainbridge and the Union Canal.

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.

2 Overview

2.1 The Panel welcomes the proposals as they have been developed thus far. There is evidently a quality of thought that has been brought to bear on the design process with the scheme being clear and legible. This level of thought needs to be carried through as the design develops.

3 Massing and positioning of buildings

3.1 While it is acknowledged that the height of buildings is in accordance with the heights established by previous consents, the proposed height does create relatively tall and narrow streets to the interior of the site. Care needs to be taken that this approach is not to the detriment of the attractiveness of these spaces for pedestrians, through the buildings being too overbearing or the microclimate being poor.

3.2 Similarly, the height of the buildings onto the Canal may have impacts upon it - having quite a different scale from the buildings on the Canal's opposite side. Refinement of the design of the form of the buildings at their upper floors may help them to integrate better with the canal side. Placing the higher elements in the middle of the site could help with this.

3.3 The exact positioning of the buildings within the site will create effects upon the usability and quality of spaces. This is particularly the case at the canal side. Here the activity of the canal itself, the large numbers of people walking and cycling along it combined with the proposed active uses put a lot of demand on the space. People crossing bridges from the south of the Canal and using the waterfront and its amenities will add to this. It seems likely that the proposal would benefit from some additional space between the canal itself and buildings so that these different uses do not conflict with one another.

3.4 The position of buildings in relation to the neighbouring development to the east would benefit from further refinement. The proposal for the view to its service side from the interior streets of the proposed development seems unresolved, particularly since access is not direct between the upper and lower levels. Closing this view off with building may help.

3.5 It is acknowledged that setting back the scheme further from the Canal could result in Fountainbridge becoming narrower. There may be some historical precedent for this as the previously demolished row of tenements created a narrower street than is currently proposed.

3.6 In relation to this and 3.3 above, it is crucial that the mass and density of the development does not impair legibility of the site. Nodes and edges should be reinforced in order to create an appealing and distinctive identity. To this end, more attention should be paid to the pedestrian experience since that is a key characteristic of the site and cannot be reproduced elsewhere in the city.

3.7 The massing of the building will have an impact on views. It is not clear from the information provided what the impacts will be. A thorough visual analysis of views around the site is essential to understanding this and should be used a tool to refine the massing of the scheme as a whole.

3.8 The site is very important to the industrial history of the city - containing the brewery and sitting alongside the canal. It would benefit the historical understanding of the city if this were interpreted in some way through the design.

4 Access and car parking

4.1 The proposal to locate the car parking under the buildings is generally welcomed as this will help to create attractive and safe streets for pedestrians.

4.2 This aspect of the proposal is not without its consequences however. The creation of a plinth (with car parking underneath) on the southern side of the site means that the level change between the canal and street levels has to be resolved in a smaller space. Having steps will make the routes through the site generally less attractive to pedestrians. In turn, this means that the routes will become quieter and therefore there are potential impacts on people's safety (see section 6 below).

4.3 In relation to this, the needs of all potential users - including disabled people - need to be met.

4.4 While the strategy for car parking is welcomed, both the developer and the Council should reconsider the requirements for numbers. This site, being close to the city centre and well served by public transport, is ideal for reduced levels of parking.

5 Phasing, quality and relationship with neighbouring site

5.1 The first phase of the development is critical in establishing the quality that should be used for future phases. This means the design of the apartment hotel block needs to be carefully considered. The success of the proposal may rest on its detail.

5.2 Care needs to be taken to ensure that what is proposed is deliverable. This is particularly the case where aspects of the design rely on being carried through to the neighbouring site to the west. Continuing dialogue with the landowner / developer of the adjacent site is essential. However, if it is not possible to be certain that what is being proposed can be implemented, the design should be adjusted to recognise this.

6 Community safety

6.1 The crime profile of the area, though low to medium, indicates that there are problems with alcohol related disturbance and crime. The design should seek to mitigate impacts from this via providing a good level of passive surveillance, particularly

in quieter streets and spaces and through measures such as street lighting and clarity of views.

6.2 Consideration also needs to be given to the potential for the school to be located nearby and any impacts that might result from this in relation to pupils congregating.

7 Sustainability

7.1 It is not yet clear what the strategy for sustainability is. This needs to be addressed in a meaningful way and to do this it is important to explore the options early in the design process for the site as a whole.

7.2 The mix of uses proposed means that the development would be well suited to a combined heat and power (CHP) system since the system could operate throughout the day, serving different uses at different times.

8 Recommendations

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

The notion of providing active frontage to Fountainbridge and the Canal and the incorporation of routes between.

The incorporation of car parking under the proposed buildings.

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

Further refinement of the positioning of the buildings and their massing in order to ensure the best possible integration of the proposal with its surroundings and quality of spaces within.

The quality of routes through the site for all users - including disabled people.

The potential to reduce car parking numbers.

Community safety - particularly in the interior streets / routes.

Sustainability and the potential to have a site wide strategy.

Archaeology comment

This site is known for its industrial heritage dating back to the late 18th / early 19th centuries and borders the Union Canal, a scheduled Ancient Monument. The site was subject to a programme of archaeological evaluation and monitoring by AOC Archaeology in 2007 as part of the site clearance works for consent 03/034621/FUL. The results of this work demonstrated that the area had been badly affected buy 20th century brewery development. As a result only isolated pockets of industrial archaeology had survived and these were recorded at the time.

Accordingly it is considered that the potential for any further significant archaeological remains surviving on site this site is minimal. Therefore no further archaeological works are recommended to be condition in relation to buried undesignated remains. The site however does share a boundary with the Union Canal and as such the views of Historic Scotland must be sought and taken into consideration in relation to any possible physical and setting impacts.

Affordable Housing comment

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

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.

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

2. Affordable Housing Requirement

As this application is proposing a mixed use development which could accommodate up to 78 residential units, the AHP will apply; 25% of the units will be required to be of approved affordable housing tenures, as those set out in PAN2/2010 and within the Council's Affordable Housing Policy. That would equate to a maximum of 19 homes of an affordable tenure being provided across the site.

The applicant has provided no indication of the numbers of affordable homes within this application. Whilst this is acceptable at the planning permission in principle stage, this department requires that this information be provided within a future full planning application. The department will look for a sustainable and representative mix of house types and sizes of approved affordable housing tenures. It is essential that the developer enters early dialogue with this department as well as a Registered Social Landlord to discuss the most suitable mechanism for the delivery of a well integrated tenure blind representative mix of affordable housing on-site.

This site will be well serviced and within close proximity to public transport bus stops along Dundee Street at Fountainbridge, the West Approach Road and Gilmore Place. This department would require that the affordable homes be well located close to these services and local amenities.

In summary, this department request that the following be included within a future full application and within the informatives section of the report to Committee:

25% of affordable housing be delivered on-site, across at least two locations, which will guard against any concentration of affordable housing being delivered

The developer must enter into early dialogue with this department and a Registered Social Landlord to negotiate the delivery of the affordable housing requirement

The affordable housing must be blind tenure, well integrated with market housing and include a representative mix of house sizes to reflect the provision across the wider site

The applicant must enter into a Section 75 legal agreement to secure the affordable housing element of this proposal

Tollcross Community Council comment

Tollcross Community Council would like to object to the above application.

1. The Scale of the development

We feel that the proposal is for a considerable overdevelopment of the site and is an example of urban cramming. This applies to the footprints of the buildings and the heights. The picture below, from the application, demonstrates this point well. The design and access statements show spacious and high quality public realm, much of which is from other locations. It is hard to see how this type of public realm could be created in the narrow canyon like spaces shown in the picture below. The routes through the development are narrow and with 29 m walls they cannot make attractive public spaces. These spaces tend to be dark and forbidding at night and daylighting issues arise. There also appears to be no active frontages in these spaces, despite some pictures showing active frontages of other or imaginary places.

Adjacent buildings are high and were allowed at the scale of the former brewery. There is no reason for a precedent to be set by the Edinburgh Quay development. The application gives a schematic showing buildings of a similar height along the canal, adjacent to the proposal but this has not been proposed in the master plan.

2. Addressing The Canal

The proposed buildings on the canal edge are unattractive and unimaginative and contribute nothing to the canal setting. In fact, being of 8/9 storeys (over 29 m) and being very close to the canal edge, they detract considerably from the canal experience. Furthermore, they will diminish the daylight and sunlight and make the end of the canal a much drearier place. The buildings should be less tall and should be set back and stepped so that more could be made of the canal side experience. In the past a Scottish Government Reporter, in a report on an adjacent development, made the point that developers gain financially from having flats etc. on the canal edge and should therefore make special effort to address the canal in some way.

The proposal is for retail space along the canal edge. Many local large developments, including Edinburgh Quay have made these same proposals but no retail has arrived on the canal and only metro supermarkets in the surroundings. There should be more evidence of how the described vibrant activity would be achieved. There is no detail about the public realm along the canal and how this space is to be used. It needs to be wider with some greenery and an ambiance that encourages people to use this space.

3. Proposed uses

Whilst the proposal fits the mixed use criteria, previous master plans have stressed the importance of creating a new community within the Fountainbridge area. This proposal

emphasises commercial uses over housing. Approved and proposed schemes in this area include very little housing and the majority is for transient populations with student halls, a school, a hotel, an apart-hotel and offices. These majority uses seem to negate the aspiration of creating a community. Furthermore the residents of this area have experienced considerable problems arising from an apart-hotel and do not wish to see a fourth site of short-stay apartments in the immediate vicinity. There appears to be no proposal to provide any community or social uses.

Whilst the proposal stresses retail, the overview states that there would be space devoted to a pub/take-away/s and a restaurant. The area has an overabundance of hot food take-aways and alcohol licences.

For the above reasons, we ask that this application be rejected.

Edinburgh Airport comment

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' attached

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.

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 would also make the following observations:

Lighting

The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>).

Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.

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

Scottish Canals comment

Scottish Canals have listed the commentary below with regard to the planning submission for the canalside development site at Freer Street, Fountainbridge.

- 1. SC are generally supportive of the approach demonstrated by the applicant for a mixed use urban regeneration model. In order to achieve the ambition set out at this PPIP stage, it is imperative that the vision and design guidance for the area is robust enough to ensure delivery of appropriate quality.*
- 2. The canal offers the site a unique waterside setting which we are keen to see celebrated and enhanced with treatment appropriate to its heritage and character. This will help to ensure that the Union Canal, a Scheduled Ancient Monument, continues to thrive and be enjoyed by future generations to come.*
- 3. All interfaces with the canal, including construction methodology adjacent to the canal structure will require Scottish Canals Third Party Works approval. We have a formal third party works process that needs to be followed to ensure that the canal structure, canal operation and environment is respected. The Code of Practice and customer enquiry pack can be found here: <http://www.scottishcanals.co.uk/property--regeneration/our-estate/third-party-works>.*
- 4. We understand that the Section 75 contributions in connection with the site have been pre-established. It is critical that we agree the designation of S75 provision and delivery of improvements to the towpath and canalside environment so that a consistent quality appropriate to the heritage asset is achieved.*
- 5. We require an agreement with the Council of our shared maintenance responsibility with commuted sums for increased maintenance obligations to the canal environment as a direct result of significant increase in use of the area as a whole. This shared maintenance agreement should also take cognisance of adjoining landowning interests and development proposals.*
- 6. Water Management- we note that the Planning Report contains recommendations to pursue a sustainable water management system. We request the assessment of surface water discharge to the canal network as part of the water management strategy and request that this is explored with us in more detail.*
- 7. The canal is designated as a Scheduled Ancient Monument. Works that interface with this designation will require Scheduled Ancient Monument Consent by Historic Scotland.*
- 8. We advocate close interface with the adjoining EDI development site and the canal frontage to maximise the benefit to the Capital in the creation of a vibrant canalside quarter at Fountainbridge.*

9. *Whilst the proposals show activity at towpath level to the canalside, it is unclear as to whether there is any direct access/ entrances off the canalside to allow spill out and activation. This is not in line with the principles of the Edinburgh Canal Strategy.*

10. *The proposals indicate some landscape treatment to the towpath, however, this is outwith the red line of the application and as such the delivery and interface of the canalside landscape as indicated in the drawings is highly questionable. We would advocate the interface of the towpath with the development proposals to create a cohesive public realm treatment. Interface with the adjoining proposals by EDI are recommended for the same reasons.*

11. *There is no reference to treatment and activation of the canal as identified in the Edinburgh Canal Strategy. We are willing to meet the applicant and City Council to take this forward.*

12. *We welcome a dense urban form appropriate to a central urban location and the proposals create civic opportunity to introduce significant new public spaces which positively engage with the canal environment. We are concerned about the daylighting and potential for overshadowed public realm, however, and would advocate assessment of whether the proposals offer sufficient environmental qualities of providing sunlit, sheltered spaces for people to occupy and enjoy.*

13. *The interface with the existing buildings to the East of the site is unclear in terms of the treatment of the space between and the access from and relationship to the towpath.*

14. *Generally, we welcome the quality demonstrated by the applicant in their public realm and landscape design. The contemporary aesthetic and high quality of materials for the public realm and buildings demonstrated by the applicant is welcomed and we advocate robust measures are put in place to ensure that this is achieved.*

15. *We request details of the lighting proposals for the public realm, in particular the canalside treatment. This is an essential requirement for the enjoyment, safety and wellbeing of all users. Please provide details for our comment in due course.*

16. *We advocate the development of an Arts and heritage interpretation strategy for the site to celebrate its past and the reincarnation of Fountainbridge as a vibrant new quarter of the city. Scottish Canals would be keen to work alongside the developer to offer access to heritage and archive information to assist in this process.*

17. *The site would greatly benefit from improved orientation and signage in line with the emerging Branding Strategy conducted by City of Edinburgh Council and Scottish Canals. We would encourage discussion with CEC Economic Development and Scottish Canals.*

18. *Energy and Sustainability Strategy - we are broadly supportive of the wider City ambition to create a holistically sustainable development at Fountainbridge area and advocate the incorporation of these principles within this site. Measures need to be established at the outset to ensure that ambition is delivered and the vision of a sustainable development at the heart of Edinburgh is achieved. This is a unique*

opportunity to create a new city district close to the City Centre which demonstrates quality urban regeneration in terms of its use, design and sustainable credentials.

Economic Development comment

Unlocking Gap Sites

The Council is committed to working towards the development of the city's gap sites through Capital Coalition Pledge 17 which promotes, 'efforts to develop the City's gap sites and encourage regeneration'.

The site has been removed from the city's economic landscape since the closure of the Fountainbridge Brewery in 2004. Previous plans to develop a combination of housing and commercial office space on the site were halted when developer Buredi Fountainbridge was placed into voluntary liquidation in 2009. The proposed development would therefore represent a considerable milestone in the delivery of the Council's Pledge 17.

Aligned with the delivery of Pledge 17 is the Edinburgh 12 initiative which was established by the City of Edinburgh Council in 2013 to support the delivery of the city's most strategic economic development projects. The application relates to part of the Greater Fountainbridge gap site which is included within the Edinburgh 12 initiative. The Edinburgh 12 recognises the Greater Fountainbridge area for the scale of the combined development area, the potential to deliver a mixed-use western extension of the city centre business area, and the significant level of job creation potential that the area affords.

Strategy for Jobs

Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through investment in jobs. Supporting investment in the city's development and regeneration is one of four programmes for job creation outlined in the strategy.

The Economic Development Service welcomes the significant potential for job creation associated with the proposed development. Based upon average employment densities, if fully let the development could be expected to directly support approximately 1,257 permanent jobs. These break down across the proposed use classes as follows:

Class 4 Business (13,061m²): 1088 jobs

Classes 1,2,3 Ancillary Retail/Commercial (1,967m²): 109 jobs

Class 7 Aparthotel (180 Guest Rooms): 60 permanent positions

The EDS encourages developers to work directly with the city's Joined Up for Business partners in order to unlock employment opportunities and satisfy tailored skills requirement for each site. The EDS would therefore welcome engagement with the applicant, their appointed developer and the end-users to allow detailed consideration of potential jobs and training opportunities associated with the proposals. Such an approach would allow time to prepare potential candidates from within the city's priority groups, including young people.

Edinburgh Union Canal Strategy

The Edinburgh Canal Strategy seeks to guide the promotion and protection of the Union Canal in Edinburgh and to stimulate the development and regeneration of canal-side communities. The Strategy was developed in partnership by the Edinburgh Canal Partnership (City of Edinburgh Council and Scottish Canals) and was approved by the Council's Planning Committee in December 2011. The EDS welcomes the continued investment in the regeneration of the canal-side at Fountainbridge that the proposal represents.

The application proposes the creation of new public spaces throughout the development as well as the creation of active frontages onto both Fountainbridge and the canal towpath. The EDS supports such proposals feeling that they will make a positive contribution to the canal-side environment and townscape, and will help advance efforts to create a vibrant canals-side community at Fountainbridge, in line with the aspirations of the Edinburgh Canal Strategy.

The EDS would welcome discussions with the applicant, Scottish Canals and other key stakeholders to consider how best to support access between the site and the canal corridor, maximise engagement with the canal and towpath for the benefit of the public and visitors to the area.

A key work stream of the Edinburgh Canal Partnership is focussed upon branding, signage and heritage interpretation. The EDS would welcome engagement with the applicant to consider how best to realise the strategic ambition for signage and interpretation within the site, and to ensure alignment with emerging proposals from across the wider Fountainbridge area.

The EDS would ask that where S75 developer contributions are sought consideration be given towards the provision of canal related facilities or enhancement of the amenity that the union canal provides.

Commentary on Proposed Uses

Office (Class 4)

Demand for office space in Edinburgh is currently strong. Office take-up for the year ending March 2014 was some 90,952m² - a level not experienced in the city since 2004. Improved macro-economic conditions combined with a spate of upcoming lease expirations is expected to see demand remain strong over coming years.

The city has experienced low levels of office construction over recent years. Although a number of speculative office developments have recently started on site, most notably at 3-8 St Andrew Square and Quatermile 4, the city's office development pipeline for 2016 to 2020 remains at around 50% of what might be expected to be required based on historical building rates. As a result, demand for office space is forecast to outstrip supply over coming years. Evidence compiled by the Economic Development suggesting that the shortage will be most pronounced between 2016 and 2020. Office developments completing during this time period are therefore of significant importance to the city's economy.

Of particular concern is the anticipated shortage of grade 'A' office space in the city centre. As of the end of 2013, there was approximately 41,806m² of available grade 'A' office space in Edinburgh. Historically Edinburgh has required around 30,200m² of new Grade A space each year to accommodate demand. Assuming demand remains steady, the current grade A office supply in Edinburgh is projected to be exhausted by mid-2016. Such a shortage of office space is expected to drive increases in rents and potentially deter organisations from locating in Edinburgh.

Location is however an important consideration. Demand for office space in Edinburgh is greatest in the city centre with the market in peripheral locations remaining somewhat subdued. In the year to March 2014 the city centre accounted for over 80% of total take-up. George Street and the Exchange District remain the core area of demand for office space given their close proximity to train stations and the availability of local services and amenities. At present Fountainbridge can be seen as peripheral to the office core. In the medium term the delivery of significant office development at The Haymarket is anticipated to shift the core area for office demand slightly westward. Such a shift will make locations such as Greater Fountainbridge more attractive to occupiers.

The EDS welcomes proposals to include Class 4 Business use within the development.

Aparthotel (Class7)

The Tourism industry is of major economic importance to Edinburgh employing over 30,000 people and worth more than £1.6bn per annum to the city economy.

The Edinburgh Tourism Action Group's (ETAG) Edinburgh 2020 strategy seeks to increase the number of visits and visitors by one third during the period 2012-2020, from 3.27 million to 4.39 million visitors per annum, generating an additional 4.15 million visitor nights. This equates to an increase of 3% per annum.

Hotels in Edinburgh consistently experience high levels of occupancy. In 2013 the occupancy rate for hotels across the city as a whole was approaching 80% however within the city centre many hotels currently operate at 90% occupancy throughout the year. If tourism industry growth targets are to be met it will require continued investment in tourism infrastructure, including visitor accommodation.

Within the tourism industry, a key focus is placed upon the lucrative business tourism market. Spend per night by business visitors has been calculated to be on average 1.9 times higher than that of leisure visitors. Further, Edinburgh is the UK's most popular city after London for hosting international association meetings (ICCA 2013) and Business Tourism has been estimated to be worth in excess of £300m per annum to the Edinburgh economy.

The proposed development is considered by the EDS to have the potential to deliver significant benefit to Edinburgh's tourism industry helping the city achieve the growth targets set out in the ETAG's Edinburgh 2020 strategy.

Proximity of the site to both the Exchange Business District and to the Edinburgh International Conference Centre is likely to make visitor accommodation at this site attractive to business tourists.

The EDS therefore welcomes development which supports the tourism industry and, in particular the lucrative business tourism sector.

Ancillary Retail/Commercial (Class 1,2,3)

The vitality of Edinburgh's town and local centres is an important factor in the city's attraction as a place to live, work, study and visit. Retail and catering uses play a keyrole in helping animate local/town centres, attract visitors, encourage 'linger time' and helping drive visitor spend.

Fountainbridge is identified in the emerging Local Development Plan as a proposed Local Centre. The area has however experienced challenging trading conditions over recent years. The area currently suffers from a range of factors including poor footfall, low visibility to passing traffic and high shop unit vacancy rates.

It is the view of the EDS that the introduction of new retail and catering uses as a component of the wider masterplan proposals will help strengthen the area's status as a Local Centre and as a retail/leisure destination in its own right and therefore that the inclusion of such uses is to be supported.

Independent retail plays an important role in differentiating Edinburgh's 'urban villages' and creating strong, unique destinations. The EDS would support efforts to secure independent, niche and high end retail and catering uses which would contribute to Edinburgh's high quality of life and would help attract visitors to the area.

Residential: Class 9 Non-classified

It is the EDS's view that Edinburgh's liveable city centre is a key factor in the city's attractiveness as a place to live, work and study and invest. The development of 76 new flats within the city centre, sitting alongside other employment uses, is important and therefore to be welcomed. The EDS would however be keen to see a broad mix of housing types developed on the site, including family housing and affordable housing, in order to help ensure that Fountainbridge remains a vibrant, sustainable community.

Sustainability

The EDS is pleased to note that consideration of sustainability has been given across a range of areas including energy, materials, water and waste. Use of the energy hierarchy is in line with the Council's Sustainable Energy Action Plan (SEAP) which is currently in development.

The EDS encourages the use of CHP as a low carbon, energy efficient method of generating heat and power. It should be noted that CHP is even more efficient in mixed use development and so the EDS would be keen to see the proposals integrated into a wider district heating network. The EDS would welcome engagement with the applicant to consider opportunities to develop CHP and integrate this with other, emerging proposals in the area.

It is noted that no final decisions have been made with regard to the use of truly renewable energy technologies. The EDS would encourage use of solar thermal, ground source heat pumps and PV panels as suggested.

The Union Canal corridor is an important active travel route in the city and connects a range of communities throughout West Edinburgh with the city centre. The EDS is therefore pleased to note that consideration has been given in the Travel Plan to measures which support and encourage active travel.

Given the points outlined above and in recognition of the proposal's alignment with a range of economic development strategic policy objectives, the EDS supports to the proposals outlined in planning application 14/03848/PPP.

Bridges + Flood Prevention comment

*Please see queries/issues noted below regarding the above planning application. Responses provided are based on the following documents:
Mixed Use Masterplan, Site at former No. 159 Foutainbridge, Drainage Strategy, SUDS & Flood Risk Assessment, September 2014
Flood Risk*

It is acknowledged that flood risk has been considered for the proposed development, with only pluvial flooding considered applicable.

The proposed development is located adjacent to the Union Canal, which suffered a breach in 2002 due to a pipe being laid below it. This resulted in significant flooding of the surrounding area. CEC Flood Planning request the developer liaises closely with Scottish Canals who are responsible for maintenance of all canals in Scotland. Scottish Canals hold records of canal maintenance and guidelines for building in the vicinity of their assets to reduce flood risk.

It is noted from 14_03848_PPP-07-TOWNSCAPE_SECTIONS-1905708.pdf, which shows sections through the proposed site, that ground levels adjacent to the canal will be raised for a significant distance, effectively reinforcing the existing bank, reducing any small risk of breach at this location. However, this also suggests heavy earthworks will be required in the area which may disturb the existing canal structure and therefore strict adherence to applicable guidance is required to ensure the works do not results in a breach.

Drainage Strategy

As the application is for planning permission in principle the CEC Flood Planning require some overview information regarding the drainage strategy for the site as presented under numbered points 1 to 7 below. It is acknowledged that some information is included in Drainage Strategy Document though further information and updates to that presented are required. The following information should be supplied in a succinct drainage strategy document:

1. Examination of current and historic drainage patterns within or adjacent to the site, including manmade features such as agricultural drainage and culverted watercourses.

It is acknowledged that SEPA flood maps have been checked to show that the proposed development site lies outwith the fluvial flood extent. The SEPA pluvial flood

map shows and area of ponding within the proposed development boundary and therefore a robust surface water management plan is required.

2. *Confirmation from the water authority of sufficient capacity within the sewer network to accommodate waste and surface water drainage from the development of a statement from the water authority of sewerage system constraints.*

3. *An indication of the types of SUDS or other drainage systems to be used.*

Please provide a plan showing the location of proposed SUDS features.

4. *Pre and post development runoff calculations to provide an indication of surface water drainage requirements, treatment and storage solutions. This should be based on the 1 in 200 year plus climate change rainfall event, including a maximum discharge from SUDS storage limited to 4.5 l/s/ha, or the 2 year Greenfield runoff rate from the impermeable areas within the site boundary only. It is understood that a final design for the full proposed development is unlikely to be available at this time and therefore CEC will look for a reasonable, conservative estimate of impermeable area to ensure a conservative discharge from the system is used to determine the required storage. CEC require that the 1 in 200 year plus climate change event is attenuated.*

It is also acknowledged that the required attenuation for the site has been calculated as presented in Appendix 6, limited to the Greenfield runoff rate. This is welcomed as a conservative estimate of attenuation, but as per the point above, should be split per drainage catchment and used to ensure the storage can be located within the site boundary.

5. *Estimates of land required for SUDS and storage solutions and their locations based on detention volumes as calculated based on comments above.*

See the comment above.

6. *Consideration of surface water runoff and assessment of flood flow routes for events that exceed the capacity of the constructed drainage system. Exceedence flows should be towards detention basins. Emergency flood routes through the site should inform the final layout of the proposed development.*

7. *Location and proximity of receiving storage solutions and watercourses must be confirmed.*

General Points

It is noted that underground car parking areas have been proposed to serve the development. These must be 'tanked' to prevent ground water ingress. In addition, the top of entrance ramps to the underground parking areas must be raised to prevent surface water flowing into, and collecting in, the basements.

Bridges + Flood Prevention further comment

*Please see queries/issues noted below regarding the updated flood risk assessment and drainage strategy document titled dated 18th December 2014:
All text references sections of the report.*

Drainage Strategy

With reference to the response to point 6 of my initial response:

6. Consideration of surface water runoff and assessment of flood flow routes for events that exceed the capacity of the constructed drainage system. Exceedence flows should be towards detention basins. Emergency flood routes through the site should inform the final layout of the proposed development.

It is acknowledged that attenuation structures will be located under basement car parks. It is not clear however, how the water will be routed to the attenuation structure. The response to this point provided implies that a flow route to the attenuation will be down the basement ramp. This is considered to be unacceptable to CEC Flood Prevention as high velocity flows may be encountered on the ramp during an extreme event which could hinder ease of exit from the basement.

As noted in my previous response the top of entrance ramps to the underground parking areas must be raised to prevent surface water flowing into, and collecting in, the basements.

Bridges + Flood Prevention final comment

CEC Flood Prevention have no further comment to make on this application.

Transport comment

We have no objections to the application subject to the following being applied as legal agreements, conditions or reserved matters as considered appropriate:-

Fountainbridge / Dundee Street - Works to the Public Road

The developer to tie in with the works which are being proposed for the adjacent site ie 2 No cycle lanes on either side of Fountainbridge with a 7.3 metre wide carriageway. The consultant for the adjacent scheme is WSP and the drawing that refers to the changes is 11150877 / SK_114 rev A.

A Section 56 permit will be required to be submitted for these works.

Travel Plans

Travel plans will be required for all development types coming forward as reserved matter applications, in accordance with Council policy and as appropriate to each type of development (e.g. office, residential, hotel and retail) (LTS - Travplan3). It is recommended that an overall Travel Plan coordinator is appointed for the site and that the travel plans will be secured by legal agreement.

City Car Club

A contribution will be sought for the city car club.

Internal Cycle Ways

It is important that there are appropriate connections to the tow path and Fountainbridge. The materials for this scheme will conform with the adjacent sites.

Road Construction Consent (RCC)

A Road Construction Consent (RCC) will be required for all new development roads. It has to be noted that regardless of whether these roads are presented to the Council for adoption all roads must be open for public use and will be controlled by the Council, including surface parking.

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 development lies within the 750 metres zone from the tram corridor as defined in para Dii of the policy. The attached GIS plot indicates that the hotel within this PPP application (14/03847/FUL) lies approx 710 metres from the tram corridor. The boundary of the PPP itself is approx 620 metres from the tram corridor

As such a tram contribution of £892,317 is applicable. This is based on:-

*Residential - 78 units - £74,257
Office - 13061m² - £451,911
Hotel - 180 rooms - £275,467 ()
Retail / Leisure - 1967m² - £90,682*

Tram contributions will be payable subject to the specific site locations / development type coming forward as reserved matters or full applications.

Parking

The parking is 75% of the permitted maximum.

Notwithstanding this the starting point for discussion for all individual applications will be the minimum Zone 2 standards (CEC 2009 parking guidelines) for all development types being submitted. Levels above the minimum should only be granted where the applicants can clearly demonstrate a specific need for parking exceeding the minimum. (Reason:- to encourage a high modal share by sustainable travel. This site is well served by public transport and benefits from excellent walking and cycling links to the Haymarket rail / tram interchange.)

It is accepted that the residential part of the development has a 100% allocation as any reduction in parking will push the overspill onto the public network in an area which has a high car and permit ownership. Residents who will be occupying these new units would also not be eligible for a parking permit.

(Transport and Environment Committee report 4th June 2013 - Controlled Parking Zone - Amendments to Residents Permits Eligibility)

Traffic Regulation Orders (TRO's)

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, disabled parking bays and one way orders. These types of Orders can be placed in the same Order and the estimated cost for each order is £2,500.

Redetermination Orders

The developer will meet the full cost of any redetermination orders ie converting footway to carriageway. The estimated cost for each order is £2,500

Sustainable Urban Drainage Systems (SUDS)

The developer will conform to the most recent legislation when providing SUDS. The developer will also consult with Scottish Water, SEPA and the Council's flooding officer to ensure that these organisations and individuals are satisfied that the SUDS legislation has been properly applied.

Materials

All roads and footway materials will be approved by the Head of Transport and will mirror the adjacent sites.

Transport comment addendum

Developer to widen Fountainbridge in accordance with Drawing AFM.AR. (PL)026 P1 (Proposed Road Layout) for the section of Fountainbridge to the north of the application boundary and the section within the application boundary. Works will require to be carried out under the authority of a sect 56 Road (Scotland) Act 1984 permits and a Road Construction Consent (sect 21 of same Act)

Reason- To enable cycles lanes to be provided to tie in with widening being carried out in conjunction with adjacent approved development.

Environmental Assessment - comment dated 27/02/2015

The application proposals include the following:

- o Residential development comprising a total of 78 apartments*
- o Aparthotel comprising a total of 180 guest rooms*
- o 13,061 sqm of commercial office space*
- o 1,967 sqm of retail/commercial space*
- o Approximately 3,500 sqm of accessible public realm space.*

The commercial space is to include retail (food and non-food) (Class1) and restaurant (Class 3) uses. The office space is proposed under Class 4 which is acceptable in mixed residential areas considering activity should not be to the detriment of residential amenity. The hotels use is currently under consideration as a separate detailed planning application (reference number 14/03847/FUL) and comments have been provided separately. Class 3 Non-classified (Sui Generis) use is also proposed by way of public house(s) and hot food takeaway(s).

The site is currently vacant. However there are a number of different uses surrounding the site. To the east there are existing residential flats and north-east an office development. Directly along the southern boundary is the canal with predominately residential uses across the way. Currently the land to the west of the site is vacant, however there is a Masterplan for the area for mixed use development. The northern boundary is the main access road to the development site, Fountainbridge which has a mix of office, other commercial and residential uses.

The city centre can be walked to from the site in 10 minutes, and there are good bus links from Fountainbridge. Pedestrian and cycle links connect to the city via the canal towpath.

Environmental Assessment has considered the impact of the development in terms of air quality, noise, odour and contaminated land concerns. Although a combined heat and power plant was initially considered for the site it is understood this is not progressing so this has not been assessed within the consultation process.

Noise Assessment

A Noise Impact Assessment (NIA) was undertaken by the developer and submitted in support of the application.

It details short and long term monitoring and analyses the impact different noise sources are likely to have on the proposed development, in respect to World Health Organisation (WHO) and British Standard guidelines.

A number of recommendations are made in the report which should be incorporated into the development. A condition is recommended in order to ensure development control.

The assessment did not consider the impact that noise from the proposed commercial space at basement and ground floor level within the residential block of flats might have on residents. A number of conditions are therefore recommended in respect to these Class Uses in order to protect residential amenity.

Odour

Commercial cooking operations, typically associated with Class 3 uses proposed on the site, can cause adverse impact to neighbouring residential amenity if kitchens are not ventilated and cooking effluvia is not dispersed properly.

The developer will need to submit further detailed proposals in respect to Class 3 use kitchen ventilation systems when details become available. A condition is recommended to this effect.

Air Quality

The site is located 200m south and west of sections of the Central Air Quality Management Area (AQMA) which was declared due to breaches of statutory standards for nitrogen dioxide, generally related to road traffic pollution.

This Central AQMA is currently being extended to include the Ardmillan Triangle and a section of Dundee Street approximately 400m west of the development site. Monitoring is continuing in Fountainbridge in relation to borderline results.

Concerns in all these areas relate to significant traffic flows, congested junctions and the presence of street canyons. Street canyons are narrow streets where the height of the buildings on both sides of the road is greater than the road width. They can affect the pattern of air pollution dispersion and lead to elevated air pollutant concentrations.

An Air Quality Impact Assessment has been submitted in support of the application. Although the report states that it is a worse case assessment based on car parking spaces at the site which are in excess of what is now proposed. Environment Assessment is concerned however that other elements of the assessment may underestimate the actual impact.

Firstly modelled (and in some cases unknown traffic flow estimations methodologies) were used for the baseline traffic data. Details of the NOx / NO2 conversions as part of the verification process are not provided in the report for inspection. Additionally, Scottish Background Maps were not utilised and a mix of 2011 and 2012 data was used for different part of the assessment.

It should also be noted that although the conclusion indicates that there could be a 'slight' adverse impact on traffic related pollution (nitrogen dioxide) at a number of sensitive locations it is likely the developing (new) guidance may show this effect even greater, considering the majority of these locations are within the Central AQMA and are already breaching the Air Quality legal standards. Similarly, for PM10 (Particulate Matter 10) pollution levels.

In general increases to pollution levels currently in excess of the standards makes it difficult for the Local Authority to work towards reducing the concentrations to below the legal standards.

It is noted that the level of car parking is approximately 63% of the maximum permitted provision. However this levels also represents 94% increase of the minimum standard. It should be noted that section 4(5) of the City of Edinburgh Council's Parking Standards for Development Control states car parking provision below the normal minimum of the Standards may be permitted for sites where lower parking provision is deemed essential for reasons of air quality.

Environmental Assessment recommends that where possible reductions should be made to the number of car parking places proposed with the development. More emphasis should be given to ensure cycle (provision, storage and accessibility), public transport accessibility and development and use of Travel plans once the development is operational.

Generally it is expectant of a development of this kind in close proximity to an area of poor air quality to considered wide ranging mitigation measures to reduce the impact on air quality. Three measures are mentioned in the Air Quality Impact Assessment

submitted in support of the application. It is recommended that a condition be put on any planning permission given to ensure all these measures are incorporated into the development.

Additionally however, a number of conditions are also recommended in terms of air quality mitigation. Firstly, that the developer considers low polluting boilers and that electric vehicle charging be incorporated into the development.

Is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- o Dedicated parking spaces with charging facilities.
 - o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future - 20% of the spaces should be 'future proofed'
- Developers should now consider the potential for EV charging as they develop their proposals. Advice can be given on technology standards.
- It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.

Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at <http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>.

Overall in terms of air quality impact, Environmental Assessment recommends support of the application subject to the inclusion of the above mentioned conditions/informatives addressing the above issues.

Contaminated Land

A report on land investigations has also been submitted in support of the application. It has been reviewed in respect to the potential risks associated with the development of the land in connection with the reported ground conditions and identified levels of contamination.

The document is considered sufficient to determine that the land is currently in a suitable condition for the intended use as is defined by the planning application. Therefore no supplementary information will be requested by this Authority in terms of this material consideration.

Nevertheless, this assessment is based upon the information supplied by the applicant in the report described and development layout plan and does not mean the land is removed from risks from contaminants. It is furthermore based upon the knowledge that recommendations given in Section 10.3 entitled 'Mitigation Measures' will remain valid and be fully applied within the development. A condition is recommended to this effect.

Conclusion

In conclusion, Environmental Assessment recommends the application be granted on a conditional basis in order to protect existing and proposed residential amenity. It is also recommended that further information is provided to the developer by way of informatives on any permission given. Details of the recommended conditions and informatives are prescribed below;

Conditions;

Site in general

- 1. The development shall be completed in accordance with the requirements specified in section 8 of the Noise Impact Assessment reference number 14287-R02-A dated 22 September 2014, by Sandy Brown Consultants.*
- 2. The development shall be completed in accordance with the requirements specified in Section 7 of the Air Quality Assessment reference number (job number) A088188, report dated February 2015 by wyg Group.*
- 3. Prior to the initiation of development, the applicant shall submit details of the electric vehicle charging points to be provide in the car-park for approval in writing by the Planning Authority. The scheme approved shall be implemented prior to occupation and maintain to approved standard.*
- 4. All gas-fired boilers to meet a minimum standard of <40mgNO_x/KWh.*
- 5. The development shall be completed in accordance with the requirements specified in Section 10.3 of the Report on Site (land) Investigations, reference number (project reference) G2013/288, by Mason Evans Partnership Limited, dated October 2013.*

Classes 1 and 3

- 6. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.*
- 7. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring residential premises.*
- 8. Prior to the initiation of development the applicant shall submit details of the kitchen's ventilation systems, which shall be capable of achieving a minimum of 30 air changes per hour and be ducted to the roof level, to ensure that no cooking odour escape or are exhausted into any neighbouring premises. The ventilation systems shall be installed, tested and operational, prior to the use hereby approved being taken up.*

Informatives;

- 9. At least two Electric vehicle charging outlet should be of the following standard:
 - o Charging outlet (wall or ground mounted) should be of the following standard: Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously**
- 10. Renewable energy sources such as PV, solar and ground source heat pumps are recommended to ensure low impact on air quality.*

Environmental Assessment - Contaminated Land

With reference to the following document;

Freer Street, Edinburgh: Report on Site Investigations: Mason Evans: October 2013: G2013/188.

The document has been reviewed by this Department in view of the proposed mixed commercial and residential use. Consideration has been given toward potential risks associated with the development of the land in connection with the reported ground conditions and identified levels of contamination.

The document is considered sufficient to determine that the land is currently in a suitable condition for the intended use as is defined by the planning application. Therefore no supplementary information will be requested by this Authority in terms of this material consideration.

Nevertheless, this assessment is based upon the information supplied by the applicant in the report described and development layout plan and does not mean the land is removed from risks from contaminants. It is furthermore based upon the knowledge that recommendations given in Section 10.3 entitled 'Mitigation Measures' will remain valid and be fully applied within the development. Should there be any required deviations to those recommendations, it is requested for approval to be confirmed with this Department.

It should be noted that current planning guidance taken from Planning Advice Note 33; 'Development of Contaminated Land' (Scottish Executive 2000) allocates the responsibility for the safe development of the site to the developer.

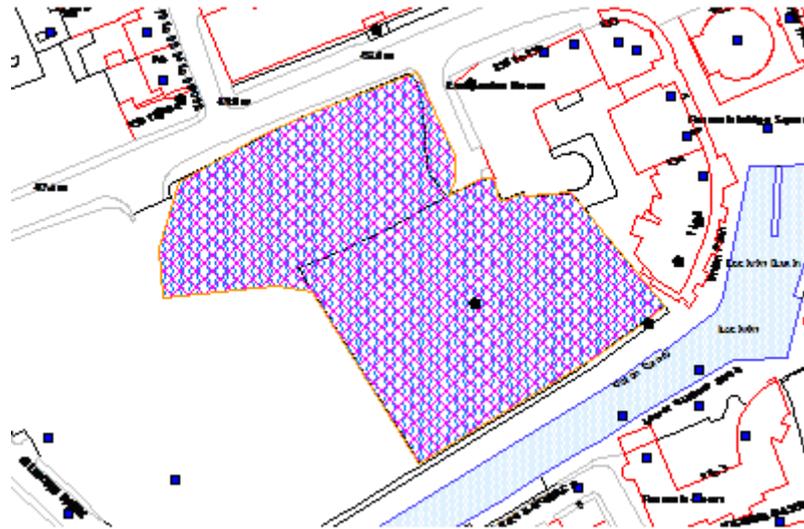
In the event that unreported ground conditions are identified during development related activity that indicate the potential for contamination, it is requested for detailed investigation to be progressed by a competent environmental consultant in the area of concern and reported to this Department.

Historic Scotland comment

You have consulted us because you believe the development may affect: -Union Canal, Fountainbridge to River Almond.

We have considered your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do not object.

Location Plan



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