

# Development Management Sub Committee

Wednesday 13 January 2016

## Application for Planning Permission in Principle 15/02892/PPP

**At Land Adjacent To 194, Fountainbridge, Edinburgh  
Planning Permission in principle for mixed use development including residential, Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business), and/or Hotel/Class 7; Detailed matters included for the siting + maximum height of building blocks, points of vehicular access + egress, location of pedestrian routes, all detailed matters for the North block (Building A1), new public square + pavilion building - as amended.**

Item number	6.2
Report number	
Wards	A09 - Fountainbridge/Craiglockhart

## Summary

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The proposal does not fully comply with the development plan in terms of Policy Des 3 and the impact the development will have on adjacent student residences. However, the impact is minimal and is not significant and given the site's urban context a marginal breach of policy is justified. A proportion of units fall below the minimum recommended size, however, this has been compensated for with enhanced internal storage space, in accordance with the design guidance. The proposals are broadly consistent with the regeneration aims and objectives for this part of the city in accordance with other local plan policies and supplementary guidance.

It will introduce a form of development that is appropriate to its context in terms of design, scale and materials and it will not impact on the historic environment. It will provide a satisfactory level of amenity for future occupiers and there will be no significant impact on existing residential amenity. It will not introduce any implications in terms of road or pedestrian safety. The proposals are acceptable in terms of sustainability. There are no material considerations which outweigh this conclusion.

## Outcome of previous Committee

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This application was previously considered by Committee on 2 December 2015.

## Links

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[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITD10, CITE8, CITE17, CITE18, CITOS3, CITH1, CITH2, CITH3, CITH4, CITH7, CITH8, CITCO1, CITEM1, CITEM5, CITR4, CITR12, CITT2, CITT3, CITT4, CITT5, CITT6, CITCA1, LDPP, PLDP03, NSG, NSGD02, NSGESS, NSP, OTH, DBFOUN,

# Report

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### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site forms part of the redundant brewery which lies on the north side of Fountainbridge, now known as Springside (formerly known as Fountain North). The wider site has now been partly built out to both the west and to the east. The application site, of approximately 2.15 hectares, covers the central area of the wider site. The site is bounded to the west by a new vehicular access route, Dryden Road, linking Dundee Street and the West Approach Road, with two large blocks of student accommodation lying beyond. Fountain Park Leisure Complex lies behind these. To the east lies Melvin Walk, which is a newly completed pedestrian access route linking Fountainbridge with the West Approach Road. There is the recently completed Springside flatted development on the opposite side. Beyond these lie the tenemental streets of Upper Grove Street, Brandfield Street and Grove Street.

To the north is the West Approach Road, constructed on the line of a former railway; and to the south is Dundee Street/Fountainbridge. Both these roads carry high volumes of traffic into and through the area. Beyond the West Approach Road, to the north is Morrison Crescent a residential development of affordable dwellings. To the south of Fountainbridge/Dundee Street is the remaining redundant brewery site which has also been partially built out with student accommodation.

#### **2.2 Site History**

### Site specific

3 November 2004 - Fountainbridge Development Brief approved (amendment approved on 1 December 2005).

6 December 2006 - outline planning permission was granted for a mixed use development on the wider brownfield site (application number: 05/00106/OUT) subject to a legal agreement and conditions.

4 June 2007 - reserved matters application granted for public realm works (application number: 06/05235/REM).

18 April 2013 - discharge of the planning obligation granted (application number 13/00480/OBL).

### Related site history (wider Fountain North site)

22 May 2007 - reserved matters application granted for student residences and ground floor retail unit (Block K). These are completed and occupied (application number: 07/00385/REM).

1 August 2007 - reserved matters granted for residential development of 20 affordable housing units (Block C2). These are completed and occupied (application number: 07/00190/REM).

1 August 2007 - planning permission was approved for residential development of 219 flats (Blocks B1, B2 and C1). These are part completed and occupied (application number: 07/00191/REM).

13 August 2007 - planning permission was granted for residential development to the north east corner of the site (Block A2). This is now complete and occupied (application number: 07/00189/FUL).

29 November 2007 - planning permission granted for office development with retail at ground level (Block F site) (application number: 07/03698/REM).

30 September 2011 - planning permission in principle was approved for managed student flats for rent (Block J) (application number: 10/02144/PPP).

30 July 2012 - approval of matters specified in conditions application approved for managed students flats for rent (Block J) (application number: 12/00128/AMC).

6 December 2013 - planning permission granted for the erection of a building for 181 bedroom four star hotel with associated facilities, food and drink (class 3) unit, car parking, hard and soft landscaping and other associated works (Block F) (application number: 13/01405/FUL).

14 October 2015 - non-material variation to 13/01405/FUL submitted (application number: 13/01405/VARY).

# Main report

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## 3.1 Description Of The Proposal

### Scheme 2

The application is for planning permission in principle for a mixed use development which would include residential use, Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business) and/or Class 7 (Hotel). Detailed approval is sought for certain elements:

- Block A1 situated to the north of the site will be a residential block which is intended for the 'Build to Rent' sector - although considered as mainstream housing in planning terms. This block will incorporate 125 units, with 8 studios, 53 one bedroom flats, 55 two bedroom flats, 7 three bedroom flats and 2 four bedroom flats. There will be two commercial units fronting the West Approach Road.

The building will extend to eight storeys, with a 'pop up' at the eastern end. It will have a linear form with 'bookend' elements. It will be primarily finished in the 'Springside' facing brick to match that already used within the wider area. It will be articulated with the use of two other colours of brick to break up the overall mass of the building. The building is set back at level 7 to minimise its massing and curtain walling will be used here to lighten this upper element.

Communal amenity space will be provided within a residents' lounge and terrace on the upper level. The proposed development also provides a semi-external access terrace, private balconies and private gardens for the duplex units.

There will be 146 car parking spaces and 160 cycle parking spaces within an underground car park, along with internal bin storage and residents storage areas. This will be accessed via Drysdale Road and will be extended when subsequent phases (Block D) are brought forward.

- Approval is also sought for the details of the public realm space between around Block A1 and the residential street running between it and the siting of the central block (Block D). The proposed public realm work will follow the principles as laid down within the approved Fountainbridge Public Realm Strategy which have already been implemented within the wider Springside area.
- The application also seeks approval for the details of the public realm on the south east corner of the site, including a 400 square metre commercial (Class 1, 2, 3 and/or 4) pavilion building and new public square. The two storey, freestanding pavilion building will be contemporary in design. The slightly pitched roof and west facing (rear) wall will be clad in black metal cladding. The three remaining elevations, which sit below the overhanging, sculptural roof, will be clad in curtain walling comprising fully glazed and translucent panels. Again these public realm areas will follow the principles as laid down within the approved Fountainbridge Public Realm Strategy.

- Block D is situated centrally within the site. This will also be for residential use. The application seeks consent for the maximum building envelope (siting and height) only. The final design will come forward in a subsequent AMC application which will fully consider the impact of daylighting, sunlight and privacy. This block will provide between 200 and 250 units and will have an underground car park also.
- Block E is situated at the southern end of the site and will be for mixed uses. The ground floor will have active commercial uses, including Class 1, 2, 3, 4 and/or Class 7 Hotel uses. The upper floors will have either office, hotel or residential uses. The application seeks consent for the maximum building envelope (siting and height) only. The final design will be determined through the final uses. In addition to the commercial uses at ground floor level it is anticipated that this block will accommodate approximately 14, 500 square metres of office or hotel floorspace, or approximately 150 residential units. Car parking will be within the building.

### Previous Scheme 1

Block A1 situated to the north of the site incorporated at total of 141 units, with 10 studios, 59 one bedroom flats, 61 two bedroom flats, 9 three bedroom flats and 2 four bedroom flats. Two commercial units fronting the West Approach Road were also proposed.

The building extended to eight storeys, with a 'pop up, bookend' elements at each end extending to nine storeys and extending the full width of the building.

It should be noted that no further neighbour notification or publicity was undertaken for the amended scheme given the revised proposals reduced the height of Block A1 which was a key concern in relation to the representations received.

The following documents have been submitted in support of the application and are available to view via the Planning & Building Standards Online Services:

- Planning Statement;
- Design and Access Statement and Addendum Document;
- Pre-application consultation report;
- Sustainability Statement;
- Utility Report;
- Daylight, Sunlight Assessment;
- Office Analysis Report;
- Economic Benefits of Build to Rent Development in Edinburgh;
- Drainage Strategy Plan and Flood Risk Assessment;
- Transport Statement;
- Travel Plan Framework;
- Air Quality Assessment;
- Ecological Assessment; and
- Noise Assessment.

### **3.2 Determining Issues**

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

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 proposals are acceptable in principle;
- b) the proposals accord with the aims and objectives of the Fountainbridge Development Brief;
- c) the proposed scale, design and materials are acceptable;
- d) the proposals will be detrimental to the amenity of neighbours;
- e) the proposals will provide sufficient amenity for the occupiers of the development;
- f) the proposals affect road or pedestrian safety;
- g) the proposals are acceptable in respect of infrastructure requirements (education and school capacities, affordable housing provision);
- h) the proposals will have any adverse environmental impact;
- i) the proposal meets sustainability requirements;
- j) representations raise issues to be addressed; and
- k) the proposal has any equalities or human rights impacts.

## a) Principle

### **Scottish Planning Policy**

The Edinburgh City Local Plan (ECLP) was adopted more than five years ago, in January 2010. Paragraph 33 of the Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. SPP Paragraph 29 lists a number of sustainable development principles, which should be used to guide decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The presumption in favour of sustainable development should be guided by these 13 principles to determine whether a proposal contributes to sustainable development. The proposals will introduce a high quality, mixed use development on a brownfield site which will promote placemaking and contribute to the economic growth and general well being of the wider City. The proposals are considered to be consistent with these principles.

### **Adopted Edinburgh City Local Plan**

The site lies within the Central Area as identified by the Edinburgh City Local Plan (ECLP) and more specifically as a city centre regeneration proposal within the wider Fountainbridge area and where Policy Ca 1 is applicable.

This policy supports development which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre and contributes to its role as the regional service centre and Edinburgh's role as a capital city. This includes providing for a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.

The site forms part of the wider Fountainbridge area identified in the ECLP as 'Central Area Proposal 3' which sets out seven key opportunities which reinforce the approved development brief in relation to the comprehensive redevelopment of the site. Proposal CA 3 - Fountainbridge, supports the development of the site for mixed use development with one of the key principles being to "provide mixed use development including a local centre, residential, office, small business units, retail, leisure, community and tourist/visitor facilities". The proposals are consistent with the local plan objectives of securing a mixed used development within the area.

## **Second Proposed Plan**

The Second Proposed Plan (LDP) identifies the site within a City Centre Major Development Area where proposal CC 3 sets out development principles which state that "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". The application site is located within an area identified for housing-led mixed use development with commercial-led uses fronting Fountainbridge. The proposals are in accordance with these LDP objectives in securing a housing-led, mixed use development within this identified Development Area.

## **Residential**

The proposals are for residential units for the 'Build to Rent' (PRS) sector - specifically for rental with on site management and maintenance. In planning terms this tenure is considered as mainstream housing where relevant policies are applicable. Local Plan Policy Hou 1 supports housing as part of mixed use regeneration proposals within the City Centre. Policy Hou 2 which seeks "the provision of a mix of house types and sizes where practical to meet a range of housing needs, including those of families, older people and people with special needs and having regard to the character of the surrounding area and its accessibility". The residential element of the proposals satisfy both these local plan policies.

## **Office**

Policy Emp 1 encourages high quality office developments within the Central Area as part of a mixed use scheme. It is anticipated that Block E could provide 14,500 square metres of office space. There is evidence that suggests there is a shortage of Grade A office accommodation available and/or under construction within the City Centre. In order to fulfil the aims and objectives of the ECLP (and proposed LDP), sites for existing and potential city centre high quality (Grade A) office space need to be protected and their potential realised. The approved Fountainbridge Development Brief requires a total of 40,000 square metres of office floorspace. Consent has recently been granted for office use on the adjacent EDI site (11,621 square metres) and Freer Street site (13,661 square metres). This site is the final part of the wider Fountain North site to be developed and built out.

The original outline planning permission (application number: 05/00106/OUT) granted consent for approximately 17,000 square metres of office floorspace. The Block F site, which was originally identified for office use under this consent, was recently granted consent for hotel use. As a consequence the quantum of consented office floorspace was expected to be delivered on the remaining undeveloped central area of the Fountain North site, which is the current application site.

To endeavour to meet this target and address the shortfall within the wider city centre area, it is essential that office floorspace is included within the development of this final phase.

The applicants have expressed concern regarding the delivery of viable office floorspace on the site given its more peripheral location. The applicants have submitted an Office Analysis Report that concludes that the peripheral location of the site challenges the viability of speculative office development. They have recommended that in light of this, they will carry out a three year marketing exercise to bring forward the development of the office elements.

The proposed office use is acceptable and will contribute to achieving an appropriate mix of uses on the site. The issue of ensuring an appropriate level of office floorspace is delivered on the site can be addressed when subsequent applications for the approval of matters specified in a condition are submitted.

## **Retail**

The principle of retail has already been accepted under the original outline planning permission. Both the ECLP and the LDP support retail in this location. The approved Fountainbridge Development Brief identifies that there is potential to provide new convenience shopping facilities and some small scale retail units aimed at comparison/specialist retailers. Fountainbridge is identified as a proposed local centre within the LDP and as such the principle of retail on the site complies with the aspirations of policy RET 4.

## **Hotel**

Policy Emp 5 supports hotel development in the Central Area where it contributes to a mixed use scheme. A hotel use is compatible within this location. It will generate activity and make a positive contribution to the tourist economy within the area. Other uses proposed are also supported by both local plan policy and the approved development brief.

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

### **b) Fountainbridge Development Brief**

In determining the acceptability of the proposed development, consideration has to be given to the wider regeneration objectives and aspirations for the Fountainbridge area as identified in the approved Brief. The proposed development must be viewed as part of the co-ordinated regeneration of the wider former brewery site.

The brief seeks to re-establish a sense of community within the area with residential use being a key component. It encourages a mix of uses, predominantly residential in character. It promotes the creation of a sense of place, integration with surrounding communities, increased permeability and appropriately located uses. It also calls for improved movement to the wider city, the formation of a heart to the site and the formation of high quality, safe and accessible spaces that contribute to the overall public realm.

The proposals will introduce a housing - led mixed use development which will complete the final phase of the Fountain North (Springside) former brewery site. The hierarchy of streets will be completed with the introduction of east/west linkages connecting the already completed phases and the north/south routes (Melvin Walk and Drysdale Road). This will in turn improve permeability through the site and allow for improved movement and access for vehicles, pedestrians and cyclists both locally and to the wider city environment. The pavilion building and the public square will introduce a focal point within the site offering high quality public realm in accordance with the approved Fountainbridge Public Realm Strategy.

The proposals will introduce a mixed use development which will contribute to the area's vitality and viability, and in turn will promote the regeneration objectives and aims for the Fountainbridge area in accordance with the approved Development Brief.

### c) Scale, Design and Materials

Policy Des 1 (Design Quality and Context), of the Edinburgh City Local Plan states that 'planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living or working environment. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area to create or reinforce a sense of place, security and vitality. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.'

In addition, Policy Des 3 of the local plan (Development Design) only permits development which satisfies a number of detailed design criteria. It states that development should 'have a positive impact on its setting, having regard to the positioning of buildings on the site, their height, scale and form, materials and detailing, wider townscape and landscape impacts and impacts on views.'

The proposals seek detailed consent for Block A1 and the pavilion and the public realm space associated with these blocks. Only the general siting and maximum heights of Blocks D and E are being sought.

The proposed layout retains the large linear block to the north of the site fronting the West Approach Road, however, replaces the large perimeter block that was previously consented, with two blocks (Blocks D and E). This fragmented building form creates a new east/west link through the site which reinforces the existing urban street pattern and reflects the general urban grain of the surrounding area. The set back of the south block (Block E) on its eastern elevation creates further public realm space which will link into the existing pedestrian route, Melvin Walk.

Block A1 sitting to the north of the site, follows the footprint of that already approved under the original outline consent. It extends to eight storeys, extending to nine storeys at the eastern end to accommodate a residents' lounge and roof terrace. This height extends beyond that previously approved and the height recommended within the approved Brief, which suggests an eaves height of 19 metres along the West Approach Road. The original proposal for Block A1 extended a full storey higher at both the eastern and western ends of the block. Given the concerns that were raised regarding the height and massing of this block, the proposals were revised.

The overall height of the 'bookend' elements has been reduced and a set back at the upper level introduced. The upper level will be finished in a light weight curtain wall cladding which reduces its impact and the perceived height and massing of the block at this level. The height of the masonry and the point where the upper storey is set back now corresponds with the height of the adjacent Block J to the west, and allows for a much more sympathetic relationship with Block A2 to the east.

The development brief also acknowledges the importance of retaining views to Edinburgh Castle and encourages building heights to respect these views. A key viewpoint identified within the brief is that of the Castle from the West Approach ramp. The original scheme obscured a large proportion of the Castle from this viewpoint. The reduced height and upper level set back introduced in the amended scheme reduces the impact of Block A1 on the Castle and allows the retention a more open view of the castle from this viewpoint. The applicants' agent has submitted supporting information and photomontages which demonstrate that the revised massing of Block A1 will have only a marginal impact on the views of the Castle.

It should be noted that no further neighbour notification or publicity was undertaken for the amended scheme given the revised proposals reduced the height of Block A1 which was a key concern in relation to the representations received.

The building form of Block A1 continues the themes already established within the Springside area and provides a bold, contemporary architectural statement referencing the site's industrial past. Strong vertical façade treatments have been introduced to the elevations with masonry detailing, access terraces and balconies which create articulation and rhythm to the building's envelope. The upper levels, which have been set back, introduce a change in external material. This will be curtain walling incorporating both solid and transparent panels. This introduces articulation at this level and will reduce the visual impact of these upper levels within the wider context. The solid panels will continue the treatment of the windows on the levels below with a light brown/bronze finish.

A limited pallet of materials is proposed which is reflective of the wider redeveloped Fountain North (Springside) site. The primary material proposed is brick which takes reference from its historical precedent on the site and complements the already completed phases of the Springside development. Three tones of buff coloured brick are proposed to break up the mass of the building. The primary tone will be similar to the brick already used on completed parts of the wider site. A brick of a different tone will be used on the two, lower floors to provide a 'base' to the building. A third tone will be introduced to complement the primary tone. The use of similar materials in terms of colour and texture will help provide visual cohesion between the different elements on the wider master-planned site.

The detailed finishes and façade treatments are modern, utilising high quality materials which help break up the scale of this block.

The pavilion building introduces an element which is quite distinct from the group of existing and proposed buildings within its immediate context in terms of its scale, design and finish. It is simple and functional in its design which will allow it to fulfil its role within the new public square and enhance the public realm surrounding it.

The Fountainbridge Development Brief seeks a coherent approach to public realm works throughout the area it covers and the approved Fountainbridge Public Realm Strategy aims to establish parameters for the use of materials and street treatments within the Fountainbridge area to ensure that a new high quality urban environment is created while recognising the site's existing characteristics and strategic location.

The Public Realm Strategy also sets down standards relating to lighting concepts, public art opportunities, cycle routes/cycle provision, play areas, signage, security and safety, management and maintenance and waste management. The detailed proposals for the public realm put forward by the application are in accordance with these standards.

As stated previously the proposals for Blocks D and E are for maximum building envelopes only. The full details of these blocks will come forward in subsequent AMC applications. There is concern, however, regarding the height of the Block E which fronts Fountainbridge. It is recommended that the height of this block is restricted to the height of Block D - 89.9 metres AOD - and that any element that would exceed this height be reserved to allow for further assessment of the impact on the townscape context and the amenity of the adjacent blocks.

The proposals were reviewed by the Edinburgh Urban Design Panel at pre application stage. The Panel was generally supportive of the approach taken stating: *It 'supports the revised development strategy for the site and the contribution this could make to the ongoing regeneration of the Fountainbridge Area'*. It sought a design that built upon the success of the earlier adjacent development and was supportive of the plan form, approach to parking and the proposed palette of materials.

In developing the proposals, the Panel suggested that block to the West Approach Road should be further considered. Its height has been reduced during the assessment of this application. Its recommendations also included giving further consideration of daylight and sunlight, ensuring effective management be put in place for external space and the use of a communal waste system within the development. Daylighting will be further examined at AMC stage. Bin storage is contained in the car parking of block A1 and details will be required as part of the design of future blocks.

The overall design presents an appropriate form of development on this site. It acknowledges its context and sits comfortably with the adjoining buildings. The proposals will complete the final phase of the redevelopment of the former Fountain North brewery site which in turn will contribute to the regeneration of the wider Fountainbridge area.

#### d) Neighbouring Residential Amenity

The application site lies within a relatively dense urban context and in close proximity to a number of existing residential properties. The Edinburgh Design Guidance recognises that in many cases the townscape surrounding a site does not always satisfy the daylighting and sunlighting requirements. A detailed analysis has been undertaken and a Daylight and Sunlight Report has been submitted by the applicant.

In terms of daylighting, the report concludes that the proposed development will have the same impact on daylight amenity as the previously consented scheme with the exception of the impact on the student blocks (Blocks K and J) which front Drysdale Road. This has changed from a minor impact to a moderate impact. The assessment of sunlight also concludes that the proposed scheme will have the same impact as the consented scheme. The impact of the development on the existing surrounding gardens and amenity space will be negligible.

The proposed layout of the development reflects the existing townscape pattern and the layout approved by the outline consent. The proposed development is located a sufficient distance from any existing residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

In conclusion the proposals will not fully accord with ECLP Policy Des 3. However, the impact on daylighting to Blocks K and J is not significant and given the urban context a marginal breach of policy is justified.

The operation of the commercial uses can be addressed at the AMC stage to ensure a satisfactory level of amenity is maintained.

The proposals will not impact on existing residential amenity.

#### e) Amenity of Future Occupiers

There are a variety of units ranging from studios to four bedroom duplex apartments. The size of these is based upon the minimum internal areas set down by the design guidance. 22% fall marginally below these recommended sizes by no more than 2 to 3 square metres. The design of these units responds to this by incorporating open flexible internal layouts and enhanced internal storage space. The two bedroom apartments which fall below the recommended size are also dual aspect and incorporate private balconies.

The overall design of this block prioritises dual aspect which is aided by terrace access. There are 26% single aspect apartments which is significantly lower than the maximum of 50% as set down in the design guidance.

Private amenity space is provided through the provision of private gardens, semi-private residential courtyards, residential landscaped streets with usable areas of open space and the new public square. Block A1 also includes a communal residents' rooftop lounge and terrace, semi private access terraces and private gardens and balconies.

An assessment on the amount of daylight to the proposed units within Block A1 has been undertaken. A representative sample of rooms was tested and 90% of the rooms satisfied the BRE guidelines. Out of this sample only five rooms failed to meet the guidelines. These rooms were at lower levels. Achieving adequate levels of daylighting within more dense urban contexts can be difficult. On balance the requirements of the Edinburgh Design Guidelines and the BRE document have been broadly met and as such an adequate level of daylight will be provided to this block. Tests also demonstrated that the majority of rooms within Block A1 will receive an adequate level of sunlight.

Blocks D and E have also been partially tested, however, the detailed design of these has still to be resolved and until then an accurate analysis cannot be undertaken. There is concern regarding the proposed building form of Block D. This is a perimeter block with a central division introducing two internal courtyards. Achieving adequate levels of daylight and sunlight to any internal apartments and to these courtyards is questionable.

As such it is recommended that the building form of Block D is reserved to ensure that the final design can achieve a satisfactory level of light for the benefit of future occupants.

In conclusion the proposals, subject to conditions restricting the built form, will create a satisfactory level of amenity for prospective occupiers of the development.

#### f) Road and Pedestrian Safety

A Transport Statement has been submitted in support of the application. This concludes that the proposed development will integrate well with the existing transport network. Pedestrians, cyclists, public transport users and car users are all catered for in a sustainable manner.

Transport has raised no objections to the proposals subject to the applicants entering into a suitable legal agreement to ensure the delivery of transport infrastructure. This will include financial contributions to progress the necessary traffic orders in relation to road, public footpath and track realignments, amending waiting and loading restrictions, the stopping up of any sections of road and the enforcement of disabled parking bays.

There is sufficient car parking for the first detailed phase of the development - provision equating to 146 spaces for Block A1 - and it is recommended that parking for future phases is in accordance with the approved guidelines. Secure cycle parking is to be provided in a bike store within Block A1 and will provide space for 160 bicycles. Subsequent AMC applications for Blocks D and E will have to include cycle parking in line with current guidelines also. Transport also recommends the submission of a travel plan to be finalised within twelve months of the first occupation.

The applicants are encouraged to liaise with the Waste Collection manager to agree an appropriate refuse collection and ensure, following swept path analysis, that a refuse vehicle of an appropriate size can be accommodated.

The tram contribution has been assessed and a contribution of £523,653 (based on 560m, Zone 3 with 516 residential units, 400m<sup>2</sup> café and 2,788m<sup>2</sup> office) is being sought. This issue is addressed in greater detail in paragraph 3.3 (g) below.

The proposals are in accordance with policies in relation to Transport as contained within the adopted local plan. There will be no implications for road or pedestrian safety.

#### g) Infrastructure

This proposal is a material variation from the existing grant of planning permission for the development of the site. The existing permission is the subject of a 2006 legal agreement which requires the provision of development and financial contributions towards matters of: Affordable Housing, Education and Transport infrastructure requirements. Over the intervening period, development was undertaken on the wider site and a number of those requirements were concluded by the developer.

In 2013 an application was made (application number 13/00480/OBL), under section 75A of the Act. As a consequence of the financial viability of the development of the site, the applicants sought to discharge the existing legal agreement in relation to the planning permission application number 05/00106/OUT and proposed that a new agreement with alternative obligations be put in place. The Council, in terms of its adopted Economic Resilience Action Plan, agreed to off-set the remaining contribution requirements against the losses incurred by the developer over the preceding years. As a result, a revised agreement was concluded whereby the Council would receive contribution payments as a proportion of net development profit based on the submission of annual reports. The agreement contains the following clause in terms of the use for any contributions received:

The Developer Contribution shall be applied by the Council towards the provision of such services, works and facilities as the Council may in its reasonable discretion determine are required in connection with the Development in accordance with its policies on developer contributions in force at the date of payment of the Developer Contribution.

The developer contribution will be notionally apportioned between the Council and the proprietors on a percentage basis in the following proportions:

- The Council                    4.7% (£895,570 ÷ £18,895,570)
- The Proprietors            95.3% (£18,000,000 ÷ £18,895,570)

This is calculated on the basis of the sum of £895,570 tram contribution being foregone by the Council under the original Section 75 Agreement, and the £18,000,000 being the loss incurred by the applicants on the development. The sum of £18,895,570 is the total loss sustained by the parties.

The proprietors will submit an annual report to the Council including full details of the progress of the development, including any disposals, and the accounts for each phase.

This is set out in detail in the report application number 13/00480/OBL.

The viability issues identified in 2013 remain pertinent when considering this application. Accordingly, the assessment of this application cannot be divorced from the site history and any additional contribution requirements cannot be justified against this proposal at this time. Given the material change relates to the layout and form of the development and not the use, it is recommended that the approach to securing the financial contributions is the same as the 2013 application.

As part of the consultation process for this application, Transport has requested contributions, principally towards the Tram, based on the details of the application as a new proposal for planning permission. The requested level of contribution, in excess of £500,000, whilst in accordance with the provisions of the development plan and associated policy guidance, would be unreasonable taking account of the 2013 consent.

In terms of education, the number of pupils generated from phase 1 of the development is expected to be 5 non-denominational primary school pupils, 1 denominational primary school pupil and 2 non-denominational secondary school pupils. The remaining phases of the development (if the amount of residential development is maximised) would be expected to generate up to 29 non-denominational primary school pupils, 5 denominational primary school pupils, 12 non-denominational secondary school pupils and 2 denominational secondary school pupils.

The original agreement identified an education contribution of £1,932 per house and £414 per flat for non-denominational and £241 per house and £51 per flat denominational school improvements. Again those contribution requirements were taken into consideration as part of the 2013 assessment but no education contributions have ever been forthcoming despite the development which has taken place on the site.

Following the recent consultation on the draft Developer Contributions guidance a report on the outcome is being considered by the Planning Committee on 3 December 2015. Within this report an updated approach to education developer contributions is proposed. The proposal is to use the LDP cumulative assessment approach and apply it citywide. Ten Cumulative Assessment Areas have been identified. Within these areas a cost per flat/house will be identified, making it simpler to identify education contributions. In order to do this a cumulative assessment of the additional education infrastructure to support new housing development in each area is required. This work is still to be finalised for the South Central cumulative assessment area in which the application site is located. However, early indications suggest that based on the estimated range for the number of units which could be developed on this site (anywhere between 320 and 525 units) the necessary developer's contribution would be between £500,000 and £800,000. This would represent this site's share of all the primary and secondary education infrastructure actions required to accommodate the pupils generated by all the likely future development (based on a draft list of sites which requires to be confirmed) in the South Central Cumulative Assessment area.

Notwithstanding this, the revised proposal for the development of this site seeks to retain the principles of the 2013 agreement.

The proposal will need to be the subject of a new agreement which can be concluded in the same principles, allowing the Council to obtain a share in the profits, which monies can be used towards the original requirements of education and transport contributions, including towards the Tram.

Accordingly, it is proposed that the principles of the revised legal agreement (as approved in 2013) be continued in relation to the proposed development of the site as identified in this new application. Committee should be aware that Children and Families have indicated that such an agreement does not guarantee the level of education contributions (estimated between £500,000 to £800,000), which as noted above, have been identified as now being required by the Council for a development of this scale in this area. As such, Children and Families indicate there is a high risk that there will be a significant funding gap in terms of delivering the infrastructure required to serve this and other development in the south Central cumulative assessment area. If this funding gap is not met then they state that there is a significant risk that the additional infrastructure required to accommodate the additional demands arising from this development will not be capable of being met.

Affordable housing provision across the wider Fountain North site was identified as part of the original outline consent (reference number 05/00106/OUT). In accordance with the associated legal agreement, 20 affordable housing units have been constructed in the first phase of development. When that legal agreement was modified on application in June 2013, a further 16 affordable housing units were to be delivered on a site, to north of the West Approach Road but still within the approved masterplan area, identified as Block L. The remainder would be produced as a commuted sum, calculated as an overage agreement as agreed by Committee within 13/00480/OBL.

That proposal for the 16 affordable units, although refused planning permission, has been identified as minded to permit by the Directorate for Planning and Environmental Appeals on appeal (reference number PPA-230-2148). Therefore, subject to the conclusion of a legal agreement between the Council and the developer the full affordable housing provision for the wider Springside site will have been secured.

The original masterplan (application reference 05/00106/OUT) was for up to 640 homes. The consented application, number 13/00480/OBL, set out the AHP approach relating to the first 640 homes on the masterplan site. It is reasonable that this approach is taken for this current application for the first 640 homes to be provided across the wider Fountain North masterplan site.

This current application, however, could potentially provide more than 640 homes across the wider site. While the AHP will be delivered in line with application 13/00480/OBL for the first 640 homes, there will be a requirement for 25% of all residential units above that number to be of approved affordable housing tenures, as those set out within the Council's Affordable Housing guidance.

There has been already 224 homes delivered on the wider site. This means that a further 416 homes could be developed on the application site which meet the terms of the existing legal agreement.

Such an approach has been employed successfully on other sites in the city, where an existing masterplan was used to calculate the AHP up to a certain number of units delivered, but then the regular 25% AHP was to apply for any additional units proposed.

In summary, as there is a Section 75 legal agreement in place which will satisfy the AHP requirement, there is, in this case, no requirement for an additional AHP contribution for this application up to 416 homes. However, should more than 416 homes be constructed, 25% of any additional homes (beyond 416) would be required to be of approved affordable housing tenures.

Notwithstanding the above, the LDP identifies the site lies within a City Centre Major Development Area where the objective is to secure mixed use developments with commercial led uses fronting Fountainbridge. Although 150 dwellings are indicated for block E, any proposal would have to be assessed against this LDP objective. It is therefore likely that the eventual number of residential units would fall below this number on this part of the site. As such, no further affordable housing provision would be necessary. An additional contribution for affordable housing, in the terms that Housing and Regeneration have set out, is therefore not sought.

A final point to note is the Chief Planner's letter to all Heads of Planning dated 7 October 2015. He states that new build private rented sector (PRS) units have "the potential to become an additional route to quickly expand housing supply, helping to provide people with flexible housing options. The Scottish Government is accordingly working to encourage a thriving new build PRS..." He encourages planning authorities to consider the potential the PRS sector offers in meeting their housing needs and to adopt a "flexible approach in dealing with planning applications."

In conclusion, the approach outlined above is reasonable given the current economic circumstances in relation to this particular site. It will enable development to progress on the final phase of the wider Fountain North (Springside) site and will ensure an appropriate level of financial contribution is secured for infrastructure requirements.

#### h) Environmental Impacts

##### **Archaeology**

The site occupies part of the former historic Fountainbridge Brewery which operated until the end of the 20th Century. Following its closure and the subsequent demolition works, the site has undergone significant archaeological investigations. As such, no further ground investigations are considered to be required. However, the former brewery played a central role in the industrial heritage of Edinburgh and was an important landmark, especially its former clock. Given the site's historical importance, it is essential that a condition be applied to any consent granted to secure a programme of archaeological works (historical interpretation) is undertaken which will be submitted to and approved by the Council.

There are therefore no objections in terms of archaeology subject to an appropriate condition requiring a programme of archaeological works being applied to any consent.

## **Drainage**

Policy Env 17 does not allow for development which would increase flood risk. The applicants have submitted a Drainage Strategy Plan and Flood Risk Assessment in support of the application. Flood Prevention initially sought further clarification on a number of points. These points have all been addressed by the applicants and Flood Prevention is now satisfied that Council standards will be met and have no objections to the proposals.

SEPA raised no objections to the proposals.

In terms of drainage and flood risk the proposals are acceptable.

## **Air Quality**

The applicants have demonstrated that they will stay below the already consented car parking level - 487 spaces (when taking into consideration that which has been developed and still proposed within the original 05/00106/OUT application). Transport is satisfied with the proposal subject to conditions. It has been highlighted to the applicant that, since the outline consent was granted, there have been increases in the sizes of the Air Quality Management Areas which are in very close proximity to development site. These include the Angle Park/Dundee Street extension which was declared September 2015. Local air quality is therefore still a key planning consideration and mitigation measures will be required.

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration where a large scale proposal is inside, or adjacent to, an AQMA.

The planning system has a role to play in the protection of air quality by ensuring that development does not adversely affect AQMAs. In addition cumulative impacts should not lead to the creation of further AQMAs where air quality standards are not being met and for which remedial measures should therefore be taken.

Breaches of air quality standards in the city's AQMAs are largely due to road congestion. The Council's Air Quality Action Plan contains a range of measures to reduce emissions both within these areas and beyond. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LDP). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority and continued investment in public transport, walking and cycling are central tenets of the City of Edinburgh Council's Local Transport Strategy 2014-19.

The applicants have submitted details of mitigation measures they intend to use. These include the provision of rapid electric vehicle charging points and details of the proposed energy plant serving the development - three condensing gas fired boilers and a further two mini gas fired Combined Heat and Power units will be installed.

The applicant has demonstrated compliance with the Clean Air Act with supporting chimney height calculation ensuring the correct sized chimney is consented. Environmental Assessment is satisfied with these mitigation measures.

The proposals are acceptable in terms of air quality.

## **Noise**

Residential properties are proposed to be situated adjacent to the West Approach Road. A noise impact assessment has been submitted which recommends a range of glazing specifications as suitable mitigation to address road traffic noise.

The applicant has confirmed that Block A1 and the pavilion are likely to include commercial premises under Class Uses 1, 2, 3 or 4. There are noise implications for the nearby and proposed residential properties from such commercial premises. The applicant is unable to confirm the exact siting of the commercial premises until the detailed AMC application stage. In this regard, a condition is recommended which requires the developer to address any noise implications arising at the AMC stage by way of a bespoke noise impact assessment.

The proposals are acceptable in terms of noise.

## **Ventilation**

The proposed ventilation strategy, by means of mechanical ventilation with heat recovery is acceptable.

Class 3 and Class 7 premises will potentially include cooking facilities and therefore odours will require to be vented to an appropriate point. The applicant has confirmed that these details will be provided at the detailed AMC stage and therefore a condition is recommended in this regard.

The applicant has confirmed that the pavilion and the commercial premises within Block A1 may include a Class 3 uses. Such premises are required to have suitable ventilation to ensure that cooking odours are vented to a suitable position prior to dispersal. However, the agent has confirmed that these premises will only require limited cooking equipment and has confirmed what this equipment will be. A condition is recommended to ensure this Class 3 use within these premises is restricted.

The proposals are acceptable in terms of ventilation.

## **Site Contamination**

Information has been submitted which advises that the site has been assessed for contamination and is at a level which is safe for the proposed end use. Environmental Assessment is not in a position to assess or confirm whether the site remediation has been completed to an acceptable standard. It is therefore recommended that an appropriate site investigation condition be attached which will provide Environmental Assessment the opportunity to assess this issue in further detail.

## i) Sustainability

The Edinburgh Design Guidance identifies 6 principles that major developments are to address and sets thresholds for each criteria.

The proposed development has scored as follows:

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

### Desirable Elements

In addition the applicants have provided further commitment to further sustainability measures as set out in the desirable elements. Additional measures include Combined Heat and Power Plant with surplus electricity exported to the grid, provision of City Car Club Spaces and electric vehicle charging points, communal recycling facilities and the use of locally sourced materials.

## j) Public Comments

There have been four letters commenting on the proposals and six letters objecting to the proposals. The West End Community Council supports the proposals, however Tollcross Community Council and Merchiston Community Council have objected to the proposals. The following material issues have been raised:

### Material Issues

- planning permission in principle, however, significant level of detail being sought (assessed in 3.3(a) above - this submission format was considered acceptable;
- density (assessed in 3.3 (d) and (e) above) - found to be appropriate for this context;
- scale and design of proposals (assessed in 3.3 (c) above) - found to be appropriate for this context;
- excessive height of development (assessed in 3.3 (c) above) - height of Block A1 has been reduced and it is recommended that the height of Block E be restricted to that of Block D;
- impact on views to the Castle (assessed in 3.3 (c) above; revised proposals do not impact on view to the Castle;
- layout (assessed in 3.3 (c) above) - found to be appropriate for this context;
- public realm and amenity space (assessed in 3.3 (c) above) - provision and quality found to be satisfactory for the proposed development;
- amenity in terms of natural light (assessed in 3.3 (d) and (e) above) - found to be in accordance with the approved Design Guidance;
- mix of uses (assessed in 3.3 (a) above) - found to be appropriate for this site;

- inadequate cycle parking (assessed in 3.3 (f) above - Transport have raised no objections; and
- comparison to 2006 approved scheme (assessed in 3.3 (a) above) - this is a material consideration in the determination of this current application.

#### **Non - Material Issues:**

- biased information within the Design and Access Statement - information considered satisfactory for determination of application;
- inappropriate timing of submission - submission date acceptable and agreed with applicants;
- Melvin Walk unsatisfactory for cyclists - not relevant to this application;
- inappropriate location of Toucan crossing on Fountainbridge - not relevant to this application;
- PAC report inaccurate - information considered to be in accordance with statutory requirements; and
- inappropriate phasing - no objections to the PPP application with certain detailed elements.

#### **Community Councils**

Tollcross Community Council and Merchiston Community Council have objected to the proposals on the following grounds:

#### **Material Issues**

- planning permission in principle, however, significant level of detail being sought assessed in 3.3 (a) above) - this submission format was considered acceptable;
- scale and design of proposals (assessed in 3.3 (c) above) - found to be appropriate for this context;
- excessive height of development (assessed in 3.3 (c) above) - height of Block A1 has been reduced and it is recommended that the height of Block E be restricted to that of Block D; and
- inappropriate mix of uses (assessed in 3.3 (a) above - found to be appropriate for this site.

#### **Non - Material Issues:**

- inappropriate timing of submission - submission date acceptable and agreed with applicants.

#### **k) Equalities and Human Rights Impacts**

The proposals have been assessed in terms of Equalities and Human Rights. The proposed development will improve the environment following appropriate site remediation and will create improved public realm. It will provide secure living accommodation. Its central location offers good access to public transport and public places. The proposals will have a positive impact in respect of rights.

The development will be accessible for people disadvantaged by age, disabilities or pregnancy/maternity requirements in accordance with current standards. The proposals will have a positive impact in respect of equalities.

An Equalities and Human Rights Impact Assessment has been undertaken and can be viewed on the Planning and Building Standards online services.

### Conclusion

In conclusion, the proposal does not fully comply with the development plan in terms of Policy Des 3 and the impact the development will have on adjacent student residences. However, the impact is minimal and is not significant and given the site's urban context a marginal breach of policy is justified. A proportion of units fall below the minimum recommended size, however, this has been compensated for with enhanced internal storage space, in accordance with the design guidance. The proposals are broadly consistent with the regeneration aims and objectives for this part of the city in accordance with other local plan policies and supplementary guidance.

It will introduce a form of development that is appropriate to its context in terms of design, scale and materials and it will not impact on the historic environment. It will provide a satisfactory level of amenity for future occupiers and there will be no significant impact on existing residential amenity. It will not introduce any implications in terms of road or pedestrian safety. The proposals are acceptable in terms of sustainability. There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. Prior to the commencement of construction of Phase 2 and 3 and work on the blocks identified as Block D and Block E, details of the undernoted matters in relation to these blocks shall be submitted to and approved by the planning authority in the form of a detailed layout of the site and include detailed plans, sections and elevations of the buildings and all other structures and any supporting information.

#### Approval of Matters:

- Block D - building form and massing;
- Block E - any element that exceeds a height of 89.9 metres AOD;
- design and materials of the development including design of all external features and glazing specification (including acoustic capabilities);
- daylighting/sunlighting and privacy calculations to neighbouring properties;
- design and configuration of all private and public open spaces including all materials and finishes;

- operational aspects of all private and public open space;
- roads, footways, cycleways, access arrangements and servicing and the layout of underground and surface parking (including disabled) and cycle parking provision;
- location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;
- drainage arrangements, SUDs proposals and SUDs maintenance plan;
- waste management and recycling facilities;
- all operational requirements for the commercial and business uses including servicing arrangements, opening hours, deliveries/collections, ventilation, servicing, external plant machinery;
- full details of sustainability measures in accordance with Edinburgh Design Guidance;
- existing and finished site and floor levels in relation to Ordnance Datum;
- external lighting, including floodlighting and street lighting arrangements for the development;
- site investigation/decontamination arrangements;
- hard and soft landscaping details:
  - (i) detailed landscaping plan.
  - (ii) a schedule of all plants to comprise species, plant size and proposed number and density.
  - (iii) inclusion of hard landscaping details.
  - (iv) walls, fences gates and other boundary treatments.
  - (v) landscape management plan including schedule for implementation and maintenance of planting scheme.
  - (vi) tree protection measures.

For the avoidance of doubt, Phase 1 shall comprise the development of Block A1 and the pavilion building and the associated public realm works and is restricted to the areas of land coloured blue shown on drawing (PL) 004 and Phases 2 and 3 shall comprise the development of Block D and E respectively, identified in yellow as shown on drawing (PL) 004.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site.

Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on the building or landscape area on which the material is to be used; Note: samples of the materials may be required.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. Class 1 (Retail), Class 2 (Financial, Professional and other Services), Class 3 (Food and Drink) and Class 4 (Business) hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.
6. Hours of operation and siting of any external seating area will require to be agreed at the Approval of Matters in Conditions (AMC) stage.
7. An application for approval of reserved matters shall be accompanied by a detailed Daylight Privacy and Sunlight assessment.
8. Any application for approval of reserved matters shall include a minimum of 70% active commercial frontage onto Fountainbridge/Dundee Street. For the avoidance of doubt, uses considered appropriate to maintain an active frontage are those within Class 1 (Retail), Class 2 (Financial and Other Services), Class 3 (Food and Drink) and Class 4 (Business) as defined by the Town and Country Planning (Use Classes)(Scotland) Order 1997.
9.
  - i) Prior to the commencement of construction works on site:
    - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
    - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
10. All glazing to the new residential units will be of the following specifications:
  - Standard glazing (Rw + Ctr 27dB) for the facades of Block D facing Brandfield Street and Drysdale Road, for the outward facing facades of the Pavilion and for the facades not directly facing a road;

- Enhanced glazing (Rw + Ctr 35 dB) for the facades of Block A and Block E facing Brandfield Street and Drysdale Road; and
  - Acoustic double glazing (Rw + Ctr 40dB) for the facades of Block A and Block E facing West Approach road Fountainbridge.
11. All new residential units will incorporate mechanical ventilation with heat recovery.
12. A noise impact assessment shall be provided at the AMC stage for Blocks D and E which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.

13. **Class 3 and Class 7**

Cooking odour ventilation details should be provided at the approval of matters in conditions (AMC) stage. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:

(i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

(ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.

(iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

14. **Class 3 (Block A and Pavilion)**

Cooking, heating and reheating operations on the premises being restricted to the use of one Panini grill, one microwave, a soup kettle only; no other forms of cooking, heating or reheating of foodstuffs shall take place without the prior written consent of the planning authority.

**Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to protect the amenity of the occupiers of the development.
6. In order to protect the amenity of the occupiers of the development.
7. In order to protect the amenity of the occupiers of the development.

8. To ensure the vitality and viability of the new Local Centre as required in the Fountainbridge Development Brief.
9. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In order to safeguard the amenity of neighbouring residents and other occupiers.
13. In order to safeguard the amenity of neighbouring residents and other occupiers.
14. In order to safeguard the amenity of neighbouring residents and other occupiers.

### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, relating to tram and educations contributions and accounting for the particular historical viability issues of the site, has been concluded.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. 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.
3. 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.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The central division element of Block D is not approved, however, the height of 89.9 metres AOD is acceptable.

6. The height of Block E is not approved and any element above 89.9 metres AOD will require to be agreed at the AMC stage.
7. The applicant should be advised that they will not be eligible for residential parking permits in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item 7 7 \(Category A - New Build\)](http://www.edinburgh.gov.uk/download/meetings/id/39382/item%207%207%20(Category%20A%20-%20New%20Build));
8. Provision shall be made within the site for electric vehicle charging points. Charging points must be provided for the car club parking spaces.
9. All boilers must be fitted with secondary abatement technology.
10. The enhancements to the building envelope, as defined in the Ramboll Environ Noise Impact Assessment Report (Ref 1620000745-AC-R01) shall be carried out in full and completed prior to the occupation of the residential properties. Those works comprise the glazing specifications as detailed in Condition 10.

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions. There will potentially be a funding gap given these contribution payments will be based upon the level of profit this development generates. The Council will receive contributions as a proportion of the net development profit based on the submission of annual reports.

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

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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

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

The proposals were referred to the Edinburgh Urban Design Panel at pre application stage. Full details of its response can be found in the Consultations Section of this report.

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

Neighbours were notified on 27 July 2015. There has been four letters commenting on the proposals and six letters objecting to the proposals. The West End Community Council support the proposals, however Tollcross Community Council and Merchiston Community Council have also objected to the proposals. The following material issues have been raised:

- planning permission in principle, however, significant level of detail being sought;
- PAC report inaccurate;
- density;
- height;
- scale and design of proposals;
- impact on views to the Castle;
- layout;
- public realm and amenity space;
- amenity in terms of natural light;
- mix of uses;
- inappropriate phasing; and
- inadequate cycle parking.

#### Non - material issues raised:

- biased information within the Design and Access Statement;
- inappropriate timing of submission;
- comparison to 2006 approved scheme;
- Melvin Walk unsatisfactory for cyclists; and
- inappropriate location of Toucan crossing on Fountainbridge.

A full assessment of the representations can be found in the main report in the assessment section.

## Background reading/external references

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- 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 application site is identified within the Edinburgh City Local Plan as part of a wider development proposal for Fountainbridge (CA 3). It promotes Fountainbridge as one of four major development opportunities in Central Edinburgh.

The application site lies within the area of the Fountainbridge Development Brief, which has been approved as supplementary planning guidance (approved 3rd November 2004). An amendment to the Brief was approved by the Planning Committee on 1 December 2005.

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.

**Date registered**

18 June 2015

**Drawing numbers/Scheme**

01 - 05A,06 - 13A,14A - 18A,19, 20A - 28A,29 - 41A,42 - 47,

Scheme 2

## **John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: Emma Wilson, Senior Planning Officer  
E-mail:emma.wilson@edinburgh.gov.uk Tel:0131 529 3634

### **Links - Policies**

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#### **Relevant Policies:**

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

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 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

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

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

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

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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 Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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 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 Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

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.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

### **Relevant policies of the Proposed Local Development Plan.**

Second Proposed LDP Policy Del 3 (City Centre) sets criteria for assessing development in the city centre.

### **Relevant Non-Statutory Guidelines**

**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 '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 15/02892/PPP**

**At Land Adjacent To 194, Fountainbridge, Edinburgh  
Planning Permission in principle for mixed use development  
including residential, Class 1 (Retail), Class 2 (Financial,  
Professional and other services), Class 3 (Food and Drink),  
Class 4 (Business), and/or Hotel/Class 7; Detailed matters  
included for the siting + maximum height of building blocks,  
points of vehicular access + egress, location of pedestrian  
routes, all detailed matters for the North block (Building A1),  
new public square + pavilion building - as amended.**

### **Consultations**

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#### **Edinburgh Urban Design Panel - January 2015**

##### *Executive Summary*

*The Panel welcomes the opportunity to review this proposal at the early stage of the design process. The Panel supports the revised development strategy for the site and the contribution this could make to the ongoing regeneration of the Fountainbridge area.*

*The proposal for review is specifically for the central part of the wider Springside site (previously known as Fountain North). This proposal has been selected for consideration by the panel due to its significance as a major redevelopment proposal within the Central Area, as identified in the Edinburgh City Local Plan and Second Proposed Local Development Plan.*

##### *Main Report*

##### *1 Introduction*

*1.1 The site forms part of the ongoing redevelopment of the wider Fountainbridge area and was previously occupied by part of the former brewery. The site is bounded by Fountainbridge to the south. The western edge of the application site is bounded by a new vehicular access route linking Dundee Street and the Western Approach Road, with student accommodation and the Fountain Park Leisure Complex beyond. To the east lies Melvin Walk, which is a new pedestrian access route linking Fountainbridge with the West Approach Road, with the recently completed Springside flatted development on the opposite side. The Western Approach Road runs along the northern edge of the site.*

1.2 The Panel noted that outline planning permission consent for mixed use development was previously granted for the site in 2006. The site is also subject to the Fountainbridge Development Brief (amendment approved December 2005)

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 Community Engagement and proposed tenure

2.1 The Panel were very encouraged by the level of public engagement, involving 3 community councils, which has taken place for the site to date, including that which currently exists through the Grove Community Garden. The Panel noted that further public engagement will be undertaken by the design team as the proposals develop.

2.2 The design team confirmed that the development would predominantly be for the private rented sector and targeted towards a professional tenant base with a 25-40 year old demographic. The developer has already implemented 45 units for private rent as part of Phase 1 and this has provided a good insight to demand and the local market. The Panel welcomed the aspiration to create a new community and the opportunity the development could create for private rented sector tenants to be part of a community.

2.3 The Panel queried whether development would include student accommodation. The project team confirmed that whilst student accommodation is not totally ruled out at this stage, this would not include HMO accommodation.

## 3 Development strategy including layout, massing and streets/open spaces

3.1 The Panel welcomed the revised development strategy for the site and review of the earlier masterplan to take account of changing conditions.

3.2 The Panel commented on the quality of design analysis undertaken and the robustness of the proposed plan, particularly the introduction of east - west streets with larger urban grain to the edges, and a smaller, broken down grain to the rear lanes.

3.3 The Panel recognised the quality of the environment created through the first phase of the development, particularly the form, scale, quality of detail and approach to public realm. This has been widely recognised and the design team should seek to build upon this success.

3.4 The Panel expressed concern regarding the scale, linearity and orientation of the northern block fronting the West Approach Road. The use of a single block structure would make it more difficult to introduce a clear distinction between public and private space, in contrast with proposed perimeter block form immediately to the south and it was felt that this could impact upon the quality of the residential experience for those properties oriented to the West Approach Road. The design team confirmed that properties oriented to the north would be dual aspect with garden amenity spaces to the West Approach Road. The Panel queried the quality of amenity space in this location. However, the Panel agreed that it would be better to harmonise this as part of the development with the West Approach Road rather than introduce dead frontage. The Panel also noted that this raises broader issues regarding its long term role and function of the West Approach Road if this as a main vehicular route.

3.5 The design team advised that they would not be seeking to utilise the full building envelope for the northern block, as previously consented and propose variations within the roof and building lines. This was welcomed by the Panel although there was concern as to how the scale of block might impact upon the views of the Castle from the west. These aspects of the design require further detailed development.

3.6 The Panel noted that the blocks placed centrally to the site would be of perimeter form and a lower scale to those block to the north and south and offered no further comments.

3.7 The Panel noted that the south block oriented to Fountainbridge was likely to be developed for commercial uses as previously consented, although the perimeter block form could be adapted for residential use.

3.8 The introduction of a public square fronting Fountainbridge was welcomed by the Panel. It was felt that such a feature could strengthen the north-south route through the site and offer a physical and visual break in the Fountainbridge frontage. The Panel noted that a smaller pavilion building could be contained within the square which could increase the overall extents of public frontage within the space and assist with the animation of public realm.

3.9 However, the Panel expressed concern to how the proposed massing and configuration of streets could impact upon daylighting and sunlighting throughout the development. The design team confirmed that the east-west streets would be narrower, and be of a similar configuration to other nearby streets, e.g. Brandfield Street in Phase1. The Panel noted that the use of continuous high facades could also result in poor residential environments as exemplified in the nearby Upper Grove Place. In view of this, daylighting and sunlighting need to be fully modelled and tested as design development takes place, particularly to ensure the quality of amenity in maximised at ground floor level.

#### 4 Vehicular infrastructure and parking

4.1 The Panel welcomed the proposed parking deck to the lower levels of the development, which will allow surface parking to be minimised and assist in the creation of public realm and high quality streetscape. It was suggested that the lower levels of the development would also be useful for waste storage and the use of a communal waste management system would be encouraged.

4.2 The Panel enquired whether the proposed parking provision of 30% would be appropriate for the tenant mix which is envisaged for the development. The project team commented that the landlord will have the ability to influence tenant behaviour through the use of pool cars and other incentives relating to car use, e.g. preferential rates for private car hire. The location is also highly accessible in relation to public transport and city centre locations.

## 5 Materials

5.1 The proposed use of brick as the principal material within the development was discussed by the Panel, particularly its appropriateness in an Edinburgh context. The Panel noted the success of brick on the first phase of the development with its use also highlighted in the Council's Edinburgh Design Guidance. There was a majority consensus amongst the Panel that brick would be appropriate for the site particularly given its industrial heritage and in reinforcing the relationship between new and old. However, detailing would be critical and this aspect requires further consideration as part of the design development.

## 6 Design of Public Realm

6.1 The Panel welcomed the aspirations of the design team in the design approach to public realm. It was noted that the previously consented palette as adopted in Phase 1 would be applied to the new public square, with subtle changes to the materials in response to residential character and usage. The panel queried as to whether brick paviors would be used and to whether these would be appropriate. The design team confirmed that whilst the limited use of clay brick and smaller unit sizes were being considered for the residential/private/semi private spaces this would not involve extensive use of conventional block paving.

6.2 The Panel queried whether the proposed tenant mix could present difficulties in the maintenance of open spaces and gardens. However, the project team believed that personalisation and effective maintenance could be achieved through factoring arrangements, with the maintenance of some spaces also helping to foster a community spirit.

## 7 Recommendations

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

- o The design team should seek to build upon the success of the Phase1 Springside development which has been widely recognised as an exemplar of urban residential development, particularly the form, scale, quality of detail and approach to public realm
- o The level of public engagement being undertaken and desire to create a new community, an approach which contrasts with many other development proposals in parts of the city
- o The quality of design analysis, this informing a revised strategy for the development of the site

*o The robustness of the proposed plan form, the formation of additional east-west streets and the introduction of the proposed public square on Fountainbridge*

*o The proposed approach to parking and vehicle management, and the positive impact this could have upon the design of public realm*

*o The proposed palette of materials finishes, including brick, to both buildings and detail within the public realm*

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

*o The northern block to the West Approach Road requires further considered design development to ensure creation of a high quality residential environment and avoid detrimental impact to key views from the west*

*o Further consider the detail of all material finishes to ensure high quality execution*

*o Ensure that all ground floor frontages provide effective animation to adjacent streets and areas of public realm*

*o Undertake further modelling in relation to daylighting and sunlighting, both to maximise the quality of public realm and residential amenity for ground floor properties*

*o Ensure effective arrangements are put in place for the effective management of external spaces, both public and private.*

*o Encourage the use of a communal waste collection system within the development*

*o Encourage the use of 'Secured by Design' although this should not result in a gated community*

### **The Council's Archaeology Officer - response dated 26/06/2015**

*Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for planning permission in principle for mixed use development including residential, class 1 (retail), class 2 (financial, professional and other services), class 3 (food and drink), class 4 (business) and/ or hotel/class 7; detailed matters including the siting and max height of building blocks, points of vehicular access and egress, location of pedestrian routes, North Block (A1), new public Square and pavilion building.*

*The site occupies the former historic Fountainbridge Brewery for Scottish and Newcastle which operated on the site until the end of the 20th Century. Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV9.*

*The site has been the subject of archaeological investigations undertaken by AOC Archaeology Group between 2004 and 2008 and as no further ground investigations are thought to be required. However the former S&N played a central in the industrial heritage of Edinburgh and was an important landmark especially its former clock. Accordingly it is essential that this rich heritage is interpreted within the final design of this development which could include public art works as well as more tradition interpretive panels and perhaps the return of the former S&N Clock*

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

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

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

### **Economic Development - response dated 26/06/2015**

*The following are comments from the City of Edinburgh Council's Economic Development service which relate to the planning application 15/02892/PPP for a mixed-use development comprising 341-541 residential units; up to 2,330m<sup>2</sup> of class 1/2/3 space; up to 18,480m<sup>2</sup> of class 4 space; up to 17,800m<sup>2</sup> of class 7 space; 146 parking spaces, and ancillary elements on land adjacent to 194 Fountainbridge, Edinburgh.*

*Edinburgh's economic strategy, A Strategy for Jobs 2012-17 aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.*

*Fountainbridge is recognised by Economic Development as one of the most strategically important development areas in Edinburgh. The former brewery gap site in Fountainbridge encompassing both the site in question and The EDI Group's India Quay development to the south - is one of the "Edinburgh 12": 12 flagship projects with the potential to support large increases in employment and economic output as identified by the Council's Economic Development service. The wider Fountainbridge area is home to a number of key brownfield sites and is currently one of the most active areas of the city in terms of development activity.*

#### *Commentary on existing uses*

*The site in question is a 2.15 acre plot of vacant brownfield land. There has been no activity on the site since the closure of the McEwan's brewery in 2003 and subsequent clearing of the site.*

*The site was previously in use for industrial activities. Given the location of the site and the nature of the current surrounding activities, it is recognised that the site is no longer appropriate for industrial activities.*

#### *Commentary on proposed uses*

##### *Class 1 Shops / Class 2 Financial, professional and other services / Class 3 Food and drink*

*The proposed development would deliver up to 2,330m<sup>2</sup> of class 1/2/3 space: up to 277m<sup>2</sup> in block A1, up to 403m<sup>2</sup> in the pavilion and up to 1,650m<sup>2</sup> in block E. Based on average employment densities, this could be expected to directly support 123-146 full-time equivalent jobs. Based on an average gross value added per employee of £48,732 per annum for workers in the retail sector, this could be expected to support annual gross value added of up to £7.1 million (2012 prices).*

*The delivery of ground-floor class 1/2/3 units within block E and the pavilion would enhance the retail offering along Fountainbridge, which is currently inconsistent with many large breaks in the retail frontage. This detracts from the appeal of the street as a retail destination. The new class 1/2/3 units could be expected to complement the new active frontage on the south site of Fountainbridge proposed to be delivered as part of the India Quay development, which would include 1,967m<sup>2</sup> of retail and leisure space.*

*Retail parades in Edinburgh are successful where there is a critical mass of shops and where there is a large enough population or sufficient passing trade to generate custom. Where the area has limited custom or the retail offering is limited, retail parades can struggle, as seen with the units on Salamander Street. The large number of new residential units being delivered as part of the development would generate custom for class 1/2/3 units on Fountainbridge.*

*The desire to create an active frontage onto the West Approach Road is recognised. It is noted, however, that there are presently no other class 1/2/3 units in this immediate area; that the West Approach Road, lacking a pedestrian footway, has low levels of footfall; and that permeability across the West Approach Road to Dalry is relatively weak. The retail units would also be positioned between the more developed retail offerings on Fountainbridge and Dalry Road and would potentially struggle to compete successfully with them. In light of this, it is suggested that the successful delivery of proposed class 1/2/3 units could prove challenging and there is a need to ensure that these units do not struggle to secure tenants in the same way as other retail units delivered below housing elsewhere in Edinburgh, such as on Salamander Street. Improving permeability between Fountainbridge and Dalry may be necessary to make these units successful.*

##### *Class 4 Business*

*The proposed development would deliver up to 18,480m<sup>2</sup> of class 4 space: up to 277m<sup>2</sup> in block A1, up to 403m<sup>2</sup> in the pavilion and up to 17,800m<sup>2</sup> in block E. Based on average employment densities, this could be expected to directly support up to 1,540 full-time equivalent jobs (1,483 of them in block E). Based on an average gross value added per employee of £78,344 per annum for workers in the financial and business services sector, this could be expected to support annual gross value added of up to £120.7 million (2012 prices).*

*As reported to the Economy Committee on 18 December 2014, there is a growing shortage of office space in Edinburgh, with a particular lack of grade 'A' office space in the city centre. Office space is among the most efficient property classes in terms of employment density and typically supports relatively high-value jobs. Although there has been recent movement in the market and office developments are now underway at The Haymarket, Quartermile, St Andrew Square and New Waverley, this space is not expected to be adequate to accommodate future levels of demand (the four developments collectively represent approximately 72,000m<sup>2</sup> of new office space; Edinburgh has historically required around 30,000m<sup>2</sup> of new office space each year to meet demand). The space at St Andrew Square has already been fully pre-let and there is active interest in the other developments. This relatively weak pipeline has been exacerbated by the loss of office space within other developments currently in the pipeline (such as the proposed deletion of 2,307m<sup>2</sup> of office space from the St James development) and the ongoing loss of office space for other uses (such as the proposed conversion of the 2,021m<sup>2</sup> Erskine House office building on Queen Street into an apart-hotel). There is therefore a continued need for new office development in the city centre. The site in question lends itself well to the development of offices with the large, well-lit, open plan floor-plates typically sought by occupiers.*

*The concerns of the developer around the viability of office uses on the site are noted. It is noted, however, that the majority of office developments in the immediate area are performing strongly. Citymark, 1 Lochrin Square, 2 Lochrin Square, and Quayside House are all fully let, while Quay 2 and OneSixty are both over three-quarters let (based on vacancy levels recorded by the Scottish Assessors Association). The only large-scale office development in the immediate area with significant vacancy levels is Quay 2, this as a result of the recent collapse of the legal firm Tods Murray, its former anchor tenant. There is therefore evidence that existing office developments in Fountainbridge have been successful, albeit in some cases this will have entailed quoting reduced rents.*

*In addition, the site is relatively close to The Haymarket, which will deliver 31,600m<sup>2</sup> of new office space at the western end of Morrison Street. Consultation carried out with property agents in Edinburgh has suggested that this development has the potential to shift the centre of gravity of Edinburgh's office market westward, which would reduce the perception of the site as being peripheral, particularly if the development succeeds in creating greater movement between Dalry and Fountainbridge over the West Approach Road. The site is also opposite the proposed India Quay development which will deliver 13,061m<sup>2</sup> of new office space; the two developments can be expected to complement one another and mutually reinforce the status of Fountainbridge as an office location. There is evidence that a higher concentration of service sector workers in a particular area can increase productivity via agglomeration effects, meaning it is desirable to cluster offices together where possible to enhance productivity.*

*The preference of residents for alternative uses is noted. However, it is noted that an office development has the potential to create large numbers of new well-paid jobs which will be to the benefit of the area in terms of both providing employment opportunities for residents and providing additional custom for local businesses.*

*The developer's suggestion that a number of other more attractive developments could materialise in the city centre which would further impact on the viability of offices in this location is noted. This is considered relatively unlikely given the highly limited number of remaining large-scale development sites in the city centre.*

*It is noted that the adjacent block F was previously allocated for office uses but planning consent has since been granted for this to be changed to a hotel. There has therefore already been a loss of office space within the development.*

#### *Class 7 Hotels and Hostels*

*The proposed development would deliver up to 17,800m<sup>2</sup> of hotel space. This would potentially represent one of the largest hotels in Edinburgh, with 350 600 bedrooms. This could be expected to support between 121 477 full-time equivalent jobs depending on the calibre of hotel.*

*Given average occupancy rates in Edinburgh of 80.5% (as of 2014) and average daily spend for overnight visitors of £81.00 (as of 2009/10), this could be expected to support additional visitor spending in Edinburgh of £2.9 £11.9 million per annum.*

#### *Class 9 Houses*

*The proposed development would deliver 341 541 residential units: 141 in block A1, 200 250 in block D, and up to 150 in block E. Given average household sizes in Edinburgh (2.08 as of 2013); this is projected to represent approximately 709 1,125 additional residents.*

*The development can be expected to support jobs in the area via household expenditure. Given the average expenditure of households in Scotland (£449 per week), the combined expenditure of the households within the development is projected to total approximately £8.0 £12.6 million per annum. This would include £0.9 £1.5 million on food and non-alcoholic drinks; £1.0 £1.5 million on recreation and culture; £0.5 £0.7 million on household goods and services; and £0.4 £0.6 million on clothing and footwear. It is reasonable to assume that a proportion of this expenditure will be made in the local area. This could be expected to support a small number of jobs (up to 38) in retail and other sectors within Edinburgh.*

*The development represents the first large-scale private rental development in Edinburgh. The private rented sector is projected to undergo rapid growth in the UK in response to rising demand for rental properties and an increased number of institutional investors viewing this market as attractive. Housebuilding activity in the UK has been depressed since the onset of the global economic downturn as a result of reduced demand from buyers and a shortage of capital, both as a result of tightened bank lending criteria. The PRS sector has the potential to help address this by leveraging institutional funds into the provision of homes built for rental. PRS developments are currently being considered for a number of other brownfield sites in Edinburgh; it is likely that this development will be closely watched as an initial case study of how successful the PRS concept is in Edinburgh.*

*The developer argues that PRS can make a significant contribution to the housing market by providing homes for individuals on low incomes or who otherwise do not want to or are unable to buy a home. It is recognised that Edinburgh is home to a large number of itinerant workers and students whose accommodation needs may not be met within the mainstream housing market (as of the 2011 census, 30% of residents of Edinburgh were born outwith Scotland, compared to 17% of residents of Scotland as whole).*

#### *Overall impact*

*Due to the considerable potential variation in the final makeup of the development, the economic impacts of the development could vary significantly. It is recognised that there is an element of trade-off between new jobs and new homes.*

*A commercially-focused development comprising 18,480m<sup>2</sup> of office space along with 341-391 residential units could be expected to directly support 1,540 full-time equivalent jobs and gross value added of £120.7 million (2012 prices), plus a small number of additional jobs supported by residents' expenditure. Given the shortage of office space in Edinburgh, a relatively low level of displacement could be expected.*

*A residential/retail-focused development comprising 2,330m<sup>2</sup> of retail space along with 491-541 residential units could be expected to directly support 123 full-time equivalent jobs and gross value added of £6.0 million (2012 prices), plus a small number of additional jobs supported by residents' expenditure. Given the large number of new residents, a medium level of displacement could be expected.*

*Any other composition could be expected to generate an intermediate level of jobs and gross value added.*

#### *Summary response to consultation*

*Economic Development proposes that there is a strong case for requiring office uses in block E. An office development of this scale could be expected to directly support 1,483 full-time equivalent jobs and annual gross value added of up to £116.2 million (2012 prices), significantly more than alternative use classes. This would complement the nearby office development at India Quay, and bring new high-value jobs to the area. The developer's concerns about the viability of office development on this site are noted. However, it is noted that there are numerous well-performing office developments already on Fountainbridge. The developer's concerns about competition from other office developments closer to the city centre are also noted but it is noted that there are few remaining brownfield sites in the city centre available for a major office development. If, as proposed by the developer, a three year marketing exercise is agreed to, Economic Development would request to see the terms on which the site was brought to market.*

*Economic Development considers that the successful delivery of 277m<sup>2</sup> of class 1/2/3 space in block A1 may prove challenging in light of the lack of any complementary class 1/2/3 offering in this area and low levels of passing trade. Enhancing permeability across the West Approach Road between Fountainbridge and Dalry may be necessary for this to be successful.*

*The development represents the first large-scale private rented sector development in Edinburgh. The PRS sector has the potential to make a significant contribution to meeting housing need in Edinburgh. PRS has been proposed for a number of other sites in Edinburgh and the success of this development may influence how these proceed.*

*This response is made on behalf of Economic Development.*

### **Additional Economic Development comments - dated 20/08/15**

*An addendum was added to this response on 20 August 2015 to address additional evidence introduced by the applicant via an Office Analysis Report produced by Savills, which was submitted by the applicant after the original response was provided by the Economic Development service and therefore did not receive consideration in the initial response.*

*A key assertion of the report is that Springside is in a peripheral location which challenges the viability of speculative office development. It is recognised that the site is dislocated from the well established office hub of the Exchange District. At the same time, however, there is a significant existing cluster of office buildings on Fountainbridge, albeit these typically are not capable of commanding the same rents as more centrally located offices. The site is also proximate to The Haymarket Edinburgh, the single largest office development in Edinburgh, and to Haymarket station, albeit the West Approach Road reduces permeability in this direction. It is noted that other offices in locations removed from the traditional office core such as Quatermile are performing relatively strongly - with the speculatively-developed Quatermile 4 already 45% pre-let - albeit it has taken some time for Quatermile to become established as an office hub. Overall, it is recognised that Springside is located outwith the most attractive area to occupiers, with implications for occupier interest and rent levels. However, there is an established office market in the area and the majority of modern office buildings are full or largely let. It is suggested that the development of offices at Freer Street, India Quay and Springside could collectively give the area sufficient critical mass to elevate its appeal to occupiers. There is an element of "self defeating prophecy" in that Fountainbridge is not seen as attractive for development due in part to a lack of critical mass, but that it cannot attain critical mass without development taking place.*

*The applicant has expressed concerns that potentially competing schemes throughout the city could reduce the viability of development at Springside. The Savills report lists 10 pipeline office developments that could potentially deliver approximately 150,500m<sup>2</sup> of new office space over the period 2016 to 2023 - equivalent to 18,800m<sup>2</sup> per annum. However, it is noted that the office markets report prepared by the Economic Development service in December 2014 found that Edinburgh has historically required around 30,000m<sup>2</sup> of new grade 'A' office space each year to accommodate demand. This suggests that the 10 developments would only account for two-thirds of projected demand. It is also noted that there is no certainty that all 10 developments will proceed in full. For example, it is anticipated that the gap site at Torphichen Street will be developed for hotel uses rather than office uses. Several of the other sites do not yet have planning permission. It is further noted that the pipeline has been considerably weakened in recent months by the deletion of 2,307m<sup>2</sup> of office space from St James and 5,700m<sup>2</sup> from The Haymarket. 100% of the space being developed at South St Andrew Square and 45% of the space being developed at Quatermile 4 has been pre-let. The office pipeline is therefore considered to remain fragile despite the encouraging signs in recent months.*

*The Savills report notes that there are relatively few transactions of 4,600m<sup>2</sup> (50,000 sq ft) plus in Edinburgh (around one per annum). This is acknowledged, although it is noted that there is a considerably greater number of smaller transactions (for example, there are on average two transactions of between 2,300m<sup>2</sup> [25,000 sq ft] and 4,600m<sup>2</sup> [50,000 sq ft] per annum, while over 80% of all transactions in the Edinburgh office market involve units of less than 929m<sup>2</sup> [10,000 sq ft]). Office buildings that are carefully designed to maximise the scope for subdivision can cater to a much wider swathe of the market than those dependent on tenants seeking large floor-plates, albeit it is recognised that there are advantages to having a single tenant.*

#### *Summary response to consultation (addendum)*

*The Economic Development service does not consider that a scheme for Springside with zero or negligible class 4 space would be appropriate in light of the growing shortage of grade A office space in central Edinburgh; the need for a critical mass of office development in Fountainbridge to consolidate the area as an office hub and attract supporting businesses catering to employees; and the potential for class 4 space to bring significant numbers of high value new jobs to the area.*

*However, the concerns of the developer around the viability of large-scale office development at Fountainbridge given typical achieved rents and the perceived peripheral nature of the site are recognised. It is recognised that the maximum office space proposed to be delivered at Springside - 18,480m<sup>2</sup> - is considerably more than proposed to be delivered at Freer Street (13,000m<sup>2</sup>) and India Quay (11,100m<sup>2</sup>), both of which benefit from slightly more central locations. It is recognised that there are major challenges to delivering an office development of this scale at Springside.*

*The Economic Development service therefore supports the proposal by the developer that a three year marketing exercise is carried out to attempt to secure a partner to bring forward the development of the office elements. The Economic Development service would request to see the terms on which the site was brought to market and potentially an independent verification of the exercise.*

*In the event that a partner cannot be identified, the Economic Development service would in principle support a reduction in the quantum of office space to a more deliverable scale. This could potentially entail subdividing block E (as in the "finger blocks" referred to on page 47 of the applicant's design and access statement) to allow for a mix of uses to be delivered, to include an office building of a more modest scale (perhaps similar to the developments at 2 Lochrin Square [1,942m<sup>2</sup>] and Quayside House [3,011m<sup>2</sup>], both of which are fully let to a range of tenants requiring smaller floor-plates) that would potentially be less challenging to secure speculative development funding for and let.*

*It is considered that this approach would ensure that some office uses were delivered on the site without quarantining the site by requiring the development of a scale of office uses demonstrated by the marketing exercise to be undeliverable. This approach is felt to allow sufficient flexibility to ensure development of the site is viable while still delivering an element of the office space needed by the city's economy and contributing to the overall mixed-use regeneration of Fountainbridge.*

## **Housing and Regeneration (Affordable Housing) - response dated 24 November 2015**

### *1. Introduction*

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

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

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

### *2. Affordable Housing Requirement*

*As this application is proposing a mixed use development which could accommodate more than 12 residential units, the AHP will apply. As this site has a complex history, dating back to a 2005 application and a revised obligation from 2013, the AHP requirement will be as follows:*

*AHP homes will be delivered onsite at Plot C2 (which has already been built and tenanted by Dunedin Canmore HA) and on Plot L of the masterplan (which has recently been granted full planning consent following a successful appeal).*

*The original masterplan (application reference 05/00106/OUT) was for up to 640 homes. Similarly an application to revise the obligations of the masterplan (reference 13/00480/OBL) was approved. In light of projected and actual losses experienced by the developer the application 13/00480/OBL set out the AHP approach relating to the first 640 homes on the masterplan site. That remains the case for this application, so that (for the first 640 homes) AHP units will be delivered onsite on plot C2 and plot L, with the remainder being produced as a commuted sum that will be calculated as an overage agreement agreed by committee within 13/00480/OBL.*

*This current application, however, could potentially provide more than 640 homes across the site. While the AHP will be delivered in line with application 13/00480/OBL for the first 640 homes, there will be a requirement for 25% of all residential units above that number (including PRS homes) to be of approved affordable housing tenures, as those set out in PAN2/2010 and within the Council's Affordable Housing Policy.*

*For example, should there be 640 homes delivered, then there would be no change to the AHP arrangements already agreed. If however there were to be 769 units delivered (for example) then 32 AHP homes would be required somewhere on the site, to represent 25% of the additional 129 units above 640.*

*Such an approach has been employed successfully on other sites in the city, where an existing masterplan was used to calculate the AHP up to a certain number of units delivered, but then the regular 25% AHP was to apply for any additional units proposed.*

*The provision of affordable housing for this application is covered by the legal agreement attached to the original outline application (ref:05/00106/OUT). This was revised in 2013 with a new legal agreement that also applies to this application. The applicant has already constructed 22 affordable units on the masterplan site covered by this application as part of the first phase of development and is seeking to deliver a further 16 affordable units on Block L, to the north of the West Approach Road.*

*As there is a signed Section 75 legal agreement in place which will satisfy the AHP requirement there is, in this case there is no requirement for an additional AHP contribution for this application up to the 640th unit. However, should more than 640 homes be constructed, 25% of the additional homes (beyond the 640th) would be required to be of approved affordable housing tenures.*

*This department would be happy to answer any queries on the affordable housing element of this proposal.*

## **Environmental Assessment - response dated 19/11/15**

### *Air Quality*

*The applicant has demonstrated that they will stay below the already consented car parking level 487 (when taking into consideration that which has been developed and still proposed within the original 05/00106/OUT application). Transport Planning are satisfied with the proposal subject to conditions. It has been highlighted to the applicant that since the outline consent was granted there has been increases in the size of the Air Quality Management Areas which are in very close proximity to the development site. This includes Angle Park/Dundee Street extension which was declared September 2015. Therefore local air quality is still a key planning consideration and mitigation measures will be required.*

*Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration where a large scale proposal is inside, or adjacent to, an AQMA*

*The planning system has a role to play in the protection of air quality by ensuring that development does not adversely affect AQMAs. In addition cumulative impacts should not lead to the creation of further AQMAs where air quality standards are not being met and for which remedial measures should therefore be taken.*

*Breaches of air quality standards in the city's AQMAs are largely due to road congestion. The Council's Air Quality Action Plan contains a range of measures to reduce emissions both within these areas and beyond. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LDP).*

*The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority and continued investment in public transport, walking and cycling are central tenets of the City of Edinburgh Council's Local Transport Strategy 2014-19.*

*The City of Edinburgh Council's Parking Standards for Development Control document, dated December 2009, is used to determine the appropriate level of car parking for new developments.*

*The applicant has submitted details of what mitigation measures they intend to include as part of the proposal. The applicant is willing to accept conditions to include the provision of rapid electric vehicle charging points. The location of these chargers shall be detailed on any submitted plans. Charging points should also be provided for the car club parking spaces. At least one charging outlet should be of the following standard:*

*70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

*All other charging points (including car club spaces) 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.*

*The applicant has submitted details of the proposed energy plant serving the development. A total of three condensing gas fired boilers will be installed on the site including two duty boilers and one standby boiler. Each boiler will be rated at approximately 450kW output to water. A further two mini gas fired Combined Heat and Power units will be installed with each being rated at 60kW gas input. The applicant has also demonstrated compliance with the Clean Air Act with supporting chimney height calculations ensuring the correct sized chimney is proposed for consent. It has been highlighted to the applicant that Environmental Assessment will not support biomass as a fuel in this location. As there are high background levels of NO<sub>2</sub> in the area, any heating system of this size must be installed with secondary abatement technology. Environmental Assessment therefore recommends the condition below to ensure appropriate abatement technology is included.*

#### *Noise*

*Residential properties are proposed to be situated adjacent to West Approach Road. A noise impact assessment has been provided which recommends a range of glazing specifications as suitable mitigation to address road traffic noise. A condition to this effect is recommended below.*

*The applicant has confirmed that block A1 and the pavilion are likely to include commercial premises under Class Uses 1, 2, 3 or 4. There are noise implications for the nearby and proposed residential properties from such commercial premises. The applicant is unable to confirm the exact siting of the commercial premises until the detailed AMC application stage. In this regard, a condition is recommended below which requires the developer to address any noise implications arising at the AMC stage by way of a bespoke noise impact assessment provided at that stage.*

*The agent has advised that the ventilation strategy to operate in association with the glazing, which are both required to reduce road traffic noise and ensure an appropriate level of amenity, has yet to be confirmed. A condition is therefore recommended which requires the developer to provide the ventilation details at a further date once the strategy has been developed.*

#### *Odours - Ventilation*

*The Class 3 and Class 7 premises will include cooking and therefore odours will require to be vented to an appropriate point. The applicant has confirmed that these details will be provided at the detailed AMC stage and therefore a condition is recommended below in this regard.*

*The applicant has confirmed that the pavilion and the commercial premises below block A1 may include a Class 3 premises. Such premises are required to have suitable ventilation to ensure that cooking odours are vented to a suitable position prior to dispersal.*

*However, the agent has confirmed that these premises will only require limited cooking equipment and has confirmed the equipment required for use within the pavilion and any class 3 premises below block A1. A condition is recommended below to that effect.*

#### *Site Contamination*

*The agent for the application has provided information which advises that the site has been assessed for contamination and is at a level which is safe for the proposed end use. Environmental Assessment is not in a position to assess or confirm whether the site remediation has been completed to an acceptable standard. Therefore, in the meantime it is recommended that an appropriate site investigation condition be attached which will provide Environmental assessment with more time to consider the information provided. Such a condition is recommended below.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following condition and informative:*

#### *Conditions*

##### *Air Quality*

*One charging outlet should be of the following standard:*

*70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*

*All other charging points (including car club spaces) 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.*

*All boilers must be fitted with secondary abatement technology.*

*Noise*

*Residential*

*The enhancements to the building envelope, as defined in the Ramboll Environ Noise Impact Assessment Report (Ref 1620000745-AC-R01) shall be carried out in full and completed prior to the occupation of the residential properties.*

*Those works comprise the following glazing specifications:*

- Standard glazing (Rw + Ctr 27dB) for the facades of Block D facing Brandfield Street and Drysdale Road, for the outward facing facades of the Pavilion and for the facades not directly facing a road;*
- Enhanced glazing (Rw + Ctr 35 dB) for the facades of Block A and Block E facing Brandfield Street and Drysdale Road; and*
- Acoustic double glazing (Rw + Ctr 40dB) for the facades of Block A and Block E facing West Approach road Fountainbridge.*

*No development hereby permitted shall be commenced until details of the proposed ventilation systems have been submitted to and approved in writing by the Council. Those details shall include details of the location of the air intake and the maintenance of the system. No residential unit hereby permitted shall be occupied until the system relating to that unit has been installed. The system shall thereafter be retained.*

*Class 1, 2, 3, 4*

*A noise impact assessment should be provided at the AMC stage which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.*

*Odours*

*Class 3 and Class 7*

*Cooking odour ventilation details should be provided at the approval of matters in conditions (AMC) stage. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:*

*(i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.*

*(ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.*

*(iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.*

### *Class 3 (Block A and Pavilion)*

*Cooking, heating and reheating operations on the premises being restricted to the use of one Panini grill, one microwave, a soup kettle only; no other forms of cooking, heating or reheating of foodstuffs shall take place without the prior written consent of the planning authority.*

### *Site Contamination*

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

*(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

*(b) Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

### **Transport - response dated 19/10/15**

*I have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

*1. Consent should not be issued until the applicant has entered into a suitable legal agreement to:*

*a. Contribute the sum of £523,653 (based on 560m, Zone 3 with 516 residential units, 400m<sup>2</sup> café and 2,788m<sup>2</sup> office);*

*b. Contribute the sum of £2,000 per order to progress each of:*

*i. an order to redetermine footway, carriageway and cycle track as necessary;*

*ii. an order to amend the waiting and loading restrictions in line with the controlled parking zone order;*

*iii. stop up any section of road as necessary to enable development, under Section 207 of the Town and Country Planning (Scotland) Act 1997;*

*c. Provide a draft travel plan prior to first occupation and a final travel plan within 12 months of first occupation. The travel plan should included measures to address traffic reduction and mode share targets;*

2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. Details of the extent of adoptable areas, materials, layout, lighting, drainage, SUDs etc. to be reserved;
3. Road layout must be able to accommodate a 12m refuse vehicle. The applicant should be advised to contact the Council's Waste Collection manager to agree appropriate refuse collection. Swept path drawings will be required;
4. The applicant should be advised that they will not be eligible for residential parking permits in accordance with Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);
5. Prior to carrying out any works to the footway or carriageway, appropriate permits must be applied for and secured and be carried out in accordance with Council guidelines;
6. Cycle parking to be provided in line with the Council's parking standards and to the satisfaction of the Head of Transport;
7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport;
8. Any gate or doors must open inwards onto the property;

Note:

- o Electric vehicle charging outlets should be considered for this development which includes dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;
- o New street names may be required for the development. The applicant should be advised to contact the Council's Street Naming Network at an early stage. Street names may affect the progression of any necessary orders.

### **Flood Prevention - response dated 16/07/2015**

*In support of the above planning application the Flood Prevention Unit have reviewed the following documents,*

- o Drainage Strategy Plan document, dated June 2015
- o Flood Risk Assessment. Dated June 2015

*The applicant should provide a drainage statement which covers the following issues.*

1. *It should be noted that SEPA Pluvial flood maps show an area of flooding at the eastern side of the site at McEwan Square and also in the north western corner. Please confirm how this will be addressed.*

2. Please identify existing and proposed surface water flow paths on a drawing. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. This is also required to demonstrate there is no increase to the existing flood risk mentioned above.

3. As the site is proposed to house a basement car park please provide further details as to how water will be prevented from entering the basement car park and how it will be drained in the event of water entering it.

*It should be noted that the hydrobrake outflow control used in manhole SS106 is 63mm diameter and as such does not comply with Sewers for Scotland Version 2 which requires a minimum diameter of 75mm. This should be addressed at AMC stage.*

### **Flood Prevention - further comments received 9/10/15**

*I can confirm that you have adequately addressed points 1, 2 and 3 in the memo for PPP stage.*

*With regard to the hydrobrake size of 63mm whilst it does not comply with SfS v3 I can concede that Scottish Water have applied a maximum discharge rate for the site and as a result of the topography note that a hydrobrake of this diameter would be acceptable in this instance. This does not set a precedence for other applications. Please confirm who is to adopt and maintain the hydrobrake, and if it is to remain private please detail a maintenance regime that is sufficient to minimise the risk of blockage.*

### **Children and Families - response dated 18/11/15**

Following the consultation on the draft Developer Contributions guidance, the approach to education developer contributions is being revised.

Children and Families has agreed to take the proposed contribution zone approach and apply it citywide. 10 Contribution Zones have been identified. Within these zones a cost per flat/house will be identified, making it simpler to identify education contributions.

In order to do this a cumulative assessment of the additional education infrastructure is required to support new housing development in each zone.

A draft list of housing sites and development capacity has been circulated to Planning team managers for review. Children and Families await a final list of housing sites from Planning which will be included in the education appraisal. This site falls with the 'South Central' zone. Some work has already been completed on identifying the likely actions for this area using the draft list, however this will not be completed until sites and numbers are finalised.

## **Merchiston Community Council response - dated 31/07/2015**

*There are many aspects of this plan that I like, and others that I am unsure of, and others that I opposed, and hope can be thought of differently and improved.*

*Firstly I want to thank Grosvenor for the excellent public engagement sessions they held which I attended. I can see that there are many aspects of the public consultations that they have utilised in respect of the public square and pavilion building, and in residential building A1. For instance the balconies and basement bike storage and the proposal to make 51% of the dwellings two bed or more. (I would encourage a larger number of two bed dwellings, to accommodate small families and divorced singles and part-time parents. Also 'empty-nesters' like to have space for visitors).*

*I like the landscaped treatment of the frontage of A1 and the way it softens the merging with the busy Western Approach Road and provides something of a protection and natural barrier. I also like the roof terrace for residents, though I'm concerned for safety, and that it could be a tad inclement in our weather. I hope some thought can be given to solutions for this. I do share the reservations made by some about the severe blocky appearance and lack of articulation in A1. Perhaps some fancy brickwork patterns\_ More interesting fenestration\_ Fancier balcony patterns\_ Shapes\_ The NBRC building is brick, an unusual building for Edinburgh but maybe its detailing once uncovered may reveal something that can be echoed\_*

*Like several others, I am also a tad concerned about the heights here which will reach to ten storeys. ON the other hand, who would want to live right on the Western Approach Road at ground level\_ The higher up you are, the further you are away from it. I live on the 3rd floor of a traditional tenement and there is a lot to be said for living in the clouds. You get the light, and can feel a peaceful sense of being above the fray. And views are uplifting.*

*Residents of the upper floors will enjoy a panoramic view of the city to the west, but I'm concerned that their building will then block the light to building D which is proposed to be a double courtyard.*

*I dislike intensely the proposal for a double courtyard in building D. This is going to look like Cell Block H or Colditz. 200-250 dwellings has been suggested here. An E shaped or U shaped building would work better as the courtyards as proposed are far too small to get much light and the feeling of being overlooked would be overpowering and claustrophobic.*

*I see that the street layout follows the site on the other side in having a SW-NE orientation. But the prevailing winds are SW, and they are going to come howling along these high sided corridors and intensify the force of the wind making it unpleasant to walk along in windy weather which is most of the time in Edinburgh. If this orientation is to be kept, think about how wind breaks like trees might break the force.*

*The public square will however be sheltered, though it will also be dark as it will face NE. Lighter, warmer, richer and softer tones and surfaces would make this seem cosy, intimate and welcoming: dark colours and cold tones should be avoided. It should dovetail nicely with Gilmore Park and the NBRC building opposite which will also have a courtyard, making a saunter along Gilmore Park to the lift bridge and canal a pleasant exploration. It would be good to keep to these heritage themes and make this route a welcome journey for pedestrians and cyclists from the canal. It would make any retail units here particularly valuable.*

*There are lots of hotels in the area and we local residents are sick of them, especially the apart hotels. It's lazy thinking. We would rather see more local enterprises than hotels. Fountainbridge used to be bustling with small artisan workshops. We would like to see this come alive again. With STV Local at Fountain Quay, the Printmakers coming to NBRC, the possibility of the Filmhouse coming to Fountainbridge and the failed (for now) bid of Out of the Blue arts organisation to take over the old Boroughmuir High School, our vision for the area is of a Creative Arts Hub and quarter, a new Amsterdam with studios and workshops. We would rather see that sort of business enterprise than more hotels, and we feel that this would really increase the attractiveness of the area.*

#### **Tollcross Community Council - response dated 27/07/2015**

*I am writing on behalf of Tollcross Community Council who would like to lodge an objection to the above Application. Thus far on this site, Grosvenor have employed such a wonderful period of generous engagement with the community in the shape of the Grove Community Garden, entirely provided by Grosvenor as a goodwill gesture to the local community. Whilst this was always to be a temporary arrangement, it displayed such an enlightened sense of understanding and engagement with local folk, it is particularly disappointing to see the nature of the proposed development on the site.*

*-We are very disappointed to be faced with a submission at a time when it is known that many Community Councillors/members of the public are on holiday, this feels canny and has often been used by developers in the past as a method for enjoying a reduced number of objection letters*

*-We are concerned that whilst the application is ostensibly for Planning in Principle, Grosvenor are seeking approval for Building 'A1' and various other matters.*

*- We are particularly worried by the content of the proposals, we feel that the proposed architecture is of extraordinary height and feels 'monolithic' in nature. It seems not to appreciate the need for public realm in terms of light and space and seems not to have responded to the concerns of the Edinburgh Urban Design Panel.*

*- We also feel it has no relationship with the EDI masterplan for India Quay and will create architectural dissonance, which is inexcusable in a situation where buildings are being designed to sit in close proximity.*

*The public and the community of Tollcross has suffered greatly at the hands of developers in the last 10 years with unfulfilled promises of community spaces/new canal basins/low-cost housing. This is a great shame when you consider how closely the community has been involved with the EDI land and the Fountainbridge Canalside Initiative. We hope the committee will understand that objections of this nature are submitted with a hope for a GREATER GOOD for the area.*

### **West End Community Council - response dated 17/07/2015**

*As a neighbouring CC the West End Community Council submits the following representation:*

*WECC supports the proposals in the above application. The comments we made in response to the original PAN have been taken into account.*

*We look forward to the lodging of the final designs for the remainder of the site, in the anticipation that the block/s will provide further much needed housing.*

### **Police Scotland - response dated 09/07/2015**

*I am writing on behalf of Police Scotland regarding the above planning application for a Fountainbridge, Edinburgh.*

*We recommended that the architect and client meet with a Police Architectural Liaison Officer to discuss Secured by Design principles and crime prevention through environmental design in relation to this build.*

### **SEPA - response dated 03/07/2015**

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

*Advice for the planning authority*

#### *1. Flood Risk*

*1.1 We have reviewed the information provided in this consultation and it is noted that part of the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of surface water flooding. In addition, the application site is at a location for which we hold a record of flooding.*

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

1.3 No mention of previous flooding has been noted in the Flood Risk Assessment (FRA). Review of the Proposed Site Sections A-A & B-B, C-C & D-D drawings (ref. no. (PL)017, dated 18/06/2015 and (PL)018, dated 18/06/2015) indicates that the finished floor levels are to be flush with the proposed ground levels. We would strongly recommend that finished floor levels, especially for any ground floor residential areas, are elevated above existing ground levels to mitigate the residual risk from the canal and surface water flooding.

1.4 Car parking is proposed for the lower ground floor. We would strongly recommend that to reduce the risk from groundwater ingress that flood resistant and resilient measures are incorporated which could include tanking and a pump to remove any ponding water.

1.5 It is recommended that contact is made with your Flood Prevention Authority and Scottish Canals regarding the issues raised above.

## 2. Drainage Strategy

2.1 As the site drains ultimately to the combined sewer, and not directly to the water environment, there is no requirement for Sustainable Urban Drainage Systems (SUDS). The provision of SUDS on this site, therefore, is good practice and we are content with the details of SUDS that accompany this application.

### Detailed advice for the applicant

## 3. Flood Risk

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

3.2 We refer the applicant to the document entitled: *Technical Flood Risk Guidance for Stakeholders*. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

3.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.

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

3.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: *Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities* outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

## Regulatory advice for the applicant

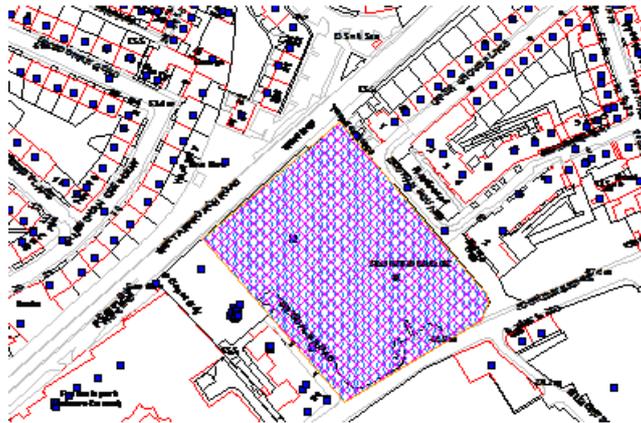
### 4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in the local SEPA office at:

Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, Edinburgh, EH14 4AP

## Location Plan

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**END**