

# Development Management Sub Committee

Wednesday 9 November 2016

## Application for Approval of Matters Specified in Conditions 16/03321/AMC

At Site 60 Metres South Of 199, Fountainbridge, Edinburgh  
AMC specified in conditions 1, 2 (a-m) and (i)-(v), 3, 9, 17, 18, \_ 20 relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water + drainage/lighting, waste management/hard + soft landscaping details.

Item number 7.1

Report number

Wards

A09 - Fountainbridge/Craiglockhart

## Summary

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The proposal will further the regeneration of Fountainbridge, providing 434 new homes in a mixed use development. There will be a mix of tenure and housing size with build to rent housing and affordable housing. Ground level commercial uses will help activate the development, particularly along Dundee Street and the canal-side. This will contribute to the area's vitality and viability.

The architecture and public realm will provide 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. There will be no impact on existing residential amenity and it will not introduce any implications in terms of road or pedestrian safety. The proposals are acceptable in terms of sustainability.

The Build to Rent (BTR) element of the proposals provides residential accommodation which does not comply with non-statutory guidance in terms of flat sizes, housing mix, proportion of single aspect flats and sunlight levels within shared open space. The impacts of these infringements have been assessed, taking account of the particular characteristics of BTR development. The considerable benefits of the proposal are recognised and overall, an acceptable level of amenity for future occupiers will be achieved.

Appropriate conditions are attached to ensure that full details of materials and public realm proposals are submitted and approved.

The proposal complies with the development plan. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LPC, CITCA1, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITD9, CITD10, CITE8, CITE9, CITE3, CITE16, CITE17, CITE18, CITH2, CITH3, CITH4, CITH7, CITR4, CITT1, CITT2, CITT3, CITT4, CITT5, CITT6, CITT13, CITE15, LDPP, PLDP01, PLDP02, PLDP03, PLDP06, PLDP12, PLDP08, PLDP09, PLDP10, PLDP11, PLDP12, PLDP13, PLDP15, PLDP16, PLDP20, PLDP21, PLDP26, PLDP27, PLDP33, PLDP34, PLDP39, PLDP40, PLDP51, PLDP52, PLDP54, PLDP56, PLDP64, PLDP72, PLDP73, PLDP74, PLDP78, PLDP81, NSG, NSDCAH, NSESBB, NSGD02, NSGESS, NSMDV, NSGSTR,

# Report

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### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is in the urban area as defined in the Edinburgh City Local Plan (ECLP). The site forms part of the wider Fountainbridge Area identified as proposal CC3 in the Edinburgh Local Development Plan (LDP) as modified.

The application site relates to part of the former Scottish and Newcastle Brewery site and covers approximately 2.8 hectares between Fountainbridge, Dundee Street and the Union Canal. It is referred to as India Quay (formerly Fountainbridge South). The Union Canal to the south is a Scheduled Ancient Monument.

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

The North British rubber factory, which is a category 'C' listed building (L.B. number 4436, 23 January 1998), is situated immediately to the north east of the site. This building was included within the site of the relevant application for planning permission in principle. However, it has since received planning permission for a print works and is excluded from the current application.

The Viewforth Bridge on the Union Canal, adjacent to Horne Terrace, is a category 'B' listed building (item 47615).

The site which has been cleared of all buildings, is bounded on the north east corner by an existing tenement building on the corner of Gilmore Park with Fountainbridge.

## **2.2 Site History**

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

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

11 January 2006 - outline planning permission was granted for land adjacent to 194 Fountainbridge, Edinburgh for a mixed use development on brownfield site (application number 05/00106/OUT).

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

12 February 2014 - A Proposal of Application Notice was submitted for planning permission in principle for mixed use development comprising retail (class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10) leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works at site 60 metres south of 199 Fountainbridge Edinburgh. A report was presented to Development Management Sub Committee on 15 May 2014 (14/00309/PAN).

17 December 2014 - Committee agreed to approve (subject to the concluding of a section 75 legal agreement) an application in principle for proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works (application number 14/02814/PPP).

26 August 2015 - The Committee agreed to the revisions sought to contributions required under the proposed section 75 legal agreement for application ref; 14/02814/PPP, as approved by committee, subject to the conclusion of a legal agreement on 17 December 2014 (application number 14/02814/PPP).

11 May 2016 - Committee agreed to vary the following terms of planning condition number 2, 5 and 16 of application number 14/02814/PPP:

Condition number 2 - requirement for the submission of specific matters (including height of buildings) to be submitted for approval before works commence on site:

The applicant requested that the requirement for the height massing and siting and ground levels to be 'within the approved planning permission in principle levels', be amended to 'take reference from the indicative drawing no. 2a' (accompanying this application).

Condition number 5

The applicant requested that the requirement for details of matters for approval under relevant conditions be 'in accordance with the approved master plan drawing (02a)' be amended to include a requirement to take 'reference to the Master plan drawing 02a, or its replacement, as subsequently approved through the submission of matters specified in conditions'. This was to allow for an element of flexibility in terms of conformance with the masterplan drawing.

Condition number 16

The applicant proposed that condition number 16 which required that a maximum of 6,765 square metres of proposed floor area be in hotel use and restricted to location at plot 'f' on the masterplan drawing, be removed as it was considered unnecessarily restrictive(application number 14/02814/PPP).

### **Applications on Neighbouring Sites**

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

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

29 April 2015 - Application for full planning application for new 180-room apart-hotel with service road, associated landscape works and car parking was 'minded to grant' pending legal agreement for site at former 159 Fountainbridge Edinburgh (application number 14/03847/FUL).

7 October 2015 - Application for planning permission in principle for site at former 159 Fountainbridge for mixed use development comprising Offices; hotel/apart-hotel; residential; commercial and retail uses with associated service roads, landscape works and car parking was 'minded to grant', subject to legal agreement (application number 14/03848/PPP).

21 October 2015- Application for listed building consent granted for office accommodation and print studio within the existing building, with Creative Enterprise units accommodated in new extension to the south-east of the existing building to form an external courtyard (application number 15/03186/LBC).

21 December 2015 - an application for full planning permission was granted for the demolition of existing industrial unit at 12 Horne Terrace and erection of 16 apartments, 3 townhouses and 1 commercial unit (application number 14/03752/FUL).

26 August 2016- Application for the conversion of existing derelict North British Rubber Company building into Creative Hub for Edinburgh Printmakers; opening up and formation of new entrance to gallery, shop, cafe, office accommodation and print studio, new extensions to south-east of existing building to form external courtyard(application number 15/03129/FUL).

## **Main report**

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

The application is for approval of matters specified in conditions 1 and 2 of planning permission in principle reference 14/02814/PPP for plots known as W1 to W4. The proposal is for residential, business and retail units. The matters specified in condition 2 include the detail of height / massing / ground floor levels / design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting / servicing, surface water and drainage / lighting, waste management / hard and soft landscaping details.

As well as these matters, the application also seeks to satisfy conditions 3, 9, 17, 18 and 20 of the 14/02814/PPP permission. In summary, these are as follows:

- 3) Each AMC application shall be accompanied by a phasing plan;
- 9) Class 1 Retail hours of operation;
- 17) Each AMC application to be accompanied by a Daylight Privacy and Sunlight assessment;
- 18) Any AMC application shall include minimum of 70% active commercial frontage onto Fountainbridge / Dundee Street; and,
- 20) Full details of heritage interpretation plan shall be submitted with each AMC.

The proposal is primarily residential and represents the first phase of the implementation of the 14/02814/PPP permission. The proposal is for 434 units, 112 of which will be affordable housing provided in Block W4. Retail/business uses are proposed at the ground floor fronting the Union Canal and Dundee Street. The total retail floor space is 2541 square metres, with an additional 456 square metres of class 2 business use floor space.

Blocks W1, W2 and W3 are intended for 'Build to Rent' residential use (total 332 units). Build to Rent (BTR) is a housing tenure with properties owned, managed and let by a large scale private landlord on the open market. Build to rent homes are designed and built specifically for renting where ownership of the block of units is retained by one owner as a long term investment. The concept is based on purpose built integrated development which provides residential accommodation alongside shared on-site amenities. The proposal includes a variety of on-site facilities for residents including a gym, dance studio, communal lounge area for event hire, private parties and meeting fellow residents and storage facilities. In addition, the BTR units will be fully managed on a 24 hour 7 days a week basis and there will be a concierge facility which will take deliveries of goods.

The proposed layout comprises four urban blocks in a grid arrangement with private open space within each. Six storey flatted buildings are proposed to front Dundee Street, Viewforth and the Union Canal. Due to the sloping nature of the site, these rise to seven storeys in part, on side streets. There are lower buildings in the interior of the site with four storey colony flats. The layout of the blocks creates new streets and routes through the site to the canal and the wider city.

The breakdown of residential units is as follows:

	<i>1 bed flats</i>	<i>2 bed flats</i>	<i>3 bed flats</i>	<i>Total</i>
Block W1	61	79	8	148
Block W2	52	53	6	111
Block W3	20	41	2	63
Block W4	69	35	8	112
Total	202	208	24	434
	46%	48%	6%	

The breakdown of private amenity space is as follows:

Block W1	2,666m <sup>2</sup>
Block W2	1,884m <sup>2</sup>
Block W3	520m <sup>2</sup>
Block W4	567m <sup>2</sup>
Total	5,037m <sup>2</sup>

The proposals for sustainable urban drainage comprise attenuation tanks beneath the courtyards to the rear of all residential blocks and between blocks W3 and W4 to the north of the site, as well as the use of porous paving. Bio-retention features are also proposed in these courtyard areas. Twelve bio-retention trees are also proposed within the public realm. However, details of the relevant tree types have not been submitted. There is a rill (a water channel) in the new street proposed, that is aligned perpendicularly to the canal. There is also a fountain feature in the southern space between this part of the development and the future phases to the east.

The proposed facing materials are identified as mix of red, dark clay and buff coloured brickwork. Metal framed windows and balustrades and profile zinc cladding are also proposed. The proposed materials for the public realm works included a mix of granite cobbles, clay paviors, granite setts and Caithness flagstones.

Vehicle parking is proposed within the basement car park at blocks W1 and W3 to the south of the site. A total of 148 parking spaces are proposed, 143 of which are proposed at basement level, six of these being fully access compliant. Five fully accessible compliant spaces are proposed at street level, three of which are private, within the curtilage of W4. Six city car club spaces are proposed at basement level in block W1.

Cycle parking is proposed at basement level in blocks W1 and W2 (328 spaces), in the rear courtyard at block W3 (66) and at the foyer areas in block W4 (104). There are 74 cycle parking spaces in the public realm. This equates to a total of 572 cycle spaces provided across the site.

An energy plant is proposed within the basement of block W1, which will provide a district heating centre to serve the occupants of the development at both the current application site, as well as developments subject to further phases of the approved masterplan site. The applicant has advised that there is also expansion capacity for potential future connections to additional sites, for example Boroughmuir High School and any potential new sites in the immediate vicinity, subject to logistical considerations.

A phasing plan has also been submitted to meet the terms of condition no. 3 of the planning permission in principle. The phasing plan indicates that the development will commence at plots W1 to W4 in numerical order, with the adjacent public realm works being undertaken in tandem with the proposed building works.

The proposals also include details of hours of opening at the proposed retail and class 2 business units, as required under condition 9. The hours of operation for the proposed retail units are from 9am until 6pm at the non-food units and 7am until 10pm at the retail food store proposed at block W1. The hours of operation proposed for the proposed business units are from 9am until 6pm.

Information has also been supplied in relation to ventilation and refuse collection arrangements. It is proposed to use a commercial operator for the removal of refuse at the site. The applicant has stated that any waste that will be collected from public land will adhere to the Council's refuse collection service's three collection periods being 9.30am - 12pm; 2pm - 4pm; and 6.30pm - 11pm.

The proposed hours of delivery for the proposed retail and class 2 business units are: On Mondays to Saturdays: from 7am - 8.30am, 10am - 12 noon, 2pm - 4pm and 6.30pm - 10pm; and on Sundays from 8am - 12 noon.

The application includes information to support the discharge of condition 20, in relation to archaeological heritage interpretation.

## **Scheme One**

The previous scheme included details of hours of operation relating to classes 3, 10 and 11 (food, drink, non residential institutions and assembly and leisure) uses which are no longer relevant, as these uses have been removed from the current application.



The previous scheme also included details relating to the siting of external seating areas associated with the class 3 uses and the hours of operation, to meet the terms of condition 12. These details have been withdrawn from the application as they are no longer relevant.

### **Supporting Information**

The following supporting documents have been submitted with this application and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement;
- Flood Risk Assessment;
- Quality Audit (road safety);
- Overshadowing assessment;
- Street Engineering Review;
- Geotechnical and Environmental Assessment;
- Supplementary Information (amenity standards);
- Supplementary information (levels);
- Landscape Schedule;
- Dwelling Sunlight and Daylight Analysis;
- Daylighting Summary;
- Prospective Adoption Plan;
- Swept path drawing (refuse vehicles); and,
- Roads Information.

### **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 principle of the development is acceptable;
- b) The mix of housing and affordable provision is acceptable;
- c) There are any detrimental impacts on the historic environment;

- d) The design, scale, massing and materials are acceptable;
- e) Transport and movement impacts are acceptable;
- f) Amenity for the proposed development is acceptable;
- g) Neighbouring amenity is adequately protected;
- h) Other impacts are acceptable;
- i) The sustainability of the proposal is acceptable;
- j) Impacts on equalities and human rights are acceptable; and,
- k) Representations have been addressed.

a) Principle

The principle of the development has been established under the relevant planning permission in principle (PPP) (application number 14/02814/PPP).

The proposed mix of uses, which includes a combination of residential accommodation, retail and some class 2 uses and office floorspace at lower floor levels, is compliant with the overall mix of uses, approved for the wider development site through the relevant PPP application. It accords with ECLP policy Ca 1 (City Centre) and Proposal CA3 - Fountainbridge, relevant policies and proposals in the Edinburgh Local Development Plan (LDP) as modified and the Fountainbridge Development Brief.

The majority of the residential units are Build to Rent (BTR). This category of accommodation is a form of Private Rented Sector development which the Scottish Government recognises can help deliver new housing quickly and provide people with flexible housing options. In a letter to all Heads of Planning dated 7 October 2015, the Chief Planner 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."

The Scottish Government's Draft Planning Delivery Advice: Housing and Infrastructure (February 2016) states that BTR has potential advantages over housing for sale including:

- delivery of housing at scale. The pace of development can be much quicker as letting rates are higher than sales rates.
- enables rapid place-making for large regeneration sites. BTR can kick-start larger development sites and creates a sense of place.
- design quality. With a longer-term interest in the development, there are opportunities for high design quality which will attract investors and clients.

The principle of BTR is acceptable on this site subject to the consideration of detailed aspects such as housing mix, flat sizes and open space provision set out in sections 3.3 b) and 3.3 f).

The proposed provision of retail frontages on both the Dundee Street and canal-side frontages comply with condition 18 of the PPP application, in terms of the provision of active frontages at these locations. The condition requires 70% active frontage and the application exceeds this with 91% of the frontage being active. The former rubber works, included within the site of the relevant PPP application, has planning permission for conversion to a print works, thus contributing to the balance of use types in this area.

Condition 4 of the PPP application requires a minimum office floor area within the wider application site. This application does not include any office accommodation other than class 2, commercial space. However, the plot to the north east of this site has been identified for such provision in the indicative uses master plan submitted with the planning permission in principle for the wider site. It is therefore anticipated that the required office element will be provided in the next phase of the development of the wider PPP site.

The proposed mix of uses is compatible with the indicative mix approved under the relevant planning permission in principle and accords with the ECLP, LDP as modified and the Fountainbridge Development Brief.

#### b) Housing Mix and Affordable Provision

ECLP Policy Hou 1 supports housing as part of mixed use regeneration proposals within the City Centre. Policy Hou 2 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".

There are a variety of units proposed throughout the site, including a mix of one bedroom flats, two bedroom colonies, and three bedroom duplex apartments. The housing mix proposed across the application site constitutes 202 (46%) one bedroom units, 208 (48%) two bed units and 24 (6%) three bed units.

The affordable housing allocation for this site is proposed at the north-west section of the site, at block W4. The total number of units proposed (112) constitutes just over 25% of the total number of residential units at this site, in compliance with ECLP policy Hou 7 and relevant non-statutory planning guidance. This provision also accords with the terms of the section 75 agreement relating to the PPP application.

The mix of units proposed at the affordable housing site is similar to that elsewhere on site, although at 7% the proportion of 3 bedroom units is slightly higher. The built form, which includes an 'L' shaped apartment block and a row of colonies style flats, is also reflective of the built form elsewhere on site, in compliance with relevant non-statutory guidance.

The remaining residential component of the development will be provided for Build to Rent (Private Rented Sector). In planning terms, this tenure is considered as mainstream housing, where relevant policies are applicable. However, the Chief Planner's letter which encourages planning authorities to adopt a flexible approach in dealing with planning applications for BTS/PRS is a material consideration.

The proportion of three bedroom units throughout the development site at 6% is substantially below the 20% level recommended in the Edinburgh Design Guidance and as encouraged under ECLP policy Hou 2. The applicant has advised in the supporting statement that this mix was proposed following the undertaking of extensive research of local demand by both the applicant and the proposed Registered Social Landlord taking over the affordable housing block.

The applicant has stated that 41 of the two bed units are 'Colonies' style dwellings which owing to their traditional style layout, with easy access to shared garden space, would be suitable as family accommodation. Whilst the relevant advantages of such a layout are recognised, two bedroom units are not accepted as a family sized accommodation in the Edinburgh Design Guidance. The proposals do not therefore accord with the Guidance in this respect.

The general mix of accommodation type and form would serve a range of housing needs, which would contribute towards meeting the provisions of ECLP policy Hou 2 and relevant planning guidance. The shortfall of family sized accommodation is an infringement of the Edinburgh Design Guidance but is acceptable within the context of a BTR proposal in this central location.

#### c) Effect on Historic Environment

##### **Setting of Listed Buildings**

The proposals will have no detrimental impact on the former North British Rubber Company building, which is category 'C' listed (item 44936) date 23/01/1998). The proposed new buildings are separated from this neighbouring property by the public road and access routes. The proposals for public realm improvements, including the proposed landscaping on the canal-side, will enhance the setting of this building.

The Viewforth Bridge on the Union Canal, which is category 'B' listed (item 47615) is located at the south west corner of the site. Historic Environment Scotland has raised no objections to the impact of the development on the setting of this listed structure.

##### **Effect on Scheduled Ancient Monument**

The proposals affect the Union Canal, which is a Scheduled Ancient Monument. However as the proposed building line is set well back from the edge of the canal, the development would not have an adverse impact on the urban setting of the Union Canal at this point.

The proposals also include landscaping and steps hard against the towpath edge, as well as the creation of a small inlet on the canal edge. Historic Environment Scotland is of the view that the scale, design and layout of such development along the Canal will respect the site and setting of this historic asset.

The proposals comply with ECLP and LDP policies Env 8 in this respect.

Scheduled Monument Consent will also be required for works within the scheduled boundary including works to the canal edge, slapping and towpath and tree planting in the scheduled area. Historic Environment Scotland has indicated that it is unlikely to grant consent for the planting of trees within the boundary of the scheduled monument.

Consent would be required from Scottish Canals for the root management of trees with the boundary of the canal tow path.

An informative has been added to make the applicant aware of this requirement and of Historic Environment Scotland's concerns in this respect.

#### d) Design

The proposed buildings have a confident modern appearance. They have full height windows which have similar proportions to traditional Edinburgh tenement windows. The use of projecting and 'Juliet' balconies adds to the visual interest of the design. It echoes the appearance and design quality achieved at the nearby Springside development.

The overall building heights and layout generally accord with the indicative plans for the planning permission in principle. Overall, there is a slight decrease to the building heights proposed towards the centre of the site, and a slight increase in height on the Fountainbridge/ Dundee Street frontages and on the canal side. These changes are acceptable. The taller building heights are appropriate for the site's context, being similar to building heights in surrounding recent developments such as Springside and student housing at Gibson Terrace. The contrast between the taller buildings on the exterior and the lower buildings in the interior of the site will add to the visual interest and character of the development.

The visual impact of the massing of the buildings was assessed as part of the PPP application and it was concluded that the proposal will not materially affect key city views either by breaking the skyline or obstructing landmark features including the Castle. This proposal sits broadly within the height and massing of the plans approved at PPP stage. Further detailed views have been provided illustrating the impact of the current proposals, which demonstrate that there will be no material impact on important view points.

The layout at plot W3 and W4, to the north of the site has varied from that shown on the PPP application. Rather than the full perimeter block originally indicated, a terraced block of colony style houses replaces the blocks to the south and east. This allows more sunlight into the garden areas of the blocks than would be the case were it closed off with buildings. This design change is acceptable.

There has been a slight increase in the width of building blocks around the site perimeter. This does not materially impact on the quality of the development.

The main external building material is brick. Brick has been used successfully at neighbouring Springside and on other developments in the wider area. Brick is now a characteristic material of Fountainbridge. The metal windows will have an attractive appearance. Zinc is a high quality cladding and its use is appropriate. The proposed materials are acceptable. Notwithstanding this, the quality of the external building materials will remain controlled by condition 6 of the 14/02814/PPP permission.

The Fountainbridge Development Brief seeks a coherent approach to public realm works throughout the area 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 generally in accordance with these standards.

Key spaces are proposed through the site which will have different characteristics varying from the primary canal-side frontage, the water space at the Leamington Lift Bridge, the approach leading to Fountainbridge, the approach from the conservation area and secondary and more intimate spaces within the central residential area. Such an approach is welcomed and will help to define the character of this new part of the city while sitting comfortably with the existing context.

The public realm and landscape design creates a high quality public realm of different character areas through the site, with water features and intimate residential streets. The private open space provided within the residential blocks is also of a high design standard providing a complex and diverse landscape, catering for the needs of different generations.

Insufficient details have been provided in respect of external lighting. A condition is therefore included requiring the submission of full details relating to these matters. Although full details of signage for the pedestrian and cycle routes is not supplied, in accordance with the provisions of condition 2 of the planning permission in principle, these matters would be assessed more appropriately under the relevant application for Roads Construction Consent.

The development would sit comfortably with the adjoining buildings. The proposals will provide a suitable density, layout and design solution for the development of the former brewery site which in turn will contribute to the regeneration of the wider Fountainbridge area.

### **Relationship with the Canal**

The development will have a positive relationship with the Canal with the new buildings creating an attractive frontage to it. The proposed water features of rills and fountain will enhance the public realm and area appropriate for this waterside location. To ensure appropriate detailing and specifications in respect of these features, a condition is recommended.

Scottish Canals is concerned about the impact of the proposed ventilation equipment on the canal side frontage of the development. This equipment has been designed as an integrated part of the retail unit frontages and is a relatively unobtrusive element of the development. It has no adverse impact on the canal side setting.

The applicant has stated an undertaking to contribute towards the regeneration of the canal-side area through the provision of 'high quality' design and public realm, in accordance with the provisions of ECLP Des 9 (Waterside Development).

Scottish Canals has requested additional information in respect of the delivery mechanism for the proposed public realm.

As referred to in the report to committee on the PPP application, the applicant has expressed a willingness to enter into a Minute of Understanding with Scottish Canals to ensure the delivery of the canal-side improvements. Although this agreement has not yet been reached, the applicant has submitted an alternative public realm scheme to be implemented in the event that no such agreement is secured. The alternative layout is considered acceptable for implementation in such circumstances.

Scottish Canals has advised of the need for a co-ordinated approach to be adopted with regard to the treatment of the towpath edge across each development parcel and has requested that dialogue is continued to ensure that this co-ordination is continued.

Scottish Canals is also seeking an agreement with the Council of its shared maintenance responsibility with commuted sums for increased obligations to the canal environment as a direct result of significant increase in use of the area as a whole. The planning permission in principle was granted with an associated legal agreement. As this AMC is associated with the planning permission in principle, it is not possible to secure further legal agreements in relation to it.

Overall, the proposals, which include high quality public realm improvements in this area, will result in an overall enhancement of the character and setting of the canal tow path. Scottish Canals has advised that it requires further information on the detail of proposals next to the tow path, to ensure there is no resulting impact on canal safety. An informative has been included to advise of this requirement.

#### e) Transport and Movement

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.

## Parking provision

All vehicle parking spaces, other than a limited number of spaces for disabled drivers, are proposed in basement car parks at the application site, in accordance with the provisions of the indicative master plan for the PPP application. This form of provision accords with ECLP policy Des 3 (h). The level of vehicle parking provision (148) is significantly below that originally indicated under the PPP application (345) and the number of residential units has increased. However, the proposed level of parking remains in compliance with the standards for parking zone 2 in which the site is located and below the maximum recommended threshold supported by the Air Quality Assessment for the PPP application. A proportion of this allocation is for disabled drivers, in accordance with relevant standards. The proposed parking provision is considered appropriate, given the proximity of the site to the public transport network, including the tramline, at this city centre location.

The majority of residents' cycle parking is provided at secure and undercover locations, including at basement level and in the foyer areas of the buildings, as referred to in paragraph 2.1 of this report. There are cycle parking racks proposed in the public realm for visitors and customers. The cycle parking provision complies with relevant Council standards, in terms of numbers (i.e. over 100% provision) and locations. However, a condition is included requiring full details of cycle rack design and positioning, as well as the details of the design of the covered cycle store at block W3, to ensure these details are acceptable.

The section 75 legal agreement which was concluded for the planning permission in principle requires contributions to be made towards the Fountainbridge road works and the Roseburn to the Union Canal cycle link, which will benefit the local road network and cycle route connections through the city.

The bin storage facilities are situated at basement level within the proposed buildings. All flats will have access to local rubbish chutes which deliver waste to these waste storage areas. The applicant proposes to use a private waste collection service to remove refuse from the site. However, a swept path assessment has been undertaken which demonstrates that the Council's waste management service would be able to service the site safely, should the need arise.

All public access routes within the development site are to be designed and built to an adoptable standard, which will ensure that they are road safety compliant. However, the applicant will not be seeking the adoption of these routes.

The Edinburgh Access Panel has raised some concerns regarding potential accessibility difficulties relating to the public realm proposals. In particular, it is concerned about the impact of the proposed water features and relatively steep gradient in certain parts of the public access routes. The applicant has confirmed that the streets have all been designed to have an access inclusive gradient of no greater than 1:20, in compliance with the Edinburgh Street Design Guidance. The design of the proposed on-street linear water feature has been revised, to include a raised rim, to take account of such concerns.



The Access Panel has also identified the need for clear street signage to identify access inclusive routes to the pedestrian bridge over the canal. Scottish Canals has raised similar concerns. The applicant has stated that it is committed to implementing a Way Finding Strategy, which would provide advice on accessible routes through the site. An informative has been included recommending the provision of this strategy, in liaison with the Council. The details of signage for pedestrian and cycle routes would require to be assessed as part of the relevant application for roads construction consent.

The Access Panel has also raised concerns regarding the potential for conflict between vehicular and pedestrian traffic on the proposed shared surface routes. The streets will all be subject to a 20 MPH restriction. The public realm has also been designed in a manner which is likely to result in a greater speed restriction, providing a safer environment for all pedestrians. The applicant has also confirmed its commitment towards employing a disability access consultant at the stage of preparing the constructional design details for the public realm.

It is proposed to provide a car-free route alongside the canal tow path. However, canal maintenance vehicles and other vehicles requiring entry to this area would be allowed to access this route on a controlled basis, with collapsible bollards being installed for such purposes.

There will be no material impacts on road, cycle or pedestrian safety. Transport impacts are acceptable.

#### f) Amenity for the Proposed Development

##### **Flat Sizes**

There are a variety of units, including one bedroom flats, two bedroom colonies, and three bedroom duplex apartments.

The internal space standards of all affordable housing units comply with the recommended Standards in the Edinburgh Design Guidance.

The floor space of some of the private flats fall short of the areas set out in the Guidance. This can be summarised as follows:

- One bed private flats (Guidance requires 52 m<sup>2</sup>)*
- 14 are between 59-72m<sup>2</sup>.
  - 66 are between 46-48m<sup>2</sup>.
  - 65 are between 41-44m<sup>2</sup>.

- Two bed private flats (Guidance requires 66 m<sup>2</sup>)*
- 158 are between 67-82m<sup>2</sup>.
  - 15 are between 60-62m<sup>2</sup>.

- Three bed colony flats (Guidance requires 81 m<sup>2</sup>)*
- All 16 are 117m<sup>2</sup>.

The majority (90%) of the one bed private flats are smaller than the recommended minimum sizes set out in the Edinburgh Design Guidance. In order to assess the implications of this for the amenity of residents, consideration should be given to the characteristics of the Build to Rent (BTR) sector. The applicant has provided background information on BTR in general and the specific proposals for this site in the Planning Supporting Statement for this application. Further information was provided during the assessment process to justify the proposed flat sizes in response to concerns raised by planning officials.

In this application, there are a number of elements of the overall proposals which will have a positive impact on residential amenity and help compensate for the smaller flat sizes.

The applicant intends to install sprinkler systems in the flats and as a result there is no requirement for internal hallways for fire safety purposes. The flats have an open plan layout which allows light deeper into the floor plans and cuts down on 3 - 4 m<sup>2</sup> of redundant circulation space. Taking this into account, the 66 flats between 46 -48 m<sup>2</sup> are only just below the required space standards. In relation to the remaining 65 one bed flats which measure between 41 - 44 m<sup>2</sup>, the applicant has stated that these have been designed to meeting the growing demand for good value accommodation for single people in Edinburgh. They provide a living space and separate bedroom and are larger than the standards for studios (36m<sup>2</sup>).

The proposal includes a variety of on-site facilities for residents including a gym, dance studio, communal lounge area for event hire, private parties and meeting other residents and storage facilities. In addition, the BTR units will be fully managed on a 24 hour 7 days a week basis and there will be a concierge facility which will take deliveries of goods.

The size standards for housing set out in the Edinburgh Design Guidance pre-date the concept of BTR. It is therefore appropriate to consider whether the open plan layout and on-site facilities proposed in this application mean that the smaller flat sizes are acceptable. The draft advice from Scottish Government indicates that "BTR can take a variety of forms and that the planning system needs to be responsive to reflect the particular approach being proposed." Taking account of the benefits of BTR (as set out in section 3.3.a) and the particular approach to development on this site, the provision of smaller flats are acceptable in this instance.

The majority (91%) of the two bedroom flats are bigger than the 66m<sup>2</sup> minimum standards and all the three bed colonies exceed the requirements (81 m<sup>2</sup>).

Across the development as a whole, 60% of apartments are single aspect, with 40% of apartments either dual or corner aspect. This does not accord with the requirements of the Edinburgh Design Guidance which states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. The Guidance also states that where single aspect units are incorporated, it is important to meet the requirements for daylight and sunlight. The submitted Dwelling Sunlight and Daylight Analysis Report shows that, generally, the flats meet the requirements for daylight set out in the guidance with direct skylight penetrating at least halfway into all habitable rooms. The use of floor to ceiling windows helps to maximise daylight. In relation to sunlight, generally the development achieves the requirements for sunlight within new garden spaces.

The development form is based in perimeter apartment blocks organised around shared central corridors which allow common access to cores, lifts, refuse chutes, services and risers. This organisation allows all apartments and amenity spaces within a building to be accessed from the single concierge entrance. The open plan nature of the flats allows additional daylight into the rooms.

## **Open Space**

Private amenity space is provided through the provision of four communal courtyard gardens, balconies and some roof terrace areas. The two gardens to the north of the site are designed to be more family friendly with integral play areas and areas of lawn included. The gardens closer to the canal side are more formally designed, being laid with porous paving, inlaid with shrub beds and trees.

ECLP Policy Hou 3 - Private Open Space seeks a 10m<sup>2</sup> quantity of shared open space for flats where there are no private gardens. Overall, the quantity of open space provided in the courtyards exceeds this requirement.

The affordable block has a lower quantity of open space than would normally be required with a provision of 5.91m<sup>2</sup> for dwellings that do not have private gardens. The principle of non-compliance with open space requirements was accepted at PPP stage and is compensated by a developer contribution for off-site open space improvement secured through the legal agreement.

Two of the four areas of communal amenity space for residents (blocks W1 and W2) would fail to meet the standards in the Edinburgh Design Guidance regarding sunlight provision. However, overall the open space within the development meets the requirements of the Guidance, with more than the half required by guidance, achieving three hours of sunlight. The extent of open space at this development has largely determined by the massing principles indicated under the planning permission in principle. This scheme represents an improvement in the level of natural light which would be available in the courtyard areas in comparison with the indicative masterplan scheme, as the reduction in height of the buildings to the south side of the northernmost blocks has improved the standard of sunlight provision to these blocks.

The quantity and standard of amenity space is appropriate, given the site's city centre location and proximity to other amenity space including the canal side, which will be enhanced through the proposals. It is also of note that under the terms of the legal agreement for the relevant PPP, a contribution has been secured towards the canal-side cycle route to take account of the shortfall of open space at this development.

To conclude, the form of development has been largely established by the planning permission in principle. Development form substantially dictates the quantity of daylight reaching dwellings. The design uses several full height windows, many of which have 'Juliet' balconies. These will ensure that daylight to rooms is maximised. Daylight to the development is acceptable.

### **Impact of business operations**

The details submitted of all operational aspects of the commercial and business uses including servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections are considered satisfactory. The proposed hours of operation are compatible with the adjacent residential uses and there are no related concerns in terms of impact on the amenity of future occupiers. However, it is noted that the hours for delivery for units on the canal frontage may require to be altered to comply with the provisions of the traffic regulation order required for the restriction of vehicular access on the canal side. It is also noted that additional noise and ventilation details will be required if uses other than retail or class 2 business are proposed in the commercial or retail areas approved under the planning permission in principle.

### **Summary**

In summary, the BTR element of the proposals raises some concerns in relation to the levels of residential amenity provided for future occupiers. The proposals do not comply with non-statutory guidance on minimum flat sizes, the proportion of single aspect flats and levels of sunlight within communal amenity space. However the proximity of the site to the canal and other aspects of the BTR proposals such as flat layout, provision of leisure facilities and communal indoor spaces provide some compensation. In addition, the overall benefits of bringing forward much needed housing quickly and the high quality architecture and public realm proposed outweigh these concerns in this instance. The majority of the two bedroom flats and all the three bedroom colonies would exceed the space standards sought by guidance.

In respect of open space, the development overall exceeds the quantity of private shared space sought by policy. However, there is a deficiency within the affordable housing block. This is compensated for by the commuted sum secured via the planning permission in principle for open space. It should also be noted that the form of development and therefore the parameters in which open space could be provided was established at PPP stage.

#### g) Residential Amenity for Neighbouring Occupiers

The application site lies within a relatively dense urban context. Maintaining a reasonable level of daylight and sunlight to properties can be challenging. The Edinburgh Design Guidance recognises that in many cases the townscape surrounding a site does not always satisfy the daylighting and sunlighting requirements.

The nearest residential properties to the application site are the apartments and student accommodation on Rope Walk to the north of the site, on the opposite side of the canal and the existing tenement building at 199 Fountainbridge. The tenement building is separated from the proposed buildings at the current application site by the former rope works building which is being retained and is not part of the current proposals.

The only residential properties which have the potential to be affected by a loss of daylight as a result of the development proposals are the apartments on Rope Walk. An assessment of the impact on daylighting levels at these properties using the 25 degrees methodology has confirmed that there would be no resulting material loss of daylighting, in compliance with the Edinburgh Design Guidance.

Concerns have been raised by an owners group at Fountainbridge regarding the impact of the development next to their site on security and have requested that consideration be given to the use of robust means of enclosure on this boundary. There are no proposals included for boundary treatment on this edge of the application site, with the only proposals being for public realm works on Gilmore Park.

The owners group has also requested that consideration be given to the removal of benches adjacent to their building to avoid antisocial behaviour. Although no benches are proposed on the boundary of the public footway with this property, a bench is proposed on the footway on the opposite side of the public road. However, such features are an integral part of the public realm, which would benefit all sections of the community. If there are any antisocial problems arising from their use, this would be an issue for the Police.

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.

#### h) Other matters

##### **Archaeological heritage**

The application provides some detail in relation to a heritage interpretation plan. It includes the reuse of the historic brewery clock. While this proposal is welcomed, the information provided is insufficient to fully meet the requirements of condition 20 of the 14/02814/PPP which requires full details to be provided with each AMC application. A condition is recommended which requires further details of the proposals to be submitted and approved prior to development commencing on site.

## **Biodiversity and species protection**

The landscaping proposals which include tree planting and grassed areas, as well as some water features, will serve to promote biodiversity at this city centre site. The planting schedule has been amended to include the use of the Edinburgh Meadow Mix on grassed areas in order to support biodiversity.

An informative has been added which advises on the installation of bat bricks and swift boxes within the development, to help sustain these species. The proposal is acceptable in relation to biodiversity and species protection.

## **Airport safety**

As the wider masterplan site is situated within the Edinburgh Airport safety zone, the relevant planning permission in principle includes a condition requiring the provision of a Bird Hazard Management Plan. This condition will require to be discharged before any development, including that at the current application site commences. Edinburgh Airport was consulted on the current application but has not responded.

## **Ground Conditions**

The application site has been subject to a number of operations which could potentially result in contamination. A ground investigation report has been received and the Council is awaiting a detailed remediation strategy for the site to address the risks from contamination, mostly surrounding low and widespread levels of asbestos and lead contamination. A remediation strategy and schedule is therefore required through the use of an appropriate planning condition to ensure that the site is suitable for the proposed uses.

## **Drainage and flood risk**

ECLP Policy Env 17 does not allow for development which would increase flood risk. The applicant has 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 applicant and Flood Prevention is now satisfied that Council standards will be satisfied. The proposals include the provision of underground storage tanks and bio-retention planting schemes and porous paving, as part of the sustainable urban drainage scheme. However, it is noted that the specifications given for the proposed porous paving are now obsolete and therefore a condition is included requiring amended specifications for this product.

Flood Prevention has raised no objections subject to the use of a condition requiring that sufficient details are submitted showing how any surface water run-off would be prevented from entering the underground car park. An appropriate condition is included.

SEPA raised no objections to the proposals. However, it has advised that further details should be provided regarding future maintenance of the proposed SUDS scheme. An appropriate condition is included.

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

## **Air Quality**

The applicant has provided details of the external plant including a chimney height calculation which confirm that the energy plant will comply with the Clean Air Act, subject to the installation of a large flue as detailed in drawing number 21173-W-(50)200 Rev C; dated 04/05/2015. Due to the size of the proposed energy plant and its location in close proximity to the central air quality management area, a condition is included, as recommended by Environmental Assessment, to ensure that secondary abatement technology is attached to the proposed boilers and CHP units.

## **Education**

Developer contributions towards education infrastructure are secured through the legal agreement attached to the relevant planning permission in principle. The financial implications of this are set out in section 4.1 of this report.

### **i) Sustainability**

The applicant submitted a sustainability statement in support of the application for planning permission in principle which demonstrated at that stage that the proposals were in compliance with Part B of the Standards specified in the Edinburgh Design Guidance.

The current proposals include a district heating centre, providing significant benefits in terms of energy efficiency.

The sustainability of the proposals is acceptable.

### **j) Equalities and rights**

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, allowing greater accessibility to the canal-side. 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. Any outstanding technical issues relating to potential accessibility difficulties, which have been raised by the Edinburgh Access Panel will be addressed through the Roads Scotland Act, as all access roads within the development will be brought up to adoptable standards, including provision for inclusive accessibility. 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.

## k) Representations

### ***Material Representations in support:***

- Supports principle of redevelopment proposals.

### ***Material Objections:***

- Concerns regarding potential loss of security. This is addressed in section 3.3g).
- Potential impact on antisocial behaviour. Addressed in section 3.3g).
- Concerns that proposed external seating would encourage loitering. Addressed in section 3.3g).

### ***Non-material Objections:***

- Potential for development to create a 'pedestrian island' at tenement building - the tenement building concerned borders on to the existing carriageway on Gilmore Place to the east of the application site. Any potential impacts on pedestrian circulation around this block would require to be addressed under the relevant AMC application for block E2 within the master plan area.
- Potential damage to gable wall of tenement due to impact of Sustainable Urban Drainage System - this is a matter which would be addressed under Building Regulations rather than through the Planning system.

## Conclusion

In conclusion, the proposal will further the regeneration of Fountainbridge, providing 434 new homes in a mixed use development. There will be a mix of tenure and housing size with build to rent housing and affordable housing. Ground level commercial uses will help activate the development, particularly along Dundee Street and the canal-side. This will contribute to the area's vitality and viability.

The architecture and public realm will provide 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. There will be no impact on existing residential amenity and it will not introduce any implications in terms of road or pedestrian safety. The proposals are acceptable in terms of sustainability.

The Build to Rent (BTR) element of the proposals provides residential accommodation which does not comply with non-statutory guidance in terms of flat sizes, housing mix, proportion of single aspect flats and sunlight levels within shared open space. The impacts of these infringements have been assessed, taking account of the particular characteristics of BTR development. The considerable benefits of the proposal are recognised and overall, an acceptable level of amenity for future occupiers will be achieved.

Appropriate conditions are attached to ensure that full details of materials and public realm proposals are submitted and approved.

The proposal complies with the development plan. There are no material considerations which outweigh this conclusion.



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

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

#### **Conditions:-**

1. Full details of the proposed secondary abatement technology to be used at the proposed gas powered energy plant shall be submitted to and approved by the Planning Authority and implemented on site, in accordance with approved details, prior to the occupation of the buildings for the proposed uses.
2. Prior to commencement of any construction works on site:
  - i) A detailed schedule of remedial and/or protective measures, to address identified risks from land contamination, including their programming and schedule, 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.
3. Notwithstanding the approved landscape plans, full details of plant species to be used at the proposed 'Biocell' units and the waterside canal planting scheme shall be submitted to and approved by the Planning Authority, prior to the commencement of development.
4. Notwithstanding the approved plans, full details of the proposed water features,( i.e. the rills and fountain), to include detailed sections, with specifications for filtration and pump mechanisms, and edge treatment, shall be submitted to and approved by the Planning Authority prior to the commencement of development.
5. Notwithstanding the details of the proposed permeable clay paviers, for use on the public realm, revised specifications of this product shall be submitted to and approved by the Planning Authority, prior to the commencement of development.
6. Notwithstanding the approved plans for the landscape public realm works, full details of the proposed planters/ benches, including detailed design, positioning and material specifications, shall be submitted to and approved by the Planning Authority, prior to their installation.
7. Notwithstanding the details of tree pits included on drawing reference L(PL)006 rev A, revised details of the tree pits to be used on the canal side to include full root barrier details shall be submitted to and approved by the Planning Authority prior to the commencement of development.
8. Notwithstanding the approved plans, full details of all external lighting, to be used within all public realm areas, including location, design and specification, shall be submitted to and approved by the Planning Authority prior to the commencement of development.

9. Full details of all cycle racks, including positioning, design and specifications and details of the proposed covered cycle store at block W3 shall be submitted to and approved by the Planning Authority prior to the commencement of development.
10. Full details including relevant drawings, identifying how surface water run-off will be prevented from entering the underground car park, shall be submitted to and approved by the Planning Authority, prior to the commencement of development.
11. Notwithstanding the details included in the submitted Masterplan Phasing Plan (drawing reference L(PL)008, a revised phasing plan, including full details of how and when the proposed public realm works associated with each phase of the application site shall be delivered on site, shall be submitted for the approval of the Planning Authority.
12. Notwithstanding what is shown on the approved drawings and supporting information, prior to the commencement of development on site, further details shall be provided of the heritage interpretation plan for the approval of the planning authority in consultation with CEC Archaeology.
13. Full details of the proposed maintenance schedule for the SUDS infrastructure shall be submitted to and approved by the Planning Authority for implementation on site.

**Reasons:-**

1. In order to safeguard local air quality, in the interests of neighbouring amenity.
2. To ensure the ground conditions are suitable for the proposed use.
3. In order to ensure that a high quality public realm is delivered on site, in the interests of public amenity.
4. To allow the planning authority to consider these details, in the interests of public amenity and safety.
5. To ensure high quality public realm materials are delivered on site.
6. To ensure high quality public realm materials are delivered on site, in the interests of public amenity.
7. In order to safeguard the ancient monument at the Union Canal.
8. In the interests of public safety and amenity.
9. To ensure good quality cycle parking facilities are provided on site and in the interests of public safety.
10. In order to ensure effective flood prevention on site.

11. To ensure the timely and co-ordinated delivery of the approved public realm works.
12. In order to safeguard the interests of archaeological heritage.
13. In order to ensure that appropriate measures are in place for the effective maintenance of sustainable urban drainage systems on site, in the interests of flood prevention.

## **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. The planning conditions on planning permission in principle 14/02814/PPP apply unless discharged.
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. This planning approval relates only to those parts of the site indicated on the approved phasing plan for this application as W1 - W4 as referred to in drawing number L(PL008)) and to no other parts of the masterplan site for which planning permission was granted under application number 14/02814/PPP.
6. A legal agreement has been concluded in respect of the associated application for planning permission in principle. The provisions of this agreement includes requirements for contributions towards the Edinburgh tram project, the Council Open Space Action Plan, the City Car Club, Fountainbridge road works, local bus improvements and educational infrastructure.
7. Prior written consent of Historic Environment Scotland under the Ancient Monuments and Archaeological Areas Act 1979 (termed scheduled monument consent: SMC) will be required for works within the scheduled boundary including works to the canal edge, slapping and towpath. (Note: This would include tree planting in the scheduled area.)
8. **ROADS AND TRANSPORT ISSUES**

- a. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;
- b. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage. Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
- c. Due to the height difference between the gardens on the South West corner of the site and Viewforth a vehicle restraint system assessment will be required due to the possibility of errant vehicles leaving the carriageway.
- d. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department, to safeguard the integrity of the South West corner of the site and Viewforth;
- e. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to the underground parking;
- f. The pedestrian/cycle route along that runs parallel to the canal towpath should be built to an adoptable standard and will provide a public right of a passage;
- g. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;
- h. The applicant is informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
- i. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
- j. A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.

- k. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point).
- l. 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 Planning and 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 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport. The disabled parking bays have to be marked on-street and signed;
- m. Under new RAUC(S) standards the existing footway should not be narrowed to less than 1.8m;
- n. A minimum of six electric vehicle charging points (EVCP) should be considered for this development, including dedicated parking spaces with charging facilities and ducting and infrastructure, to allow electric vehicles to be readily accommodated in the future. One of the EVCP should be of the following standard; 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.
- o. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;
- p. The visitor cycle parking for the development should be located at convenient locations, near the main entrances;
- q. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of Head of Planning and Transport.

## 9. Scottish Canals Advice

1. For any work occurring adjacent or on Scottish Canals Land, the developer is obliged to seek our Third Party Works Approval through our official process. This can be found at: <https://www.scottishcanals.co.uk/corporate/our-estate-works-planning/third-party-works/>
2. There is Sky Fibre Network within the Towpath area and there are significant consequences if interrupted by works. This interface and discussion should be channelled through our Code of Practice for works affecting Scottish Canals.
3. The canal is designated as a Scheduled Monument. Works that affect a Scheduled Monument may need Scheduled Monument Consent from Historic Environment Scotland. Archaeological mitigation is sometimes required and can range from monitoring to full archaeological excavations.

4. The canal is used by protected species, such as bats and otter. A Phase 1 habitat survey or a protected species report should be considered.
5. The proposals indicate a section of stepped frontage to the canal to encourage people to enjoy the waterside environment. The detail of this requires agreement with Scottish Canals to ensure the continued operation and navigation of the canal and Historic Scotland for Scheduled Monument consent. It will require refinement to allow for moorings and operation purposes and we will be able to liaise and develop with the applicant on this at the appropriate stage through our Third Party Works procedure.
6. Vehicle access along towpath - this requires a collaborative agreement with Scottish Canals to ensure that both parties have continued maintenance access and that parking measures are in place to prevent misuse. Scottish Canals require service vehicle access to maintain the canal infrastructure.
7. Towpath Trees - the detail of root management requires approval under the third party works process to ensure that the canal bank is not undermined.
8. Details on mooring bollards and associated water's edge lighting must be provided to Scottish Canals, to ensure that the proposed mooring points are appropriately serviced and the canal edge is safe - details must be agreed through the third party works process.
9. Further detailed consideration should also be given to the public realm improvement immediate to the Leamington Lift Bridge - interface of service access, prevention of vehicular movement across the line of the towpath, and maintenance access provision. Lighting should also be considered to highlight this key heritage feature and focal point for the site.
10. Bike racks and other street furniture details are required for Scottish Canals approval to ensure that they have continued access to the canal.
11. Access to Viewforth Bridge - it is unclear from the drawings whether there is an accessible route to Viewforth - signage identifying the fully accessible route should be included with the details of street signage required under condition number 10 of this planning permission.
12. Scottish Canals note that the street signage principles tabled are acceptable in principle. However, they request engagement in due course to input to this process and highlight the canal. They have also advised that the site would greatly benefit from improved orientation and signage in line with the emerging Branding Strategy conducted by City of Edinburgh Council and Scottish Canals and would encourage discussion with CEC Economic Development and Scottish Canals.
13. Heritage interpretation - Scottish Canals have considerable access to heritage archive information for the area and would be able to contribute to the development of a heritage interpretation strategy in due course.

10. Advice from SEPA on Sustainable Waste Management

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

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

11. The applicant is advised to produce a Way Finding Strategy, in consultation with City of Edinburgh Council, for implementation throughout the site.

12. The applicant is advised to incorporate swift boxes and bat bricks within the proposed development, in order to support local biodiversity.

## **Financial impact**

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

A section 75 agreement has been concluded for the related planning permission in principle. The provisions of this agreement require contributions towards the Edinburgh tram project, the Council Open Space Action Plan, the city car club, Fountainbridge Road works, local bus improvements and educational infrastructure.

Communities and Families has advised that, on the basis of the standards recommended in current guidance on Developer Contributions, the proposed level and type of housing proposed would normally require a total contribution of £331,735 towards local educational infrastructure. However, as there is a legal agreement attached to the planning permission in principle for this site (14/02814/PPP), the terms of this agreement are applicable to this AMC application. The relevant clause of the agreement requires payment of £1,047.40 per residential unit with two or more bedrooms for new education infrastructure (indexed linked).

At Q1 2015 values, a payment of £223,744 (the exact contribution will be index linked at point of payment) is required towards new education infrastructure for the 216 residential units proposed with 2 or more bedrooms. This is £107,991 less than the amount required under current guidance. However, as this level of contribution has already been agreed, there is no mechanism to seek the additional funding requested by Communities and Families.

Communities and Families has advised that this will result in a funding shortfall with regard to the delivery of the education infrastructure required in this Education Contribution Zone.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

Neighbour notification was carried out on 7 July 2016.

One letter which raised matters in support and of concern was received from the 199 Fountainbridge Owners Group. These are addressed in the assessment section of the report.

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

The site lies within the Central Area as defined in the adopted Edinburgh City Local Plan. Proposal CA3 promotes mixed use development.

The Edinburgh Local Development Plan (as modified September 2016) identifies Fountainbridge as a key part in the City Centre Strategic Development Area.

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

**Date registered**

5 July 2016

**Drawing numbers/Scheme**

01,02A-07A,08,09a,10-21,22A, 23-31,32A,33,34,35A,  
36A,,  
37-51,52A,53,54, 55A,56-65,66A,67,68A,69-  
83,84a,85a,,  
86-89,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy Tra 13 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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

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

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

Second Proposed LDP Policy Del 2 (Retrospective Developer Contributions) identifies developer contributions will be sought for the tram network and other infrastructure identified in the Action Programme.

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

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

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

Second Proposed LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

Second Proposed LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

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

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

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

Second Proposed LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

Second Proposed LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

Second Proposed LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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

Second Proposed LDP 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.

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

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

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

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

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

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

Second Proposed LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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

Second Proposed LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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

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

Second Proposed LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Second Proposed LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Second Proposed LDP Policy Tra 8 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Second Proposed LDP Policy Tra 11 (Edinburgh Airport Public Safety Zones) establishes a presumption against new development within the Airport Public Safety Zones apart from in exceptional circumstances.

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

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

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

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

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

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

**Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE** - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

# Appendix 1

## **Application for Approval of Matters Specified in Conditions 16/03321/AMC**

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh  
AMC specified in conditions 1, 2 (a-m) and (i)-(v), 3, 9, 17, 18, \_ 20 relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water + drainage/lighting, waste management/hard + soft landscaping details.**

### **Consultations**

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#### **Communities and Families - response dated 22 July 2016**

*The education actions required to mitigate the impact of planned and anticipated housing development, including school land safeguards, have been established on a city-wide contribution zone basis. This requirement is set out in guidance on Developer Contributions and Affordable Housing (December 2015).*

*This site falls within the South Edinburgh part of the 'South Central Education Contribution Zone'. New housing developments within this part of the Zone, which will have a net impact on education infrastructure, are required to contribute to the following actions:*

#### **SOUTH CENTRAL EDUCATION CONTRIBUTION ZONE ACTIONS**

*South Edinburgh Action Cost at Q1 2015*

*2 Primary School classes (towards new South Edinburgh PS) £705,308*

*1 Primary School class (reconfiguration at Bruntsfield PS) £50,000*

*1 RC Primary School class £350,000*

*Increase secondary school capacity to accommodate 102 extra pupils (Tynecastle HS, Boroughmuir HS, James Gillespie's HS, St Augustine's RC HS) £3,273,751*

*A standard pro-rata contribution towards the costs of delivering these actions has been established.*

*The proposed development is expected to generate additional primary and secondary school pupils. Payment of the standard contribution for this Zone, as set out in the table below, is appropriate to mitigate the impact of the development.*

*Assessment based on: 216 flats  
(218 one bedroom flats excluded from the assessment)  
Cost per unit Flats £1535.81  
                  Houses       £8739.13  
Total contribution required  
£331,735*

*Note - all contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q1 2015 to the date of payment.*

*Although the above assessment is based on the current approach to determining developer contributions, there is a legal agreement attached to the original outline consent for this part of the Fountainbridge development (14/02814/PPP). The Planning service has advised that the terms of this agreement are applicable to this application. This requires payment of £1,047.40 per residential unit with two or more bedrooms for new education infrastructure (to be indexed linked from June 2016).*

*For this application, the 216 residential units that are proposed with 2 or more bedrooms would require a payment of £226,238 (as at June 2016, which equates to £223,744 at Q1 2015) towards new education infrastructure. As this level of contribution is less than that which would be required if the current developer contribution guidance was applied, it is likely to result in a funding gap with regard to the delivery of the infrastructure that is now required to serve the new housing development expected in the Education Contribution Zone.*

*The potential for such gaps to arise has previously been identified and reported through LDP Action Programme governance arrangements, including a report to the Council's Finance and Resource Committee (29 October 2015). There is as yet no confirmed source of alternative funding to address the cumulative gap in capital funding arising. There will also be significant additional revenue costs arising from the new education infrastructure for which no revenue budget currently exists within either Communities and Families, or Corporate Property (with whom responsibility for all property related budgets now lies).*

*Any future capital and revenue budget pressures arising from the infrastructure requirements in this area, and the Local Development Plan as a whole, will need to be considered as part of the on-going budget consultation process. If the funding gap towards the education infrastructure actions identified in the 'South Central Education Contribution Zone' and the additional revenue costs are not addressed through Council budget processes, there is a significant risk that the Council will not be able to provide local school places for pupils arising from new development in this area.*

### **Police Scotland - response dated 20 July 2016**

*We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.*



## **SEPA - response dated 08 July 2016**

*We were consulted on case 16/03321/AMC on the 8 July. We however had no objection to the planning permission in principle 14/02814/PPP (response attached) and did not request any conditions.*

*Should you require further comments, please re-consult us by sending an email to [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk) explaining the reasons for consultation.*

*Thank you for your consultation letter which SEPA received on 10 July 2014.*

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

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

### *Advice for the Planning Authority*

#### *1. Flood Risk*

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

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

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

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

#### *2. Drainage*

## *Foul Drainage*

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

*2.2 The applicant should deal directly with SW to confirm that the existing sewerage infrastructure has sufficient capacity to accept the volume of foul drainage arising from this development proposal. We will expect SW to ensure that this connection will not cause or contribute to the operation of existed consented sewer overflows.*

### *Surface Water*

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

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

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

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

## *3. Sustainable Waste Management*

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

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

## *Detailed Advice for the Applicant*

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

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

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

4.3 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).

## 5. Drainage

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

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

## 6. Construction Phase, Pollution Prevention

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

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

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

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

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

#### *Regulatory Advice for the Applicant*

### 7. Regulatory Requirements

7.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office.

### **CEC Archaeology**

*As stated in my response to the earlier 2014 PPP application (14/02814/PPP), this site occurs within an archaeological importance particularly in terms of our understanding 19<sup>th</sup>/20<sup>th</sup> century industry. As such and in line with Scottish Planning Policy (SPP), PAN 2/2011 and CEC's Edinburgh City Local Plan (2010) policy ENV9 archaeological conditions were attached to both investigate the site and to promote the sites Archaeological heritage.*

*As such this AMC application seeks to discharge the latter condition namely condition 20 relating to Heritage Interpretation. Having studied the accompanying Design Statement (see p182-183), although it is welcomed that the former Brewery Clock is to be retained and re-sighted within the new scheme, it is considered that it does not meet with our requirements as it provides insufficient details/designs as to how the Interpretation scheme will be delivered.*

*As such this condition, No20, has not been met and cannot therefore be discharged at this time.*

### **Historic Environment Scotland - response dated 21 July 2016**

*Thank you for your consultation which we received on 08 July.*

*You have consulted us because you believe the development may affect:  
Union Canal, Fountainbridge to River Almond (SMC Index No: 11097)*

*Historic Environment Scotland has reviewed your consultation, and we consider the proposals do not raise issues of national significance, so we can confirm that we do not object.*

*While we do not object, we do, however, have the following comments which your Council should take into account under the terms of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 Historic Environment Interests.*

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

#### *Assessment of Impact*

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

#### *Scheduled Monument Consent*

*You may wish make the applicant aware that the prior written consent of Historic Environment Scotland under the Ancient Monuments and Archaeological Areas Act 1979 (termed scheduled monument consent: SMC) will also be required in this case, in addition to planning permission, for works within the scheduled boundary including works to the canal edge, slapping and towpath. This would include tree planting in the scheduled area.*

#### *Historic Environment Scotland's Position*

*On the basis of the information submitted with the application, we have no objection to the principle of development along the lines proposed. However, the plans submitted in support of the application illustrate the planting of trees along the towpath of the canal, such planting would need scheduled monument consent, obtained through Historic Environment Scotland. Without wishing to prejudice our response to any forthcoming application, it seems unlikely that we would grant consent for the planting of trees within the boundary of the scheduled monument, due to the impacts on the character and fabric of the canal.*

*We would be happy to discuss this further with your Council or the applicant if that would be helpful.*

#### *Note*

*Historic Environment Scotland, HES, has a national remit for the Historic Environment, and as such does not provide detailed comments on every application. We consider consultations in national terms, and will decide whether to provide detailed advice depending on the scale, nature or complexity of the proposals.*

*A decision not to provide detailed comments or not to object should not be taken as support for the proposals by HES, and the application should be assessed as normal by your Council against local and national policy and guidance on the Historic Environment.*

*Detailed guidance on the application of National policy is set out in our 'Managing Change in the Historic Environment' series available online.*

## **Edinburgh Access Panel - response dated 29 July 2016**

*Thank you for your letter of 8th July inviting comments from Edinburgh Access Panel. The panel considers this development at India Quay to be a positive one promising to have a vibrant sense of place and will have a rich quality for everyone's enjoyment, however we have had the opportunity to look at the development more closely, and wish to object to the proposal as currently presented.*

### *Car Parking*

*The panel appreciates the controlled provision of car parking in a development like this. The site is accessible by public transport nearby however it is not clear how accessible parking will be managed, or at the very least , if there is a point for setting down of disabled people.*

### *Hazardous Features*

*The panel has a genuine concern about the definition of edges where hazardous water features are incorporated into the design and this would be unsafe for people with visual impairments if the edge treatment is not clear. We recommend that the project team should include a disability access consultant with proven experience and competence to advise on the treatment of materials and edge definition. The same consultant should have the skills to advise on signals and features at crossing points. The panel would welcome one or more follow up workshops focusing on such matters.*

### *Shared Space*

*The Accessibility Audit states that The residential streets are designed as shared spaces, i.e. with little or no distinction between pedestrian and vehicular space. This is of concern to the panel as distinction would otherwise be safer and the design features should clearly signify the definition of the two. Given that cyclists will also be using the space, we would seek further assurances that this shared space is designed with the utmost regard for disabled people.*

### *Changes in Level*

*Steps are proposed at the interchange between the main East-West residential street and the main North-South residential street between plots W1 and W2. The panel is of the view that efforts ought to be explored to provide lift access by making use of the gym building by managed agreement and without detriment to the operation of the gym. A less satisfactory option is for the longer accessible route to be signposted around W1 block. Accessible seating should be further considered along lengthy routes where people with reduced mobility may need to rest.*

### *Gradients*

*Proposed routes will generally not exceed 1:20 and this will be manageable by most people however care must be taken to ensure that crossing points should avoid hazardous crossfalls on the route adjacent to Boroughmuir High School which should be no more than 1:40.*

### *Public Convenience*

*We would urge EDI and its partner agencies to consider providing a public Accessible WC in this development or better still, a Changing Places Facility. We appreciate that individual eating places are required to provide a toilet however if this were to be carefully designed within the mix it would be an opportunity to make this a truly welcoming quality civic and public space.*

*The panel notes that maintenance of the soft landscaping will be addressed by a factoring agency and this is essential, particularly as leaves in wet weather can become slippery and cover hazard warning paving.*

## **Housing and Regeneration - Affordable Housing**

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

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

### *2. Affordable Housing Provision*

*This application is for a development consisting of 434 homes and as such the AHP will apply. There will be a AHP requirement for a minimum of 25% (108) homes of approved affordable tenures.*

*The applicant has stated that the affordable housing will account for 26% (112) of the new homes on site. The affordable homes will comprise of 112 one, two and three bed units mixed between apartment and colony style flats. This proposal to reflect the provision of tenures across the wider site is welcomed by this department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.*

*In terms of accessibility, it is important that affordable homes are situated within close proximity (400 metres) of regular main bus links.*

### *3. Summary*

*The applicant has made a commitment to provide 26% on site affordable housing and this is welcomed by the department. The affordable housing provision will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.*

- o The applicant has entered into discussions with a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- o The affordable housing comprise 112 one, two and three bed units mixed between apartment and colony style flats which will reflect the provision of tenures across the wider site*

- o In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

## **Environmental Assessment**

*The site is bounded to the north by Dundee Street and Fountainbridge and to the south by the canal towpath and the Union Canal. The western boundary of the site adjoins Viewforth with the new Boroughmuir High School beyond. The eastern boundary of the site abut Gilmore Park*

*The site area, which comprises plots W1-W4, will predominantly be in residential use with ground floor retail and commercial uses only.*

*The Applicant is requesting approval of the matters for a number of conditions. Below are the conditions relating to Environmental Protection. The applicant has provided supporting information relating to each condition.*

*2/J. All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;*

*Environmental Protection offers no objection to the discharging of this condition. The commercial and business use only refers to the uses Class 1 and 2; Environmental Protection will require additional noise and ventilation details if any other use class is to be considered in the commercial or retail areas. The applicant has provided details of the external plant including a chimney height calculation which confirm the energy plant (3Mw +) compliance with the Clean Air Act Subject to the installation of a large flue as detailed in drawing number 21173-W-(50)200 Rev C dated 04/05/2015. Due to the size of the proposed energy and its location in close proximity to the central air quality management area Environmental Protection will require a condition is attached that ensures that secondary abatement technology is attached to the proposed boilers and CHP units.*

*The proposed hours of operation for the use class 1 & 2 are acceptable (09:00 to 18:00) and Class 1 food retail (07:00 to 22:00).*

*2/G. Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting; -*

*Car parking for the proposed India Quay Phase 1 development is predominantly proposed within a single underground parking structure beneath blocks W1 and W2 to the south of the site. A minimum of 6 electric vehicle charging points shall be provided one of which should be of the following standard; 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.*



*The applicant has provided satisfactory details of the parking venting and exhaust system, it must be installed as per drawing number 21173-W-(593)1000 dated 21/04/2016.*

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

*Environmental Protection is satisfied with the proposed hours of operation for the use class 1 retail units.*

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

*Environmental Protection cannot support the discharging of this condition with the level of information provided. Environmental Protection do not support the introduction of any class use 3, 10, 11 or public houses uses with this current level of detail.*

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

*This condition can be discharged on the understanding that it only currently relates to the Class 1 operations as proposed.*

*The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Assessment recommends that the condition remains attached to ensure that contaminated land is fully addressed.*

*Therefore Environmental Protection offers no objections subject to the following conditions;*

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

*2. 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.*

## Roads Authority Issues

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;
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. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;
3. Due to the height difference between the gardens on the South West corner of the site and Viewforth a vehicle restraint system assessment will be required due to the possibility of errant vehicles leaving the carriageway.
4. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department, to safeguard the integrity of the South West corner of the site and Viewforth;
5. A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to the underground parking;
6. The pedestrian/cycle route along that runs parallel to the canal towpath should be built to an adoptable standard and will provide a public right of a passage;
7. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;
8. The applicant must note that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;
9. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
10. A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.
11. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits  
[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)

12. 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 Planning and 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 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.

The disabled parking bays have to be marked on-street and signed;

13. Under new RAUC(S) standards the existing footway should not be narrowed to less than 1.8m;

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

15. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;

16. The visitor cycle parking for the development should be located at convenient locations, near the main entrances;

17. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of Head of Planning and Transport.

Note:

- o Scottish Canals require service vehicle access to maintain the canal infrastructure. Vehicle access along the canal towpath requires an agreement with Scottish Canals to ensure that they have maintenance access and that measures are in place to prevent parking misuse.

- o It is understood that the car parking requirements for the proposed development site have already been agreed for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;

- o There are several redetermination orders, traffic regulation orders (parking within the development, speed limits, waiting & loading restrictions) and disabled bays required. These requests will be submitted by WSP once street names are finalised etc;

- o Clarification is required on the tree pit grates to make sure that they are robust, easy to remove for cleansing and are suitable for use and will be approved as part of the Road Construction Consent.

- o Discussions on suitable road materials will be required at an early stage and will be approved as part of the Road Construction Consent;

- o Refuse storage facilities should be no more than 10 metres of an area which can be accessed by a refuse removal vehicle unless factors are involved. It is recommended that the applicant discusses refuse collection with the Waste Services Manager.

- o There are ongoing discussions with the owner of Gilmore Park and the Developer regarding the plans for this section. As this is currently adopted the Council will need to be consulted as this moves forward.

## Scottish Canals

*The Union Canal at Fountainbridge is the catalyst for regeneration in the area and should remain the main focus of the site. Improvement to the waterway is critical to the development of the area's USP. During the PPIP stages, Scottish Canals offered our continued support for the proposed mixed use regeneration of this strategic canalside development site. The site presents a tremendous civic opportunity to produce an outstanding example of urban regeneration in terms of its mixed use, design, sustainable credentials and local community involvement.*

*The canal offers the site a unique waterside setting which we are keen to see celebrated and enhanced with treatment appropriate to its heritage and character. This will help to ensure that the Union Canal, a Scheduled Monument, continues to thrive and be enjoyed by future generations to come. Scottish Canals seeks to work in partnership with the Council with a view to ensuring delivery of the canalside improvements which are strongly supported by local planning policy and the Edinburgh Union Canal Strategy.*

*Our over-riding concern is in the delivery mechanism for the proposed public realm. The canalside public realm improvements are integral to the development, however, without delivery mechanisms there is a very real risk that these improvements are not and will not be secured. There are currently no developer agreements in place with Scottish Canals.*

*We would further note that with the progression of a number of planning applications within the Fountainbridge area, that the Local Authority would benefit from a cohesive strategy in relation to delivery of previously required Section 75 terms in order to create a joined up public realm across the land parcels. Scottish Canals have requested this cohesive approach on a number of occasions and have taken a proactive approach to this by engaging a consultant landscape architect to look at how the towpath edge could be treated across each development parcel. This is being effected on the ground with the section in front of Boroughmuir High. We request that dialogue is continued to ensure that this co-ordination is continued.*

*Scottish Canals would also like to note that we would also seek an agreement with the Council of their shared maintenance responsibility with commuted sums for increased obligations to the canal environment as a direct result of significant increase in use of the area as a whole. This shared maintenance agreement should also take cognisance of adjoining landowning interests and development proposals.*

### *Specific comments:*

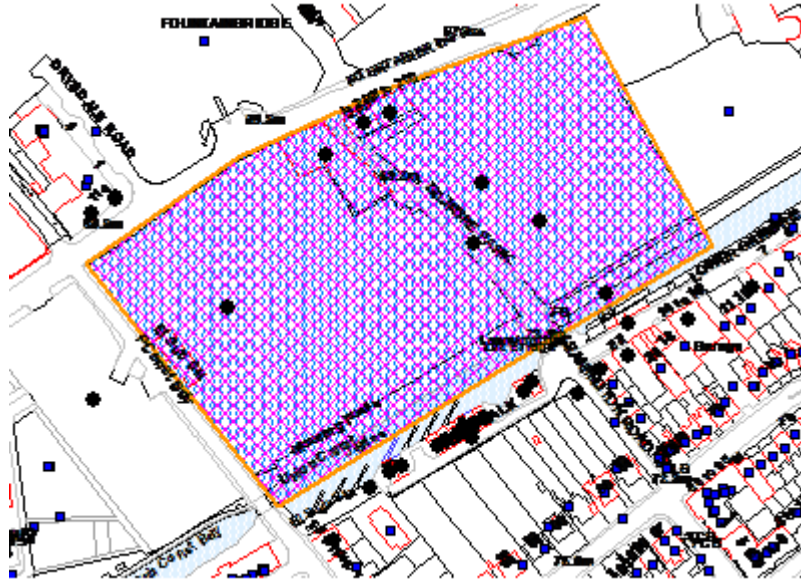
- 1. For any work occurring adjacent or on Scottish Canals Land, the developer is obliged to seek our Third Party Works Approval through our official process. This can be found at: <https://www.scottishcanals.co.uk/corporate/our-estate-works-planning/third-party-works/>*
- 2. There is Sky Fibre Network within the Towpath area and there are significant consequences if interrupted by works. This interface and discussion should be channelled through our Code of Practice for works affecting Scottish Canals.*

3. *The canal is designated as a Scheduled Monument. Works that affect a Scheduled Monument may need Scheduled Monument Consent from Historic Environment Scotland. Archaeological mitigation is sometimes required and can range from monitoring to full archaeological excavations"*
4. *The canal is used by protected species, such as bats and otter. A Phase 1 habitat survey or a protected species report should be considered.*
5. *The proposals indicate a section of stepped frontage to the canal to encourage people to enjoy the waterside environment. The detail of this requires agreement with Scottish Canals to ensure the continued operation and navigation of the canal and Historic Scotland for Scheduled Monument consent. It will require refinement to allow for moorings and operation purposes and we will be able to liaise and develop with the applicant on this at the appropriate stage through our Third Party Works procedure.*
6. *Vehicle access along towpath - this requires a collaborative agreement with Scottish Canals to ensure that both parties have continued maintenance access and that parking measures are in place to prevent misuse. Scottish Canals require service vehicle access to maintain the canal infrastructure.*
7. *Waste from canalside commercial units - could the developer please confirm how this is being managed - where are the waste recepticals being located and how are they collected? SC would like to minimise impact on the canalside setting.*
8. *Energy Centre - how does the canalside air vent manifest itself at towpath level? Could further detail be provided please?*
9. *Towpath Trees - the detail of root management requires approval under the third party works process to ensure that the canal bank is not undermined.*
10. *Mooring bollards - details on mooring bollards and associated water's edge lighting is required to ensure that the proposed mooring points are appropriately serviced and the canal edge is safe - details must be agreed through the third party works process.*
11. *Further detailed consideration should also be given to the public realm improvement immediate to the Leamington Lift Bridge - interface of service access, prevention of vehicular movement across the line of the towpath, and maintenance access provision. Lighting should also be considered to highlight this key heritage feature and focal point for the site.*
12. *Bike racks and other street furniture details are required for SC approval to ensure that we have continued access to the canal.*
13. *Access to Viewforth Bridge - it is unclear from the drawings whether there is an accessible route to Viewforth - please clarify? Is there a bike and buggy ramp by the proposed steps - and where is the fully accessible route?*
14. *We note that the street signage principles tabled look good in principle, however, we request engagement in due course to input to this process and highlight the canal. The site would greatly benefit from improved orientation and signage in line with the emerging Branding Strategy conducted by City of Edinburgh Council and Scottish Canals. We would encourage discussion with CEC Economic Development and Scottish Canals.*
15. *Heritage interpretation - we further note that SC have considerable access to heritage archive information for the area and would be able to contribute to the development of a heritage interpretation strategy in due course.*

*We would be happy to meet to discuss our commentary and look forward to hearing back from you on the comments and queries raised in due course.*

## Location Plan

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