

Development Management Sub Committee

Wednesday 24 April 2019

Application for Approval of Matters Specified in Conditions 18/09769/AMC

At Site 60 Metres South Of 199, Fountainbridge, Edinburgh

Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.

Item number	4.8
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposal will further the regeneration of Fountainbridge, providing 64 new homes in a mixed use development. There will be a mix of tenure and housing size with mid-market rent affordable housing and open-market rent housing. Ground level commercial uses will help activate the development along Dundee Street. 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 proposal complies with the development plan. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEMP09, LEN03, LEN09, LEN12, LEN13, LEN16, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU07, LHOU10, LRET05, LTRA01, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LTRA10, LRS06, DBFOUN, NSGD02,

Report

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Recommendations

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

Background

2.1 Site description

The application site is in the urban area as defined in the Edinburgh Local Development Plan. The site is located within the wider Fountainbridge Area as identified as proposal CC3 in the Edinburgh Local Development Plan.

The site relates to part of the former Scottish and Newcastle Brewery site and covers approximately 0.34 hectares. The site has been cleared of all buildings.

The site is bounded to the north by Dundee Street and to the east by a former North British rubber company offices, which is a category 'C' listed building (reference LB44936, 23 January 1998). The site is bounded to the south and west by vacant land.

Land to the southwest of the site is presently utilised by The Forge community workspace. The Union Canal further south is a Scheduled Ancient Monument (reference SM11097, 15 December 2003). Gilmore Park and Viewforth roads are located to the east and west of the site. The Boroughmuir High School and Fountainpark Centre are located to the west of the site.

2.2 Site History

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

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

11 January 2006 - 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).

30 June 2010 - planning permission in principle for a mixed use development including offices, residential, retail, hotel, care home and student housing (10/01687/PAN).

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).

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. The PPP provides consent for the masterplan layout which outlines proposed plot structures, roads layout, public realm and land use. The PPP also provides consent for maximum building heights. The PPP consent therefore provides the masterplan and building heights framework for plot W3. (application number 14/02814/PPP).

17 April 2015 - proposed development of temporary community related uses and structures including; temporary community garden, forge workshop spaces and containers (both in retrospect), a greenhouse incorporating micro renewable generation (wind turbine and solar panels), amphitheatre 'pianodrome', adventure playground, community pavilion, a Bridge 8 Hub and other associated uses (as amended) (application number 15/00709/FUL).

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).

18 February 2016 - the proposal seeks to vary the temporary consent for application number 15/00709/FUL by reducing its scale. The variation seeks consent for the implementation of the Grove Community Garden and The Forge only, to be sited in the north western corner of the application site. Pedestrian access will be maintained through the site and accessed via Viewforth and Dundee Street. (application number 15/00709/VARY)

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).

07 December 2016 - application for approval of matters specified in conditions granted at site 60m south of 199 Fountainbridge, 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. (application number 16/03321/AMC).

Applications on Neighbouring Sites

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

3.1 Description Of The Proposal

The application is for approval of matters specified in conditions 1, 2 (a-m) and (i)-(v) of planning permission in principle reference 14/02814/PPP for Plot W3. The proposal is for residential and retail units. The matters specified in condition 2 (a-m) include the detail of height, massing, siting and ground floor levels; design of external appearance of all buildings; operational aspects of open space and public realm; site and floor levels; treatment to adopted roads and footways; details of car parking; signing of pedestrian and cycle access routes; surface water and drainage; waste management; external lighting; and site investigation. The matters specified in condition 2 (i)-(v) include soft and hard landscaping plans and details; schedule of all plants; landscape management plan; and boundary treatments.

As well as these matters, the application also seeks to satisfy conditions 3, 17, 18 and 20 of the 14/02814/PPP permission for Plot W3. In summary, these are as follows:

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

The proposal is primarily residential and represents the first phase of detailed proposals of the 14/02814/PPP permission. The proposal is for 64 residential units, 32 of which will be mid-market homes and 32 of which will be open-market rent homes. Retail use is proposed at the ground floor fronting Dundee Street. The total retail floor space is 339 square metres.

The proposed plot W3 layout comprises a 'C' shaped perimeter block surrounding a private open space. A six storey flatted building is located in the north of the site. This building is orientated east-west and fronts Dundee Street. The building line is set back from the road and therefore achieves an area of public realm between the road and the building. Retail use is proposed at ground level and residential use is proposed from the first to the sixth floor. Two lower buildings, which are orientated north-south are proposed in the interior of the site. These buildings are three storeys in height, rising to four storeys in the south of the plot.

The design of the buildings is contemporary. The predominant materials proposed for the external elevations are a mixture of red and buff coloured facing brick. Metal framed windows and balustrades are also proposed. The proposed materials for the public realm works include a mix of Caithness flagstones and clay pavers.

The breakdown of proposed residential units is as follows:

	1 bed flats	2 bed flats	3 bed flats	3 bed duplex	Total
Plot W3	18	36	8	2	64

The breakdown of proposed retail units is as follows:

	retail unit 1	retail unit 2	retail unit 3
Plot W3	77m ²	189m ²	73m ²

The layout of plot W3 creates routes through the site to other blocks, the canal and the wider city. The site is accessible by pedestrians and cyclists through shared surface streets and links. Cycle parking is proposed within an internal store in the northwest corner of plot W3. Part of a road is located in the northeast corner of the site adjacent to a listed building. Vehicle parking is proposed at street level adjacent to the accessible dwellings. A total of two fully accessible compliant spaces will be provided in this location. Further vehicle parking is proposed to the south of plot W3, within the basement car park at plots W1 and W2.

A community garden growing space is located in the south of the site and private garden space is located within the plot courtyard. The proposals for sustainable urban drainage comprise an attenuation tank, which is located between the plot W3 site and the adjacent plot W4 site. Further attenuation tanks are located at plot W4 and plot E2. The courtyard area within plot W3 incorporates a shallow sustainable urban drainage system, which consists of granular stone and sub-base.

The breakdown of proposed shared amenity space is as follows:

Plot W3 - Total	677m ²
Shared courtyard garden	370m ²
Community growing space	307m ²

The breakdown of private amenity space is as follows:

Plot W3 - Total	407m ²
Private garden space - courtyard	255m ²
Private garden space - street	75m ²
Balconies (10no.)	57m ²
Colony landings	20m ²

Changes from previous consent (ref. 16/03321/AMC)

The application includes several changes from the previously consented scheme (ref. 16/03321/AMC). These include:

- Plot W3 tenure changed to mid-market and open-market rented units
- Additional stair/lift core introduced to Plot W3 apartment building
- Flats in the 3-4 storey blocks are accessed via common stairs
- Community growing space introduced in south of Plot W3
- Street gardens in western edge of Plot W3 have been reconfigured
- One additional flat has been introduced

Supporting Information

Site investigation, contamination and remediation studies have been undertaken through a Phase II Geo-technical and Geo-environmental Assessment, as part of the previously consented scheme (16/03321/AMC).

The application includes information to support the discharge of condition 3. A phasing plan has also been submitted to meet the terms of condition 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 application includes information to support the discharge of condition 17, including sunlight, daylight and overshadowing analysis.

The application includes information to support the discharge of condition 18 with regard to active frontage. Active commercial frontage is proposed in the north of the site at Dundee Street, which will include class 1 (shops) and class 3 (food and drink) premises.

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

The following supporting documents and drawings have been submitted with this application:

- Design Statement;
- Drawings (Plans, Sections and Elevations);
- Dwelling, Sunlight and Daylight Analysis;
- Landscape Public Realm Plan;
- Landscape Plan and Materials;
- Masterplan Phasing Plan;
- Masterplan Building Heights Plan;
- Masterplan Public Realm Plan;
- Masterplan Public Realm Operational Plan;
- Overshadowing Assessment;
- Planting Plan and Schedule;
- Soil Profiles;
- SUDS Maintenance Schedule; and
- Typical Tree Pit Detail.

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

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.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) Detailed land use is acceptable;
- b) There are any detrimental impacts on the historic environment;
- c) The design, scale, massing and materials are acceptable;
- d) Transport and movement impacts are acceptable;
- e) Amenity for the proposed development is acceptable;
- f) Neighbouring amenity is adequately protected;
- g) Other impacts are acceptable;
- h) Impacts on equalities and human rights are acceptable; and
- i) Representations have been addressed.

a) Detailed land use

The principle of the development has been established under the relevant planning permission in principle (PPP) (application number 14/02814/PPP) and approval of matters specified in conditions (AMC) (application number 16/03321/AMC).

The proposed mix of uses, which includes a combination of residential accommodation and retail is compliant with the overall mix of uses, approved for the wider development site through the relevant PPP and AMC applications. It accords with Edinburgh Local Development Plan policy Del 2 (City Centre) and Proposal CC 3 (Fountainbridge) and the Fountainbridge Development Brief.

Housing use

Proposed residential units on the site include mid-market rental properties (32no.). Open-market rental properties (32no.) are also proposed on the site. The principle of mid-market rent and open-market rent is acceptable on this site subject to the consideration of detailed aspects such as housing mix, flat sizes and open space provision.

Retail use

Condition 18 requires 70% active commercial frontage onto Dundee Street and the application exceeds this with 78% of the frontage being active. The application includes 44.2m of frontage onto Dundee Street. Within this total, 34.6m is active frontage created by the proposed retail units. The proposed provision of retail units (3no.) in the north of the site at Dundee Street complies with condition 18 of the PPP application, in terms of active frontage requirement at this location.

The proposed mix of uses is compatible with the indicative mix approved under the relevant planning permission in principle (PPP) and approval of matters specified in conditions (AMC). The proposed mix of uses accords with the LDP and the Fountainbridge Development Brief.

b) Historic Environment

Setting of Listed Buildings

LDP Policy 3 sets out the requirement for proposals affecting the setting of a listed building. The site adjoins the boundary of the former North British Rubber Company building, which is category 'C' listed (item LB44936, date 23/01/1998). The proposal will have no detrimental impact on this building. The proposals for public realm will enhance the setting of this building. The proposal complies with LDP Policy Env 3.

c) Design, Materials, Scale and Layout

LDP Policies Des 1 - Des 13 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale, form and materials.

Design and Materials

LDP Policy Des 1 states that proposals should create a sense of place and be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed buildings are modern in 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 main external building material is brick and as noted in the Edinburgh Design Guidance, has good weathering characteristics. 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. The design palette of materials is appropriate for the location. Notwithstanding this, the quality of the external building materials will remain controlled by condition 6 of the 14/02814/PPP permission. The proposal complies with LDP Policies Des 1 and Des 4d.

Height, Scale and Massing

The proposed three to six storeys correspond with those in the general area, both proposed and developed. The height corresponds with the emerging developments in the area and helps to provide a strong urban form in this regeneration area.

In comparison to the approved plans for the planning permission in principle, there is a slight increase in height on the Dundee Street frontage (from 87.50m to 88.00m AOD). The two buildings orientated north-south are stepped in height from north to south (from 79.23m to 83.50m AOD). This represents an increase and a decrease to the approved PPP height of 83.00m AOD in the west building. This also represents an increase and a decrease to the approved PPP height of 82.40m AOD in the east building. The contrast between the taller buildings at Dundee Street and the lower buildings within the courtyard 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. The application complies with LDP Policy 4a-b.

Layout

LDP Des 2 allows for development which will not compromise the comprehensive development and regeneration of a wider area in a masterplan, strategy or development brief approved by the Council. The proposal is being assessed against the most recently approved masterplan.

The layout at plot W3 has varied from that shown in the PPP. Rather than a full perimeter block originally indicated in the PPP application, the current AMC application removes properties from the south of the site. This allows more sunlight to the garden areas of plot W3 than would be the case were the plot closed off with buildings. The current AMC block layout also reflects the previous AMC block layout, which proposed a principal building on Dundee Street, orientated east-west and two secondary buildings, orientated north-south. 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 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 proposal presents opportunities to walk through the site from north to south and east to west. The site is also accessible by vehicle and bicycle. The detailed proposals for the public realm put forward by the application are in accordance with the standards.

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. The proposal complies with LDP Policies Des 2, Des 4c and Des 7.

The proposed design, materials, scale and layout are appropriate.

d) Transport

Parking

Vehicle parking is proposed at street level adjacent to the accessible dwellings. A total of two fully accessible compliant spaces will be provided in this location. Further vehicle parking is proposed to the south of plot W3, within the basement car park at plots W1 and W2.

A condition is included requiring full details of the layout of the two car parking spaces and full detailed design of the proposed loading bay at Dundee Street.

Cycle and Pedestrian

Cycle parking is proposed within an internal store in the northwest corner of plot W3 to the rear of the retail unit in this location. This will provide 68 cycle spaces for residents use, utilising a two-tier stacked cycle parking system. The current Council Parking Standards require a minimum of 138 secure cycle parking spaces for the proposed residential plot W3 development. A condition is included requiring details of the design of secure cycle storage at plot W3 which complies with the standards.

On-street visitor cycle parking will be provided at two locations in the north of plot W3 at Dundee Street. This will take the form of cycle-stands. A total of 74 visitor cycle parking spaces are proposed throughout plots W1-W4. In addition space has been allocated in the northeast of plot W3 at Dundee Street for the provision of Edinburgh Cycle Hire bicycles.

Servicing

Information has been supplied in relation to waste management, refuse collection and recycling. Waste collection will be provided by the City of Edinburgh Council waste collection service. An internal refuse collection storage area is located in the northeast corner of the site adjacent to a retail unit. This area is accessible from the access road to the east. A secondary refuse collection area is located in the south of the site, within a timber structure. This area is accessible from the community garden and an access road to the south.

Developer Contributions

The S75 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.

e) Amenity for Proposed Development

Housing Mix and Affordable Provision

LDP Policy Hou 1 supports housing as part of mixed use regeneration proposals within the City Centre. LDP 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. The Edinburgh Design Guidance requires schemes with 12 units or more to provide 20% of the total number of homes as three bedrooms or more for growing families (91m²).

There are a variety of units proposed throughout the site, including a mix of one bedroom flats, two bedroom flats, three bedroom flats and three bedroom duplex apartments. The housing mix proposed across the application site constitutes 18 (28%) one bedroom, 36 (56%) two bedroom and 10 (16%) three bedroom units (which include 8 three bedroom flats and 2 three bedroom duplex apartments).

The affordable housing allocation for the site is proposed to be mid-market rental units. The total number of units proposed (32) constitutes 50% of the total number of residential units at this site, in compliance with LDP policy Hou 6 and relevant non-statutory planning guidance. The remaining residential component of the development will be provided by open-market rental properties.

The general mix of accommodation type and affordable provision would serve a range of housing needs, which would contribute towards meeting the provisions of LDP Policy Hou 2 and relevant planning guidance. The proposal provides 2 units which comply with the Edinburgh Design Guidance requirement for homes for growing families. This equates to 3% of the total number of homes which is substantially below the 20% level recommended as encouraged under LDP Policy Hou 2.

Flat Sizes

The proposal includes a variety of units, including one bedroom flats, two bedroom flats, three bedroom flats and three bedroom duplex apartments. The internal space standards of all units comply with the recommended standards in the Edinburgh Design Guidance. The floor space of the proposed units are summarised as follows:

One bedroom dwelling (Guidance requires 52m²)

- 8 are between 53-54m²
- 10 are 52m²

Two bedroom dwelling (Guidance requires 66m²)

- 2 are 82m²
- 14 are between 68-74m²
- 20 are 66m²

Three bedroom dwelling (Guidance requires 81m²)

- 8 are 82m²

Three bedroom dwelling with enhanced storage designed for growing families (Guidance requires 91m²)

- are 106m²

All 18 one bedroom flats comply with or are larger than the 52m² minimum standards and all 36 two bedroom flats comply with or exceed the required 66m² minimum standards. All 10 three bedroom flats exceed the 81m² minimum standards and 2 of these properties exceed the minimum standards for three bedroom flats for growing families.

Daylighting and Privacy

Across the development, 20 (31%) flats are single aspect, with 44 (69%) flats either dual or corner aspect. This complies with 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 plot development form is based on a perimeter apartment block and an internal courtyard. The development form substantially dictates the quantity of daylight reaching dwellings. The block height reduces from Dundee Street in the north to plots W1 and W2 in the south. The use of floor to ceiling windows helps to maximise daylight in rooms. The open plan nature of the flats allows additional daylight into the rooms. Information provided within the Dwelling Sunlight and Daylight Analysis report and the Design Statement shows that, the flats tested meet the guidance requirements for direct skylight to penetrate at least halfway into all habitable rooms.

The apartment block form includes openings in the south, east and west to allow access to the internal courtyard. The scheme represents an improvement in the level of natural light and sunlight provision which would be available in the courtyard area in comparison with the indicative masterplan scheme due removal of the southernmost perimeter block. In relation to sunlight, the development achieves the requirements for sunlight within new garden spaces.

Open Space

Private amenity space is provided through the provision of a communal courtyard garden, balconies and a community garden and growing space. The courtyard garden is designed around areas of communal lawn and hardstanding spaces.

LDP Policy Hou 3 sets out the requirements for open space to meet the needs of future residents. This indicates that 10m² of shared open space should be provided for flats where there are no private gardens. Edinburgh Design Guidance also requires a minimum of 20% of total site area be useable greenspace.

The proposal provides 677m² shared amenity space for 42 dwellings through the courtyard garden (370m²) and the community garden growing space (307m²). This equates to 16m² per dwelling. The growing space includes landscaping, play space and raised bed for growing fruit and vegetables. Private amenity space (407m²) is provided for 22 dwellings through courtyard garden space (255m²), street garden space (75m²), balconies (57m²) and landings (20m²).

The quantity and standard of the amenity space is appropriate, given the site's city centre location and proximity to other amenity space including the canal side.

In respect of open space, the development overall exceeds the quantity of private shared space sought by policy. 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.

Lighting

Details have been provided in respect of external lighting. The strategy includes the use of column and building mounted lanterns. Residential scale lighting columns will be located in the south of the site adjacent to residential properties and the community garden. Building mounted lanterns will be located in the north of the site. A condition is included requiring the submission of full details relating to these matters.

f) Amenity for Neighbouring Occupiers

Daylighting and Privacy

The proposed development is located a sufficient distance from any existing and proposed residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

g) 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

The landscaping proposals which include tree planting, grassed areas, hedge planting, groundcover planting and community growing space, will serve to promote biodiversity at this city centre site. A planting schedule has been submitted, which outlines the proposed groundcover and tree planting that will support biodiversity and is acceptable.

Ground Conditions

The application site has been subject to a number of operations which could potentially result in contamination. A Site Investigation Report and a Phase II Geo-technical and Geo-environmental Report have been prepared during the PPP and AMC process.

A remediation strategy and schedule is required through the use of an appropriate planning condition to ensure that the site is suitable for the proposed use.

Drainage and Flooding

LDP Policy Env 21 does not allow for development which would increase flood risk. The applicant submitted a Drainage Strategy Plan, Flood Risk Assessment and SUDS Maintenance Plan as part of the PPP and AMC process. The applicant has satisfied the Council standards. The proposal includes attenuation tanks, planting schemes and porous paving. CEC Flood Prevention and SEPA have raised no objections and the proposals are acceptable.

h) Equalities

The proposal has been assessed in terms of Equalities and Human Rights. The proposed development will improve the environment following appropriate site remediation and will create 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 proposals will have a positive impact in respect of equalities.

i) Representations

No material representations were received.

Conclusion

The proposal will further the regeneration of Fountainbridge, providing 64 new homes in a mixed use development. There will be a mix of tenure and housing size with mid-market affordable housing and open-market housing. Ground level commercial uses will help activate the development along Dundee Street. 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. The proposals are acceptable in terms of sustainability.

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:

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. Notwithstanding the approved plans, full details of the following shall be submitted to and approved by the Planning Authority, prior to the commencement of development:
 - i) plant species to be used;
 - ii) proposed permeable clay paviers, for use in the public realm;
 - iii) proposed planters/benches, including detailed design, positioning and material specifications; and
 - iv) all external lighting.
3. 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.
4. Full details of all cycle stands, including design and specifications and full details of proposed secure cycle parking storage at plot W3 to comply with minimum council standards, shall be submitted to and approved by the Planning Authority prior to the commencement of development.

Reasons:-

1. To ensure the ground conditions are suitable for the proposed use.
2. In order to ensure that a high quality public realm is delivered on site, in the interests of public amenity.
3. In order to safeguard the interests of archaeological heritage.
4. To ensure good quality cycle parking facilities are provided on site and in the interest of public safety.

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. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. **ROADS AND TRANSPORT ISSUES**
 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. A minimum of 138 secure cycle parking spaces required for the proposed residential unit. The 67 cycle spaces proposed does not meet the minimum requirement for cycle parking provision.
 3. A layby of clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along Fountainbridge;
 4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);
 5. 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;

6. 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;

7. The applicant must be 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;

8. 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;

9. 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.

10. 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

11. 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;

12. 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.

13. 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;

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

4. The planning conditions on planning permission in principle 14/02814/PPP apply unless discharged.
5. The planning conditions on matters specified in conditions 16/03321/AMC apply unless discharged.
6. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

A S75 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.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report. An Integrated Impact Assessment was also undertaken, which addresses equality and 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

Neighbour notification was carried out on 14 January 2018. No representations were received.

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 proposal is subject to the approved 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 City Centre as defined in the adopted Edinburgh Local Development Plan (November 2016). The LDP identifies Fountainbridge as a key part in the City Centre Strategic Development Area. LDP City Centre Proposal CC3 Fountainbridge promotes a comprehensive mixed use redevelopment of the land previously occupied by the Fountainbridge Brewery.

Date registered 14 December 2018

Drawing numbers/Scheme 1-26,

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

Contact: Keith Luke, Planning Officer
E-mail:keith.luke@edinburgh.gov.uk Tel:0131 529 5455

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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 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 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

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

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

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 Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

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.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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.

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 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

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.

LDP Policy Tra 10 (New and Existing Roads) safeguards identified routes for new roads and road network improvements listed.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

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 Approval of Matters Specified in Conditions 18/09769/AMC

At Site 60 Metres South Of 199, Fountainbridge, Edinburgh
Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.

Consultations

Police Scotland response - dated 18 December 2018

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.

Scottish Water response - dated 21 December 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.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team 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.

Scottish Water Disclaimer

'It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation'.

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.

SEPA response - dated 3 January 2019

Advice for the planning authority

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

1. Surface Water Drainage

1.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (recently updated to version C753) published by CIRIA. We would direct the applicant to Simple Index Approach (SIA) Tool (available on line). Where a potential high pollution hazard level is identified by the applicant (as defined in Table 4.3 of the SUDS Manual), direct contact should be made by the applicant with SEPA's Regulatory Services Team (contact details below). In such circumstances a detailed risk assessment is likely to be required (as per section 26.7.3 of the SUDS manual) and our Regulatory Services team will be able to provide advice on the proposals and associated risk assessment as part of the CAR licence process.

1.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

1.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Regulatory advice for the applicant

2. Regulatory requirements

2.1 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).

2.2 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.

2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- o is more than 4 hectares,
- o is in excess of 5km, or
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

2.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

2.5 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 services team in your local SEPA office at:

Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel 0131 449 7296

Roads Authority Issues response - dated 23 January 2019

The application should be continued.

Reasons:

The applicant is required to clarify how many and the type of cycle parking being proposed. The Council's 2017 parking standards requires a minimum of 138 secure cycle parking for the proposed residential unit.

The applicant is required to provide the layout of the 2 car parking spaces being proposed and justification for the level of parking as required by the Council's 2017 parking standards. The maximum level of parking permitted under the Council's 2017 parking standards is 64 parking spaces.

The applicant is required to provide a detailed design of the proposed loading bay. The proposed loading bay is likely to pose safety concern for cyclist on the southern cycle lane of Fountainbridge/ Dundee Street due to dooring. It is recommended that the applicant consider a design that provides raised physical clearance of hardstanding 0.5m wide between the cycle lane and the proposed 3m wide loading bay. Whilst it is acknowledged that site W4 is already granted CEC Roads will appreciate if the same design could be considered for site W4 loading bay. This approach/design reduces the risk of dooring cyclist on the cycle lane on Fountainbridge/Dundee Street. Please see attached recommended loading bay layout.

The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);

Should you be minded to grant the following should be included as condition or informatives as appropriate;

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;

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;

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.

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;

A Certificate of Technical Approval may be required from the City of Edinburgh Council's Structures Department in relation to the underground parking;

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;

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;

The applicant must be 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;

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;

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.

*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*

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;

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

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.

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;

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

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

Note:

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.

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;

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;

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.

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

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.

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.

CEC Archaeology response - dated 26 January 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.

As stated in my 2014 response to the main application 14/09769/PPP, it was recommended that as part of the overall archaeological mitigation strategy that the site's important industrial heritage be interpreted. Accordingly, condition (20) was attached to ensure this important heritage was interpreted within the final design of this and across the whole development area. This referenced to on page 78 of the Design Statement produced by 7N Architects for this site.

Although it lacks detail in terms of this site, it does however recognise this sites part in the overall design with the use of planting to reflect its industrial past to be incorporated. Accordingly, I'm that in terms of this plot W3 that the applicants are satisfying the aims of condition 20.

CEC Waste Management response - dated 7 February 2019

I have been asked to provide my comments as a consultee to this application on behalf of the Waste and Cleansing Services.

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers have been in touch with me, and I have advised on the current plans.

I understand that there will be 64 units in W3, and current plans are to have a main bin store and a secondary bin store, with all properties to be serviced by communal bins in these bin stores.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

For these high density properties, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. It should also be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.

The commercial aspect would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

The current vehicle tracking is acceptable, but we would need to be consulted on any changes to the road layout to ensure continued safe access is possible.

I would recommend continued contact with me to ensure the adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.

CEC Affordable Housing response - dated 15 February 2019

1. Introduction

Recommendation - Onsite delivery by the City of Edinburgh Council, in excess of minimum 25% requirement

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

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

- o The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is 25% (of total units) for all proposals of 12 units or more.*
- o This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.*

2. Affordable Housing Provision

This application is for a development consisting of up to 64 homes in plot W3 and as such the AHP will apply. There are 435 units in total across the wider site, therefore the affordable housing requirement is 25% (108 units). It is noted that plot W4 is entirely for social rent (112 units) and therefore the affordable housing requirement across the wider site has been exceeded with these units. Affordable units on plot W5 are therefore surplus to minimum requirement and this is welcomed by the department.

The applicant has stated there will be a mix of studio, one, two and three-bedroom flatted units on site. The affordable units will be a representative mix of one, two and three-bedroom units. Again, this is welcomed by the department. In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links at Fountainbridge/ Lothian Road and are located next to local amenities.

21st Century Homes will take forward the affordable housing and deliver an integrated and representative mix of affordable housing across the wider site.

This development is contributing to more than 25% on site affordable housing. On that basis, we recommend approval.

3. Summary

The recommended level of affordable housing has been exceeded across the wider site and this is welcomed by the department.

- o The minimum of 70% of the affordable housing on site for social rent has been exceeded*
- o The applicant is requested to confirm the location of the affordable homes within W3 prior to the submission of any future applications*
- o The affordable homes will be designed and built to 21st Century Homes design standards and requirements.*
- o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*
- o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.*

We would be happy to assist with any queries on the affordable housing requirement for this application.

CEC Flood responses

17 December 2018

Please can you request that the applicant submits information that follows the self-certification guidance.

10 January 2019

We are happy to accept the documents submitted for 16/03321/AMC to be used for this application.

Condition 10 on the decision for 16/03321/AMC is not applicable to this part of the masterplan as there is no underground car park.

Condition 13 on the decision for 16/03321/AMC requires submission of a maintenance schedule for the SUDS infrastructure. I believe that this is still to be submitted by the applicant.

01 March 2019

This is adequate to address our concerns and we have no objection to discharge of the condition (13).

Roads Authority Issues response - dated 28 March 2019

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. A minimum of 138 secure cycle parking spaces required for the proposed residential unit. The 67 cycle spaces proposed does not meet the minimum requirement for cycle parking provision.*
- 3. A layby of clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along Fountainbridge;*
- 4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);*
- 5. 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;*

6. *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;*

7. *The applicant must be 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;*

8. *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;*

9. *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.*

10. *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*

11. *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;

12. *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.*

13. *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;*

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

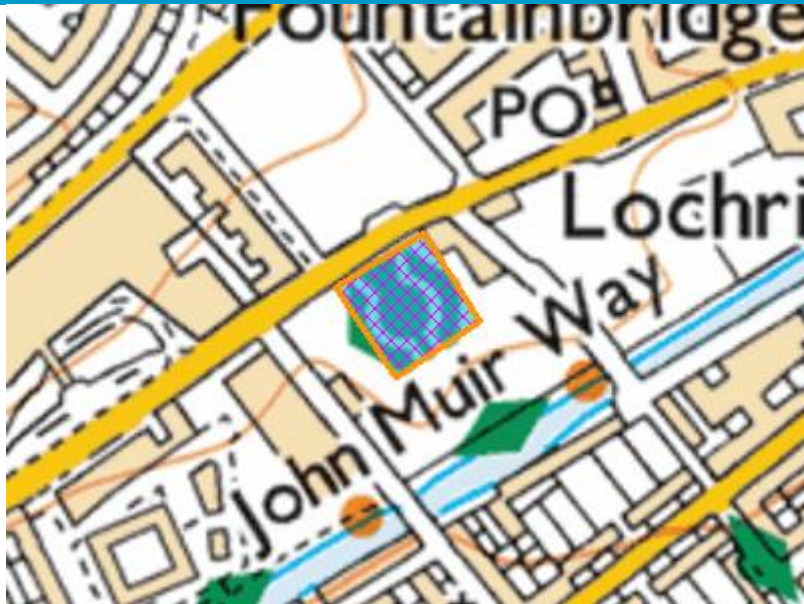
Note:

o The applicant proposes 2 car parking spaces and complies with the Council's parking standards. This is acceptable because the site is highly accessible by public transport.

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 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.

Location Plan



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