

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05997/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising offices, hotel and other
commercial uses including classes 1, 2, 3 and 11 with
associated access roads, and landscaping/public realm (as
amended).**

Item number	4.9
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposal makes a positive contribution to the regeneration of the area and provides a mix of uses which are compatible with the neighbouring land uses. The office element will make a significant contribution to the office provision in the city centre and the ground floor commercial units will enhance the vitality of the area. The proposed heights are above those specified in the Fountainbridge Development Brief but due to the increased road width and creation of new civic space, the design is a positive townscape response. In conclusion, the proposal is aligned with the LDP Strategy for the expansion of the city centre and will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN08, LEN09, LEN21, LEN22, LEMP01, LEMP10, LRET01, LRET06, LTRA03, LTRA04, LTRA09, DBFOUN, NSGD02,

Report

Application for Planning Permission 17/05997/FUL At Site At Former 159, Fountainbridge, Edinburgh Mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, and landscaping/public realm (as amended).

Recommendations

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

Background

2.1 Site description

The site, covering an area of approximately 0.8 hectares, lies within the city centre. The site lies south east of Haymarket and west of Tollcross.

It is currently vacant brownfield land, forming part of the former Fountainbridge Brewery. It is bound on the north by Fountainbridge. Edinburgh Quay, an existing office, residential and commercial development, sits on the east boundary. On the west, the site is bound by additional former brewery land (now cleared) and Gilmore Park. Part of the site boundary extends south to the Union Canal, a Scheduled Ancient Monument (Index number 11097, 15 December 2003) and Local Nature Conservation Site. To the north-west lies the hotel development that forms part of the Springside development.

Vehicular and pedestrian access to the site is taken from Fountainbridge and from the existing road which serves Edinburgh Quay and its underground car park. There is a substantial drop in ground level from the edge of the Union Canal to the south part of the site.

A category A listed building (date of listing: 14/12/1970, listing reference: 28778) at 158-164 Fountainbridge and 90-92 Grove Street is located to the north of the site on the opposite side of the road.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief approved (amended 2005).

4 June 2007 - detailed planning permission granted for mixed use development with 171 housing units, commercial space, public open space and associated parking and service areas (as amended) (application number 03/04621/FUL).

24 September 2014 - masterplan application for planning permission in principle for mixed use development comprising offices, hotel/aparthotel, residential, commercial and retail uses with associated service roads, landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03848/PPP).

29 April 2015 - detailed planning application for a new 180 room aparthotel with service road, associated landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03847/FUL).

Other relevant planning applications

Land to the west

17 December 2014 - planning permission in principle granted 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 (application number 14/02814/PPP).

Main report

3.1 Description Of The Proposal

The application is for detailed planning permission for a mixed-use development comprising offices, hotel and other commercial uses including Classes 1, 2, 3 and 11 with associated access and landscape works. Class 1 includes shop use, Class 2 includes financial and professional services, Class 3 includes restaurants and cafes, and Class 11 includes assembly and leisure for example a gymnasium. The amount of floorspace proposed is 6,710sqm gross office space, 761sqm of other commercial space in three or four units and a 263 bedroom hotel with large ground floor bar and lounge area with a roof top bar.

The applicant has submitted a Design and Access Statement which describes the development approach. The application proposes a development of a single block divided into two parts with an overall height of six storeys plus a set back at the seventh storey and commercial units on the ground floor. The office use is located to the east of the site and the hotel to the west.

The key public spaces proposed are a western linear civic square and shared east-west street to the rear of the hotel/office block. The application is also proposing a new temporary pedestrian access to the canal.

Access will be from two points, one from the existing service road to the east and the second is a new street which will form part of a new diagonal route to the Leamington Lift Bridge. Pedestrian access will be from both of these points as well as from the new canal towpath link.

The new street will also loop in a one-way direction to the rear of the hotel and office. Two restricted loading bays for servicing are proposed. One will be located east of the office and the third will be located to the rear of the hotel and office.

Brick will be the predominant material for the office and hotel block, with the buildings comprising different architectural approaches. The primary hard landscaping material for use in the main civic spaces will be whinstone and concrete blocks, with caithness paving along Fountainbridge.

Scheme 1

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

- The facade cladding materials for the upper levels of both hotel and office were amended from ceramic tiles to brick.
- The design of the western gable was reconfigured to improve its relationship with the public realm.
- The ground floor layout of the hotel has been re-designed in order to improve activity onto the civic square.
- Reduction in the extent of rooftop plant from 695m² to 455m².
- The proposed temporary above ground car parking spaces have been removed.
- Revisions to the design of the public realm to encourage safe and convenient movement for pedestrians and cyclists.
- The height was reduced prior to submission of scheme 1 following extensive pre-application discussions.

Additional revised and clarified plans were submitted in March and April 2018.

Supporting information

The following documents were submitted in support of the application:

- Air Quality Assessment;
- Daylighting Report;
- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Utilities Infrastructure Report;
- Planning Statement;
- Pre-application Consultation Report;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement; and
- View Analysis.

These documents can all be viewed on the Planning and Building Standards Online Service.

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 proposals would have a detrimental impact on the historic environment, including the setting of the adjacent listed building and Scheduled Ancient Monument;
- c) the proposals provide a development of appropriate design, scale and layout;
- d) the proposals safeguard the amenity of neighbours;
- e) the transport, access and parking arrangements are acceptable;
- f) the proposals have any equalities or human rights impacts;
- g) there are any other material issues; and
- h) the representations have been addressed.

a) Principle

The site is located within the Urban Area as identified in the Edinburgh Local Development Plan (LDP). The site is also located within City Centre Proposal CC 3 in the LDP, where comprehensive mixed use development is supported that is of a high quality of design. This is also a requirement of the Fountainbridge Development Brief. In this regard, the mixed-use nature of the application is acceptable in principle and broadly complies with the provisions of LDP Policy Del 2 City Centre and the Fountainbridge Development Brief. The application is proposing office use, hotel use and other commercial, retail and leisure uses. LDP Policy Del 2 encourages housing on appropriate sites as part of mixed use development to help meet housing need and create strong, sustainable communities. The PAN that covers the wider site includes provision for residential use, and so it is expected that this will come forward as part of phase 2.

Office use

In light of the demand for office space in the city centre and its importance to the economy, LDP Policy Del 2c) requires, where practicable, that office use is provided in major mixed-use development proposals. The LDP promotes the application site for commercial led mixed use development. The application would deliver 6,710sqm of class 4 space in the form of a seven storey office development. The office would be located on the eastern part of the site with its primary frontage onto Fountainbridge. This is a strategic location immediately west of Edinburgh Quay and opposite Citymark. The development of additional office space will help address the growing shortage of high quality new office space in Edinburgh.

Hotel use

The application is proposing a 263 bedroom hotel. LDP Policy Emp 10 supports hotel development in the City Centre where it contributes to a mixed-use scheme. It also supports hotel development in locations within the urban area with good public transport accessibility to the city centre. In locational terms, the application site satisfies these criteria. Furthermore, the Fountainbridge Development Brief, identifies the area as being suitable for hotel accommodation as part of a mixed-use scheme.

Commercial / Retail / Leisure use

The application proposes other commercial uses including classes 1, 2, 3 and 11 at ground level.

The Fountainbridge Development Brief supports class 1 retail use of an appropriate scale and character in this location, as does the LDP. Although the application site does not form part of, or is adjacent to, a defined shopping centre, the proposed units would allow for convenience or speciality retail use without prejudice to the creation of a new local centre. These will enhance the quality of the public spaces and complement the role of the identified centres, and the other mix of uses.

The application proposes class 3 use which introduces commercial cooking. A condition is included which requires the details of the cooking odour ventilation system to be approved prior to occupation.

The application also includes provision for Class 11 uses, which is appropriate as part of the overall mix.

In summary, the proposed uses at this location are acceptable, subject to compliance with other LDP policies.

b) Historic Environment

Policy Env 3 of the LDP seeks to ensure that any new development does not impact on the setting of a listed building. There are no listed buildings on the application site. However, the proposal has the potential to affect the setting of the A listed building at 158-164 Fountainbridge and 90-92 Grove Street to the north of Fountainbridge. The tenement is regarded as a robust, ornamental building which was originally part of a group of buildings and not intended to be seen in isolation. The application will not cause detriment to the character and setting of the listed building. The creation of a strong urban townscape opposite this building will enhance its setting. The creation of an axial vista towards this building from the Leamington Lift Bridge will further enhance its setting. Historic Environment Scotland has been consulted on the application and has raised no objection.

Other than a new temporary pedestrian link to the canal towpath, the application does not propose development along the Union Canal, which is a Scheduled Ancient Monument. In this regard, it will have no impact on the Scheduled Ancient Monument.

The proposed development, including the formation of the civic space, will enhance the setting of the listed building and complies with LDP Policy Env 3.

c) Design, Scale and Layout

Design and Materials

LDP Policy Des 1 Design Quality and Context states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The building form is arranged into a top, middle and bottom. This is derived from an analysis of the local tenemental context. The bottom section of the building is robust in character, whilst also being more visually permeable, providing a common horizontal base to the street and incorporating continuous commercial space. The proportions at the upper and middle levels are more elongated, using fenestration pattern and materials to emphasise verticality to the elevation. An attic storey suggests a more intimate, domestic scale in the roof space. A pre-cast concrete string course at the upper level is used as an effective device to achieve definition to the different compositions, whilst also aligning horizontally with the two elevations to provide a clear visual connection between the two uses.

The proposed material palette will ensure consistency between elevations, whilst also enhancing the differing characteristics of the office and hotel uses. Precast concrete cladding defines the double height plinth to the office on the northern and eastern elevation. On the upper levels, the cast stone verticals of the colonnade are replaced with light buff coloured brick cladding which reflects the tone and texture of Edinburgh sandstone. The cast stone plinth steps down to a generous single storey height on the hotel. This step reflects the sloping topography of the site, and the change in function of the two buildings. The upper levels of the hotel are clad in a darker brick colour to contrast with the office. Whilst the Fountainbridge Development Brief states that the predominance of stone in the surrounding area should form the key reference point for the design of new proposals, the choice of brick and precast concrete creates a solid masonry block which adds to a sense of place and cohesion and also reflects the heritage of the area. The subtle re-ordering of the materials and colonnade detailing on the western elevation provides a strong civic composition to emphasise the importance of this new public space and primary route to the Leamington Lift Bridge. Furthermore, retractable awnings on this west elevation will provide shelter from the elements, allowing the interior uses of the hotel to spill out into the civic square, creating activity at street level.

Height, Scale and Massing

The spatial character of the area is mixed. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales. The Fountainbridge Development Brief also offers guidance on the height of new development. It states that in general, all buildings should be set out to 16 metres to eaves and 19 metres to ridge, with a street width of 20 metres at ground floor level. It is noted in the Fountainbridge Development Brief that the guidance provided on heights should not be used as a rule book or a method of calculating the maximum development potential of sites. These specified heights are intended to create a scale and proportion of development which sits comfortably within its context.

The hotel sits between three and five metres below the height of the office. This not only avoids the creation of a mono height roofscape, but also differentiates between the two land uses. The hotel at eaves level is 20.7 metres above ground, and 23.8 metres to the highest point. The office at eaves level is 24.2 metres above ground and 28.4 metres at the highest point. The setback to both these buildings reduces the massing onto Fountainbridge, bringing it down to more closely align with the surrounding buildings. For the most part, the application is promoting development that is between 1.7 metres and 8.2 metres higher than the eaves height specified by the Fountainbridge Development Brief and 4.8 metres and 9.4 metres higher than the specified ridge height.

The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context. The site context elevations show the overall heights stepping down with the topography of the street westwards towards the existing tenements at Gilmore Park. The proposed heights work well with this. In relation to the varying heights of Edinburgh Quay immediately to the east, the proposed office sits only one metre higher than the office block immediately adjacent and about two metres below the residential block fronting the canal towpath.

The street sections show that the height to width ratio creates an attractive townscape. The relationship with the lower buildings to the north of the site, including the A listed building work well. It is the combination of these heights and the 24 metre street width along the majority of Fountainbridge that establishes an appropriate urban enclosure and an attractive townscape. In this regard, the proximity, scale, height and relationship of the office and hotel block to the surrounding buildings are appropriate in the prevailing urban context.

The proposed plant on the office and hotel buildings are in part contained on ground level to the rear of the building, with the remainder at roof level. Significant efforts have been made as part of the revised proposals to minimise the extent of rooftop plant, reducing the enclosure by 240m². In this regard, it has been sensitively integrated into the design of the buildings to avoid impacting upon the surrounding townscape.

The submitted View Analysis demonstrates the proposed buildings will be visible below the skyline and will merge with existing buildings. Furthermore, as the proposal is no higher than the residential element of the adjoining Edinburgh Quay, views of Edinburgh Castle will be protected. Whilst the height and scale in parts exceeds the Fountainbridge Development Brief, the overall effect is a positive addition with no significant adverse effects on any long views.

The massing strategy differentiates between the office and hotel to introduce diversity in the streetscape. The hotel massing is lower than the office massing and more closely aligns with the Fountainbridge Development Brief and the heights of the consented development to the west of the site. Corners of the buildings have been set back to highlight primary entrances and to increase visual permeability from Grove Street and Fountainbridge to the Leamington Lift Bridge and Union Canal. So, by stepping down from east to west, the proposed development responds positively to the historic and recent context.

Layout

An aspiration of the Fountainbridge Development Brief is to integrate new development with the area as a whole and to promote improved movement through the site and to the wider city beyond. Likewise, LDP Policy Des 2 supports development which will not compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a masterplan, strategy or development brief.

This application is the first phase of a larger mixed use masterplan that includes residential as part of the mix of uses. Therefore, although this application is not promoting development along the canal at this stage, it is accompanied by an illustrative site wide layout plan that shows the proposed hierarchy of public spaces and routes across the wider site. This demonstrates a comprehensive and integrated approach to the wider layout of buildings, streets, footpaths, cycle paths and open spaces, thus complying with LDP Policy Des 7a). The proposed north-south and east-west links, as well as the strong building line onto Fountainbridge, respond appropriately to its context and accord with the aspirations of the Fountainbridge Development Brief and Public Realm Strategy. The north edge of the building maintains a 24 metre street width to Fountainbridge, which reduces in width to 18.5m opposite the Grade A listed building. By offsetting the footway into the development site, the Council's aspiration for a segregated cycle lane along Fountainbridge can still be achieved. The footway will be widened to 5.3m to provide a comfortable pedestrian area to reflect the frontage to neighbouring Edinburgh Quay.

In accordance with LDP Policy Des 3, the development design and layout have been informed by a detailed analysis and understanding of the site, its context and its constraints. The proposed layout takes account of the Lochrin sewer which runs under the site and constrains development above it. The incorporation of views to the Leamington Lift Bridge from Fountainbridge and the physical permeability to the Union Canal enhance the sense of place. The creation of this public view to the canal improves visibility of this hidden asset and aligns with a key objective of the Fountainbridge Development Brief. A temporary link will be provided to the Union Canal in the interim as part of a phased development approach for the site.

LDP Policy Des 7c) supports a layout that encourages walking and cycling. Pedestrian movement is prioritised through the provision of widened footway, extensive shared space and continuous footway design at the two junctions onto Fountainbridge. Regard has been had to the needs of people with limited mobility or special needs through the use of hazard warning paving adjacent to the shared streets to mark the change in priority and level access into the buildings. The provision of commercial uses and activity at ground floor level will ensure that pedestrian and cycle routes are overlooked, safe and attractive to use. The proposal provides an active frontage on 85% of the ground floor envelope. The location of plant and servicing areas on the southern elevation accords with the proposed public realm hierarchy, thus not detracting from the primary streetscape.

The Fountainbridge Public Realm Strategy emphasises the need for a cohesive palette of materials to contribute to a successful sense of place. In accordance with LDP Policy Des 8, the quality of the design and materials proposed are considered to be high. To reflect the importance of the key spaces, caithness flag paving is proposed along Fountainbridge, with natural stone paving for the civic square to the west. A condition is recommended which secures the details of the public realm including materials south of the building line to better align with the Public Realm Strategy and the design of phase 2. All the public spaces will be developed to adoptable standards.

The Fountainbridge Public Realm Strategy states that public art should form an integral part of the Fountainbridge redevelopment, helping to enrich and animate the street environment. The location of any such art work installation or strategy should most appropriately be centred around the key public spaces. Public art has not been included as part of the design and layout of the public realm, nor has a public art strategy been submitted. A condition is, therefore, recommended which requires that a public art scheme is submitted for approval.

The Edinburgh Urban Design Panel (EUDP) considered an early iteration of the proposal on 31 May 2017 for the wider site at the pre-application stage. Based on the EUDP's comments, the applicant has sought to implement advice provided in relation to the proposal's built form, layout and relationship with the adjacent site and the wider area.

The proposal incorporates a high quality design and layout. It respects the established urban form in the area, its height is similar to neighbouring buildings, with stepped reductions to reflect the topography and townscape of the area. The proposal complies with LDP policies Des 1, Des 2, Des 3, Des 4, Des 7 and Des 8.

d) Amenity

Daylighting and Privacy

The influence of the proposed hotel/office building on the daylighting provision to the existing nearby buildings has been considered in an accompanying Daylighting Report. Fourteen out of the 14 test points at the adjacent residential properties to the north have been found to pass the minimum 27% VSC threshold and/or are reduced by less than 20% from the current VSC%. Thus the proposed building has passed the required criteria and will not unacceptably adversely affect the daylighting provision to nearby buildings.

Air Quality

The site is not located within any of the declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. The Air Quality Impact Assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the building on air flows and therefore, dispersion on emissions from road traffic sources on Fountainbridge. Despite an increase in concentrations due to the "canyon effect" caused by development on both sides of the street, the predicted levels remain below the required air quality objective levels for NO₂, PM₁₀ and PM_{2.5}. The "canyon effect" is in part mitigated by the new civic square, which serves to break up an otherwise continuous frontage.

Odour

The application proposes a number of use classes that may introduce commercial cooking. A condition is included which requires the details of the cooking odour ventilation system to be approved prior to occupation.

Noise

Environmental Protection does not raise any concerns with regard to the impact of the development on neighbouring amenity. The proposal is, therefore, acceptable from the perspective of protecting existing neighbouring amenity and complies with LDP Policy Des 5 and the Edinburgh Design Guidance.

e) Transport

Cycle and Pedestrian

As stated earlier, the proposals will form the first phase of a new high quality pedestrian and cycle route through the site from Fountainbridge to the Union Canal. In the interim, a temporary pedestrian link will be provided to the towpath. The proposed building line along Fountainbridge allows for the continuation of a cycle route as part of a wider Council strategy to encourage sustainable modes of transport. The design of this does not form part of these proposals.

A new toucan crossing for pedestrians and cyclists will be provided adjacent to the north western corner of the hotel providing access to the opposite side of the carriageway and Grove Street. The location, detailed design and installation of this crossing and associated equipment will be subject to further approval by the Council by way of a condition.

The new junctions and existing service road have been designed in accordance with the Edinburgh Street Design Guidance and will prioritise pedestrians and cyclist movement incorporating continuous footway. The shared street to the south of the proposed building is one way and has been designed to discourage through traffic through the use of street furniture, whilst also giving priority to pedestrians.

Parking

Due to the city centre location and access to public transport, no car parking has been provided. The temporary car parking in Scheme 1 was removed as part of the revisions. This complies with the Edinburgh Design Guidance.

There is provision for 46 secure cycle spaces and associated shower, changing and locker facilities within the office building itself. This is marginally below the requirement set out in the Edinburgh Design Guidance (51 spaces), and is acceptable. Ten Sheffield cycle stands have also been provided within the public realm to the west of the hotel, providing 20 cycle spaces for visitors and workers to the hotel and other commercial units. Integrating these within the hotel building itself as part of phase 1 would compromise the active frontage onto the key public spaces. The applicant has indicated that a minimum of 26 secure cycle parking spaces for the hotel and three for the commercial units will instead be provided within phase 2. This will be covered by an informative. No motorcycle spaces have been provided, but it is intended that these will be located within the secure underground car park as part of phase 2. Likewise, an informative has been included.

The Roads Authority was consulted and raise no objections.

Servicing

Two restricted loading bays are provided at the south and east of the building. This allows Fountainbridge to be free from service vehicles which would otherwise conflict with the proposed cycle lane. A turning arrangement is proposed at the south east corner of the site to allow for vehicles to turn easily out of the existing service road without causing conflict with the entrance to Edinburgh Quay's car park. As part of this turning facility is outwith the site boundary, a condition is recommended which secures its delivery.

Developer Contributions

LDP Policy Del 1 states that contributions towards the tram network will be sought from future development which impacts on or creates the need for this infrastructure. The Developer Contributions and Infrastructure Delivery Supplementary Guidance requires that where a development falls within 750 metres of the tram corridor it should pay a contribution calculated using Zone 3 weightings (based on the shortest walking distance between any part of the site and the nearest edge of the tram corridor). The Roads Authority has assessed the proposal as being outwith Zone 3. However, major developments on land outwith the defined zone 3 will also be considered in regards to their net impact on transport infrastructure. Given the location of the site, the nature of the uses and that no car parking is provided, it is expected that the tram will be used to access the development. In this regard, the development still warrants a tram contribution. A pragmatic approach was taken to establishing an appropriate level of contribution to the tram project beyond the 750 metre distance from a tram stop. The site is calculated to be 830 metres from the nearest tram stop. In this regard, the total contribution requested is £350,926 (based on 263 bed hotel, 6,710m² office and 761m² retail). The applicant has confirmed its acceptance of this infrastructure contribution.

The design of the streetscape and buildings prioritises pedestrian/cycle movement and the site is well served by public transport. The proposed uses within the development will not give rise to any road safety or transport issues, subject to the transport interventions and contributions described above being secured.

f) Equalities

The proposal has been considered in terms of equalities and no adverse effects have been identified. The applicant will be required to comply with the provisions of the Equality Act 2010 and building regulation standards. The site is accessible for those with mobility issues, and subject to appropriate planning conditions, could create an environment where public spaces can be used safely. The proposed development will provide good access to public transport, new high quality public realm and local facilities. The proposed development has been assessed against the LDP which is compatible with the Human Rights Act.

g) Other material considerations

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. SEPA has no objection to the application.

The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policies Env 21 and RS 6.

Ground Conditions

A ground investigation report has been submitted in support of the application. This is currently being assessed by Environmental Protection. Accordingly, it is recommended that a condition is used to ensure that any contaminated land remediation is fully addressed.

Sustainability

The applicant has submitted the sustainability form in support of the application. The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

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

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections.

h) Public comments

Material representations - objection

- Proposed arrangements for cyclists on Fountainbridge are inadequate - addressed in section 3.3e);
- Concern over the protection afforded to cyclists, stating that the cycle lane must be segregated and protected by double yellow lines - the design of the cycle lane does not form part of these proposals as addressed in section 3.3e);

- Do not consider the location of the toucan crossing as appropriate for cyclists - the design and location of the toucan crossing will be subject to a condition as addressed in section 3.3e);
- Consider that the road is better designed as one way anti-clockwise - the revised scheme addresses this issue as addressed in section 3.3e).

Material representations - general comment

- Concern over increased congestion on the road network, particularly at the junction to Freer Street - addressed in section 3.3e);
- Concern that vehicles will use the entrance to the car park of Edinburgh Quay as a turning area to the detriment of highway users and safety - a dedicated turning head is proposed south of the car park entrance, as addressed in section 3.3e);
- Concern over the inclusion of a coach drop-off layby on Freer Street and its ability to manoeuvre within the site - the dedicated coach drop-off layby was removed as part of the revisions to Scheme 1, as addressed in section 3.3e);
- Suggest that full details should be provided for the physical alterations to the site and clear indication of the means of controlling and managing access in this area - all public spaces will be developed to adoptable standards as addressed in section 3.3c);
- Land owner of the existing service road to the east made a representation stating they had not originally been notified by the applicant. The applicant has since undertaken notification and the land owner is aware of the application.

Material representations - support

- Welcome the inclusion of a toucan crossing across Fountainbridge - addressed in section 3.3e);
- The proposals favour pedestrian and cyclist movement by providing multiple links to Fountainbridge and the Union Canal - addressed in section 3.3c) and 3.3e);
- The public realm will provide a new vibrant, safe and attractive place for pedestrians and cyclists - addressed in section 3.3a) and 3.3e);
- Consider that the shared space has been designed to discourage traffic and give priority to pedestrians - addressed in section 3.3a) and 3.3e).

Conclusion

The proposed development makes a positive contribution to the regeneration of the area and provides a mix of uses which are compatible with the neighbouring land uses. The office element will make a significant contribution to the office provision in the city centre and the ground floor commercial units will enhance the vitality of the area. The proposed heights are above those specified in the Fountainbridge Development Brief, but due to the increased road width and creation of new civic space, the design is a positive townscape response. In conclusion, the proposal will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves the application subject to conditions and a suitable legal agreement.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication, public engagement, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to commencement on site, details should be provided which confirm that the kitchens' ventilation within each unit will meet the following criteria:
 - (i) The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
 - (ii) The ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.
5. The temporary profiled meadow grass, security fencing and footpath link from the shared street to the canal towpath, as shown on drawing 02A, shall be constructed prior to the occupation of the hotel or office, whichever is the latter.
6. Notwithstanding the details shown on drawing 02A, the public realm design, furniture, planting and materials to the south of the building line shall be agreed in detail prior to the occupation of the hotel or office, whichever is the latter.
7. The agreed public realm design, furniture, planting and materials to the south of the building line shall be completed prior to the occupation of the hotel or office, whichever is the latter.

8. The applicant shall submit for approval of the Planning Authority, the location and detailed design of the toucan crossing on Fountainbridge prior to occupation of the hotel or office, whichever is the latter.
9. The applicant shall install the agreed toucan crossing prior to occupation of the hotel or office, whichever is the latter.
10. The proposed turning arrangement shown in drawing 2A at the south east corner of the site shall be delivered prior to occupation of the hotel or office, whichever is the latter.
11. Within 6 months of the commencement of development, the applicant shall submit and gain approval from the Planning Authority for a public art scheme in accordance with the Fountainbridge Public Realm Strategy.
12. Within 12 months of the first occupation of any part of the accommodation, the approved public art shall be completed on site to the satisfaction of the Planning Authority.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. To ensure pedestrian connectivity
6. To ensure coordination with the Fountainbridge Public Realm Strategy and phase 2 of the wider site.
7. To ensure appropriate quality.
8. To safeguard public safety.
9. To safeguard public safety.
10. To safeguard public safety.
11. In order to ensure that a high standard of public art is achieved, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.
12. In order to ensure that a high standard of public art is delivered, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.

Informatives

It should be noted that:

1. Legal Agreement

A suitable legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

Transport

- Contribute the sum of £350,926 (based on 263 bed hotel, 6,710m² office and 761m² retail to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report; the sum to be indexed as appropriate and the use period to be 10 years from date of final payment. The contribution for each land use shall be; Hotel £198,537, Office £135,278, Commercial unit £17,111. Each contribution will be payable in instalments, 25% prior to commencement of work with the remainder due prior to occupation of each use.

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. In accordance with the Council's LTS Travplan3 policy, the applicant should submit an updated Travel Plan within 6 months of the development being occupied.
4. 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.
5. 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.
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

8. A Traffic Regulation Order of £2,000 to introduce parking prohibition on civic areas and associated shared spaces may be required. A Traffic Regulation Order of £2,000 to introduce waiting and loading restrictions may be required. A Traffic Regulation Order of £2,000 to ban westbound traffic movement on the proposed shared space for servicing may be required. It should be noted that any proposed vehicle entry prohibition on the shared street should start where the proposed turning facility on Freer Street ends.
9. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment
10. The works to carry out footway widening and improvements to adopted roads must be carried out under permit and in accordance with the Council's specifications.
11. Any proposed signage will be subject to advertisement consent.
12. Three units identified as commercial (pink) on drawing 18A are constructed for use classes 1, 2, 3 and 11.
13. As part of the layout of phase 2, a minimum of 26 secure cycle parking spaces shall be provided for the hotel and a minimum of three secure cycle spaces shall be provided for the commercial units to meet the deficiency in phase 1. This is in accordance with the Edinburgh Design Guidance.
14. A minimum of eight motorcycle spaces shall be provided within the underground car park of phase 2 to meet the shortfall in phase 1. This is in accordance with the Edinburgh Design Guidance.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 22 January 2018. Neighbours were notified of the application on 22 January 2018 and 21 days were allowed for comments. The proposals that formed Scheme 1 received one objection and one general comment.

The two interested parties who previously commented on Scheme 1 were re-notified on 26 April 2018 to allow for comments to be submitted on revised plans for Scheme 2. Scheme 2 received one representation seeking clarification on issues relating to adoption and land ownership.

Tollcross Community Council and Merchiston Community Council were consulted, but no responses received.

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

Background reading/external references

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

Statutory Development Plan Provision	The application site is shown to be in the Urban Area and City Centre Proposal 3 in the adopted Edinburgh Local Development Plan (LDP).
Date registered	19 January 2018
Drawing numbers/Scheme	01,02A,03,04A,05A,06C,07C,08,09A,10A,11C,12C,13A,14B,15A,, 16A, 17A,18A,19A,20A,21A,22A,23-31,

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

Contact: Emma Fitzgerald, Planning Officer
 E-mail:emma.fitzgerald@edinburgh.gov.uk Tel:0131 529 3794

Links - Policies

Relevant Policies:

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

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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

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

LDP Policy Des 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.

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

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

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

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

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

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

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.

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.

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

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

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

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

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

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

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

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

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

Appendix 1

**Application for Planning Permission 17/05997/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising offices, hotel and other
commercial uses including classes 1, 2, 3 and 11 with
associated access roads, and landscaping/public realm (as
amended).**

Consultations

Contaminated Land - response dated 23/01/2018

Geo-environmental Phase I & II reports would be required for the Building warrant application.

Flooding - response dated 30/01/2018

I have reviewed the Flood Risk Assessment and the Surface Water Management Plan documents on the portal. They are in line with the CEC Flood Prevention requirements and as such we are happy to support this application to determination without any further comments.

Environmental Assessment - response dated 05/04/2018

The Freer Street site (formerly no. 159 Fountainbridge) sits adjacent to Edinburgh Quay at the eastern end of the Union Canal. The site forms part of Site 1 of the Fountainbridge Development Brief.

The site is generally surrounded by commercial buildings of varying scale. The Freer Street site is bordered by the Exchange Business District to the north east. The business and financial area is typically characterised by tall commercial buildings. Edinburgh Quay is immediately adjacent to the east of the site. The development comprises offices, residences and a number of un-let commercial units on the ground floor. The site is bounded by Fountainbridge to the north, and the Union Canal to the south.

There are a number of vacant brownfield sites along Fountainbridge. Developments recently completed include the Hampton by Hilton, Lochrin Basin development, Springside Phase 1 and the Boroughmuir High School. A number of major schemes have also been recently consented including residential development at India Quay immediately to the west of the site, and Springside Phase 2.

Environmental Protection have provided input at the pre planning stage and raised a number of issues that would need to be addressed when the full application was submitted. The issues requiring further detailed information included local air quality, noise, commercial ventilation and it was advised contaminated land could be conditioned.

The applicant has submitted a supporting noise impact assessment. A noise survey was carried out at the development site to establish the existing noise climate and to assess potential noise impacts affecting and arising from the development.

Noise

The baseline noise measurements were used to build a noise model to predict the noise levels at each façade of the proposed development. The noise impact assessment highlighted that the commercial operators would likely need to include acoustic glazing with acoustic ventilation to ensure that satisfactory noise levels could be achieved in the hotels and offices. The noise impact assessment has suggested the required minimum sound reduction levels required. Environmental Protection is satisfied that these issues are a commercial requirement and not an issue that we need to condition through planning.

Noise emissions limits for building services plant associated with the proposed development have been set in accordance with Environmental Protections stipulate noise criteria to minimise the impact of the proposed building on the existing noise and consented sensitive receptors.

Local Air Quality

The applicant has highlighted that the site is not located within any of declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site.

The development proposals have been amended since the pre-application consultation. Limited car parking facility (up to 15 spaces) is proposed as part of the development, therefore the increase in traffic flows associated with the development will be minimal.

The proposed hotel will, however front onto Fountainbridge, closing a current gap site on the southern side of the road. The building will therefore potentially create a street canyon on Fountainbridge, with tall buildings either side of a relatively narrow road. This effect is further exacerbated by the other developments on Fountainbridge, which will potentially create a canyon along the road, between Gardner's Crescent and Gilmore Park. The applicant's air quality impact assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the building on air flows and therefore dispersion on emissions from road traffic sources on Fountainbridge.

The applicant air quality impact assessment has highlighted that a change in concentrations will occur within the main section of street canyon onl, between the proposed site development and the Hampton Hotel on opposite side of road. The maximum increase in concentrations is ~25% increase in NO2 occurring at first floor level at the façade of the Hampton Hotel and the façade of the hotel proposed as part of the development. The increase in PM10 and PM2.5 is less in percentage terms.. No change in concentrations is predicted outside of the street canyon; therefore the highest changes are restricted to commercial receptors on Fountainbridge. The highest change at a residential property is an approximate increase in concentrations of 16-17% at first floor properties at the junction of Fountainbridge and Grove Street. Despite the increase in concentrations due to canyon effects the predicted levels remain below the required air quality objective levels for NO2, PM10 and PM2.5.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

The applicant has not proposed installing any electric vehicle charging points It should be highlighted that the requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made huge progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of fuel emissions will contribute to improving air quality, and their quieter operation will mean that a major source of noise will decrease.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

To ensure that the infrastructure required by the growing number of electric vehicles users is delivered, one of every six spaces should include a fully connected and ready to use electric vehicle charging point, in developments where ten or more car parking spaces are proposed. Electric vehicle parking spaces should be counted as part of the overall car parking provision and not in addition to it.

Rapid charging provision will be required for non-residential developments. Information on fast and rapid chargers is detailed in the following Technical guidance. Information on the infrastructure being provided should be included in the supporting transport submission provided with a detailed application.

Environmental Protection advised the applicant that all combined heat and power units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. If the proposed energy plant exceeds 1MW then the applicant will need to include secondary abatement technology to further reduce NOX.

Cooking Odours

The applicant proposes introducing a number of class uses that will introduce commercial cooking. Environmental Protection advised the applicant to provide specific details on where these uses will be located and show the commercial flues on drawings. Environmental protection shall recommend a condition is attached.

Contaminated Land

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

Therefore, Environmental Protection offers no objection to the proposed development subject conditions;

1. 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.

2. A minimum of four parking spaces shall be served by Rapid 50Kw electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

3. All proposed energy plant must comply with the Clean Air Act, details of required chimneys should be submitted at the detailed planning stage. Plant above 1Mw may require secondary abatement technology. Biomass is not appropriate for this site.

4. Cooking odour ventilation details should be provided. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:

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

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

Scottish Water - response dated 23/01/2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

*Scottish Water asset plans can be obtained from our appointed asset plan providers:
Site Investigation Services (UK) Ltd*

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

o If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

o Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

o The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

o Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

o Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

o 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

o *Non Domestic/Commercial Property: Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk*

o *Trade Effluent Discharge from Non Dom Property: Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.*

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

Scottish Environment Protection Agency - response received 08/02/2018

Thank you for your consultation email which SEPA received on 19 January 2018.

Advice for the planning authority

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

1. Flood Risk

Executive Summary Outlining Policy Context

1.1 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.

Technical Report

1.2 We previously provided pre-application advice on the 1st of August 2017. We advised that the site is at surface water flooding which is a matter for Scottish Water and the City of Edinburgh Council. We also advised that contact should be made with Scottish Canals with regard to the risk associated with the Union Canal.

1.3 A Flood Risk Assessment (FRA) has been submitted in support of the proposed application. It is concluded that there is no fluvial or coastal flood risk which we accept. Contact was made with Scottish Canals and the breach in 2002 was due to a sewer construction underneath the canal. Since this breach in 2002 remedial works have been undertaken and the flood risk from the canal is stated to be low.

1.4 Borehole investigations were undertaken across the site with groundwater encountered 4 metres below ground level. We would note that car parking is proposed on site, which is assumed to be underground, and we would strongly recommend that mitigation measures are in place for any below ground workings.

1.5 It is also stated in the FRA that finished floor levels should be above surrounding ground levels and profiling site ground levels to route flood waters around and away from building, which we support.

1.6 Any drainage or SUDs proposed are for the council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance. Drainage calculations should be undertaken using the FEH13 depth duration frequency statistics. Detailed advice for the applicant

2. Flood Risk

Caveats & Additional Information for Applicant

2.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² 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/environment/water/flooding/flood-maps/>.

2.2 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.

2.3 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 in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under *The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR)* to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under *The Waste Management Licensing (Scotland) Regulations 2011*. Proposed crushing or screening will require a permit under *The Pollution Prevention and Control (Scotland) Regulations 2012*. Consider if other environmental licences may be required for any installations or processes.

3.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

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

Archaeology - response dated 08/02/2018

Further to your consultation request I would like to make the following comments and recommendations concerning this application for mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 with associated access roads, landscaping / public realm and car-parking.

The site occupies part of the former McEwan's Fountainbridge brewery demolished in the early 2000's. Lying between Fountainbridge and the southern bank of the Union Canal, a Scheduled Ancient Monument, the site prior to the late 18th century was thought to open farmland bisected by a Burn (now canalised as a sewer) which ran east-west across the site towards what is now Lochrin Basin. The construction of the Canal in the 1820's opened up this site for industrial and housing development, which occurred throughout the following decades. The 1849 1st Edition OS Map shows the site as open ground (? Orchards) but with a rope walk across the centre, to the south of the proposed new building. However by 1876 the site has been fully developed with a school on its western side and a range of buildings (? tenements, business/factory units) fronting on to Fountainbridge. The rope walk still survives but the area to the SW is now dominated by an Iron Foundry.

Therefore, the application site is regarded as occurring within an area of archaeological potential and containing locally important historic industrial buildings. Therefore, these applications must be considered under terms of Historic Environment Scotland Policy Statement (HESPS) 2016, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV9.

Buried Archaeology

The proposed development will require extensive excavations in terms of demolition, construction, landscaping, utilities etc which will adversely impact upon any surviving remains. However, given the results from earlier evaluation and recent demolition activities, the potential significance of such impacts is likely to be low-moderate. It is recommended however that if consent is granted, that as part of the overall archaeological mitigation a programme of archaeological work is undertaken prior to/ during development in order to fully excavate, record and analyse any significant archaeological remains.

Archaeological Public Engagement Interpretation

As stated in previous applications covering the overall Fountainbridge redevelopment, Fountainbridge has been central to the industrial heritage of Edinburgh from the late 18th century through to the end of the 20th and the closure of the Fountain Brewery. It is essential that this rich heritage is interpreted. Site specific interpretation should be undertaken in collaboration with interpretive proposals covering the wider Fountainbridge sites.

Further the programme of archaeological works for the site should also contain a programme of public/community engagement to be undertaken during the development (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is recommended that the following condition is attached in order fully record these important industrial buildings but also any associated buried remains as follows;

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

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

Historic Environment Scotland - response dated 29/03/2018

Thank you for your consultation which we received on 09 March 2018. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
<i>LB28778</i>	<i>158-164 (EVEN NOS) FOUNTAINBRIDGE AND 90-92 (EVEN NOS) GROVE STREET</i>	<i>Listed Building</i>

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We note the site boundary for this application and the subsequent phases of development may overlap with the above scheduled monument - works within the scheduled area may require scheduled monument consent.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org

Roads Authority - response dated 28/05/2018

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

The submitted transport statement predicted that most trips generated by the development will be by sustainable transport. However, only peak hour trips were provided and it was not clear how much non peak hour trips will be. The TRICS multi-modal trip share appears to have overestimated the modal share of walking (89%) and underestimated the percentage for public transport (8%) for the office development. This is similarly for the hotel and commercial components of the development. The TRICS modal share table submitted by the applicant lacks adequate information to understand hourly trips for each of the transport modes. This is important in order to understand the overall trip generation of the development for each mode of transport. The TRICS multi-modal trips analysis did not account for vehicular trip rates and no assumption was made about the potential increase in public transport mode share due to transfer of such trips to other modes of transport as a result of no parking provision.

The requested multi-modal assessment provided by the applicant using Tollcross Datashine travel to work statistics when applied to TRICS people trip rates had total public transport trips 1008(53%), walking 447(24%) and car 340(18%) for the period 0700 - 1900; with AM and PM peak trips for public transport 138 and 108 respectively for the office development. The Datashine trips analysis did account for vehicular trip rates and no assumption was made about the potential increase in public transport mode share due to transfer of such trips to other modes of transport as a result of no parking provision. Public transport modal share is therefore expected to be higher than what has been submitted by the applicant for the office and similarly for the hotel and the commercial units. It must be acknowledged that Datashine travel to work statistics is for all employment and there may be minor variation for office only development trips.

The predicted trips information submitted by the applicant from both the TRICS database and Datashine provided no information about the level/percentage of trips to be made by tram. It is considered that the proposed development will be heavily reliant on public transport and that, given the location and nature of the proposed development, the tram is likely to bear a sizeable proportion of the public transport impact. A tram contribution is accordingly considered justified in terms of the requirements of the Local Development Plan 2016 and in terms of the requirements set out in paragraph F Edinburgh Local Development Plan Draft Supplementary Guidance, "Developer Contributions and Infrastructure Delivery, January 2018," Section 2b - Transport Infrastructure. Notwithstanding the above statement, it has been clearly demonstrated by the applicant that the proposed and existing transport infrastructure will be able to accommodate the impacts of the proposed development.

1. The applicant will be required to:

- a. Contribute the sum of £350,926 (based on a major development, 830m from the nearest tram stop, comprised of a 263 bed hotel, 6,710m² office and 761m retail to the Edinburgh Tram in line with the approved Draft Supplementary Guidance, "Developer Contributions and Infrastructure Delivery, January 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note c);*
- b. Contribute the sum of £2,000 to progress a suitable order to introduce parking prohibition on civic area and associated shared space as necessary for the development;*
- c. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- d. Contribute the sum of £2,000 to progress a suitable order to ban westbound traffic movement on the proposed shared space for servicing as necessary for the development. It should be noted that any proposed vehicle entry prohibition on the shared street should start where the proposed vehicle turning facility on the existing service road ends;*
- e. Design and install a new toucan crossing on Fountainbridge. The location, detailed design (including signal specification) and installation of the toucan crossing and equipment will be subject to further approval by the Council and at no cost the Council. The crossing is expected to be aligned to western footway of Grove Street;*
- f. Carry out works to widen the existing footway to 5.3m wide on south side of Fountainbridge. To prevent accidents on the proposed cycle lane and ensure free movement of pedestrian it is expected that no loading or servicing of the office and hotel will take place from the footway;*
- g. Provide pedestrian priority crossings and associated hazard warnings at the proposed junctions on the southern footway of Fountainbridge;*

2. All doors are expected to be opened inwards or clear from the footway, except emergency doors;
3. 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, and cycle parking numbers including location, design and specification. Per the Ian White Associates Drawing No 2041/14 submitted - all footways and shared surfaces (Fountainbridge, existing service road, Civic Square and Shared Street) are expected to be adopted.
4. A Quality Audit, as set out in *Designing Streets*, to be submitted prior to the grant of Road Construction Consent;
5. 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;
6. The applicant must be informed that any proposed on-street loading bays/lay-by 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;
7. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer;
8. The submitted design of footways, junctions and the shared space promotes pedestrian priority safety, sense of place and accords with the *Designing Street and Edinburgh Street Design Guidance* which requires streets to be designed to promote pedestrian safety and priority. Blister paving is required for the proposed junction west of the site to provide a warning to visually impaired people who would otherwise, in the absence of a kerb upstand greater than 25mm high, find it difficult to differentiate between where the footway ends and the shared surface (vehicle, cycle and pedestrian) begins;
9. The works to carry out footway widening 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
10. It should be noted that the existing service road east of the proposed development is adopted and works to carry out any improvement must be carried out under permit and in accordance with the Council's specification (see Item 10 above). The applicant is required to deliver the proposed vehicular turning facility on the existing service road including sections out with the planning application site boundary.

Note:

- a) The 2017 Parking Standards requires the applicant to provide a minimum of 80 covered and secure cycle parking spaces - 26 for the hotel, 3 for the commercial unit and 51 for the office; however the applicant proposes 20 spaces in a form of 10 Sheffield cycle stand adjacent the lay-by west of the hotel and 46 cycle racks within the office development with shower facilities and is considered acceptable.
- b) The proposed cycle lane on Fountainbridge will be delivered by the Council at no cost to the applicant.

c) The Tram contribution is calculated using methodology developed for contributions outwith the tram contribution Zone 3. Average percentage contribution of each application component for Zone 1, 2 and 3 applied to the total contribution sum of £350,926 to get tram contribution sum for each component of the application:

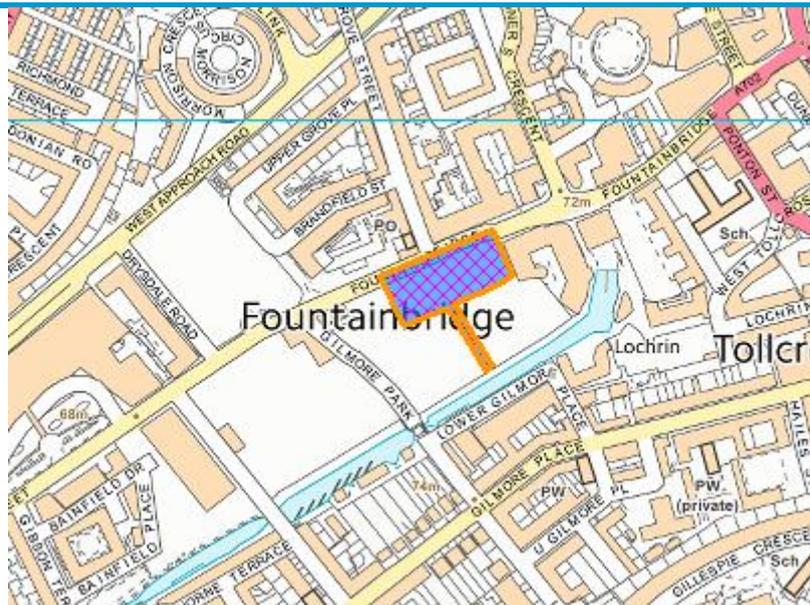
Hotel 56.57511%
Office 38.54883%
Commercial 4.876059%

Tram contribution for each component of the application are:

Hotel £198,537;
Office £135,278;
Commercial unit £17,111;

The Methodology and calculation graphs are set out in the attached Annex 1.

Location Plan



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