

Development Management Sub Committee

Wednesday 6 November 2019

Application for Planning Permission in Principle 19/03097/PPP

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh
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.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

There have been no material changes in circumstances which render the renewal of consent unacceptable. The proposal broadly complies with the Edinburgh Local Development Plan and Fountainbridge Development Brief. The principle of a mixed use development is acceptable on this allocated site, the proposal will provide a wide mix of uses and sets out the principle of delivering a mix of housing types and sizes with integrated affordable housing and other uses. The development has the potential to enhance the edge of the Union Canal and create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES11, LEN08, LEN09, LEMP01, LEMP10, LHOU01, LHOU06, LTRA01, NSG, SGDC,

Report

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**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh
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.**

Recommendations

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

Background

2.1 Site description

The site covers an area of 3.3ha within the city centre as defined in the Edinburgh Local Development Plan and forms part of proposal CC3 Fountainbridge. The site lies immediately south west of the city's business district, the Exchange, Haymarket and Tollcross. To the north is Dundee Street and to the west is Viewforth. The Union Canal is to the south and is a Scheduled Monument (index number 11097, 15 December 2003).

The site been cleared of all buildings, with the exception of the North British Rubber Factory, a category C listed building (LB44936, 23 January 1998), which sits in the north eastern corner and an existing tenement on the corner of Gilmore Park with Fountainbridge. Since the original planning permission in principle the North British Rubber Factory has been subject to separate permissions and now operates as a creative hub for Edinburgh Printmakers.

2.2 Site History

November 2004 - Fountainbridge development Brief approved which includes this site (amended 2005).

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

7 July 2015 - Listed building consent for repair of listed building and alterations to convert North British Rubber Company into creative hub (planning permission: 15/03186/LBC).

6 August 2015 - Planning permission for the conversion of derelict North British Rubber Company building into creative hub (planning permission: 15/03128/FUL).

30 June 2016 - Planning permission 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 was granted (planning permission: 14/02814/PPP).

9 December 2016 - Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 9, 17, 18, & 20 relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water and drainage/lighting, waste management/hard and soft landscaping details (planning permission reference: 16/03321/AMC).

2 May 2019 - 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 (planning permission reference: 18/09769/AMC).

25 September 2019 - Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W4 including residential/commercial units; detail of height, massing, ground floor levels, design of external features/materials including public realm, pedestrian/cycle access arrangements, treatment to adopted roads/footways, servicing, parking, surface water/drainage, street lighting, waste management, hard/soft landscaping details, active frontage (planning permission reference: 19/02475/AMC).

Main report

3.1 Description of the Proposal

A renewal of the previous planning permission in principle (planning permission: 14/02814/PPP) is sought for the redevelopment of the former Fountainbridge Brewery site for a mix of uses including residential, commercial uses (Classes 1, 2, 3, 4, 7, 10, 11 and public house) with associated access. A summary of the proposed land uses and quantum of development, with maximum, gross floorspace for each land use is provided below: -

- residential - 29,110 square metres (up to 340 homes inc at least 25% affordable);
- office - 11,621 square metres;
- hotel - up to 6,765 square metres;
- retail - up to 4,476 square metres; and
- cultural - up to 11,858 square metres.

Total: 63,830 square metres of mixed use development.

This application will only assess the principle of the proposed land uses, the proposed masterplan, quantum of development, maximum heights and access arrangements.

Three approval of matters specified in conditions (AMC) applications have been granted since the approval of the original planning permission in principle. The first AMC (planning permission: 16/03321/AMC) has now expired however, two later AMC applications (planning permission: 18/02475/AMC and 19/02475/AMC) remain live. It is anticipated that further AMC applications will be submitted.

Supporting Information

- Design and Access Statement;
- Archaeology Report;
- Phase One Ecology Report;
- Transport Statement;
- Drainage Strategy Plan and Flood Risk Assessment;
- Air Quality Information;
- Ground Conditions Report; and
- Retail Assessment.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposed development is acceptable;
- b) the proposed maximum heights are acceptable;
- c) the proposals will preserve and enhance the historic environment
- d) the access arrangements are acceptable;
- e) there will be an adverse impact on biodiversity;
- f) the impact on existing infrastructure is acceptable; and
- g) representations raised have been addressed.

a) Principle of Development

The application site is to the west of the city centre, close to the Exchange and Haymarket and bound by the Union Canal. The site is identified in the Edinburgh Local Development Plan (LDP) as a commercial led mixed-use site (reference CC3). Proposals will be expected to provide mixed use development including a local centre, residential, office, small business units, retail, leisure and community uses. Policy Del 2 City Centre of the LDP supports development which maintains and enhances the City's character, attractiveness, vitality and accessibility, contributing to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The Fountainbridge Development Brief supports a mix of uses as a key component of the overall redevelopment of the area. A diverse mix of uses will support a new vibrant urban quarter and facilitate the establishment of a new community in this part of the City.

A summary of the proposed land uses and quantum of development, with maximum, gross floor-spaces in each land use is provided below:

- residential - 29,110 square metres (up to 340 homes inc at least 25% affordable);
- office - 11,621 square metres;
- hotel - up to 6,765 square metres;
- retail - up to 4,476 square metres; and
- cultural - up to 11,858 square metres.
- Total - 63,830 square metres.

The proposed land uses provide an appropriate mix in accordance with the strategy of the LDP and will make a positive contribution towards the wider redevelopment of Fountainbridge. The proposed uses are unchanged from the previously granted consent and therefore, the principle of a mixed use scheme at this location remains acceptable, subject to compliance with other LDP policies.

b) Heights

Policy Des 4 Development Design - Impact on Setting of the LDP supports development heights that will have a positive impact on their surroundings, including the wider townscape, landscape and their impact on existing views.

The applicant has submitted a maximum building heights plan based on an indicative masterplan in accordance with the previously granted consent. The proposals show maximum permissible heights in terms of visual impact only. The heights shown feature a varied roofscape and mix of pitched and flat roofs with green roof terraces. The heights set are maximums and future applications may vary below the approved heights and will be assessed through subsequent approval of matters specified in conditions (AMC) applications. The Fountainbridge Development Brief encourages building heights of around 16m to eaves and 19m to the ridge. However, the heights advised are not to be used as a rule book.

A photographic appraisal undertaken from key views demonstrates that the proposed maximum heights sit comfortably within the existing skyline in long views. In terms of local views, the buildings will be prominent within the streetscape and provide an appropriate urban form along Dundee Street and Viewforth. Buildings of around seven storeys have become a characteristic of the Fountainbridge and Dundee Street and the heights will provide an appropriate townscape within the Fountainbridge area. The proposed maximum heights comply with policy Des 4 of the LDP and are broadly compatible with the strategy of the Fountainbridge Development Brief.

c) Historic Environment

Scheduled Monument

The site is bound by the Scheduled Monument known as Union Canal which terminates at the Lochrin Basin, east of the site. The monument includes the canal, Leamington Lift Bridge, banks to both sides and the towing path running along the north side which lies adjacent to this site. Policy Env 8 Protection of Important Remains states that development will not be permitted which would adversely affect a scheduled monument or the integrity of its setting.

The proposal has the potential to enhance the setting of the monument through providing an attractive, active frontage to the canal side. However, the final design of this will be reserved matter and finalised through subsequent AMC applications.

Listed Building

Within the application boundary is the C listed Former North British Rubber Company Offices (reference: LB44936). Subsequent AMC applications affecting the setting of the listed building should have regard to the architectural character, appearance or historic interest and setting of the building, compatible with policy Env 3 Listed Buildings - Setting of the LDP. The masterplan shows the proposed siting of buildings to the west, south and east of the listed building. The buildings along Dundee Street are set back from the building line and facilitate views of the listed building looking east. The location of the buildings and maximum heights will form an appropriate mass and scale to form a positive setting to the listed building.

Archaeology

Archaeology identify that the site formed a major component of industrial activity in the area since the late 18th century. The expansion of which was aided by the major transport infrastructure of the Union Canal and Caledonian Railway to the north. Policy Env 9 Development of Sites of Archaeological Significance of the LDP supports development where any significant archaeological features will be preserved either in situ or with provision for public access and interpretation.

It is recommended that a programme of archaeological works is undertaken prior to development. A detailed scheme will be required to look at the return of the former Brewery Clock plus designs which commemorate and interpret the sites industrial heritage. A condition is recommended to achieve this. The proposals as presented in principle will preserve, and subject to detail could enhance, the historic environment and complies with policy Env 9.

d) Access

The proposed vehicular access points from Dundee Street and Gilmore Park are compatible with the development brief set out for CC3 in the LDP and other approved schemes in the wider area. Therefore, the access arrangements are acceptable and comply with policy Des 2 Co-ordinated Development. Other changes to Gilmore Park include the closure of the north section to vehicles and pedestrianised to form part of Leamington Square. The detail of the masterplan will be assessed through subsequent AMC applications.

e) Biodiversity

The Fountainbridge Development Brief recognises the Union Canal as a valuable asset and proposals are therefore required to protect and where possible enhance its archaeological, wildlife, recreational and amenity interest. The Ecology report submitted recommends that the detailed landscape scheme to accompany the development should include features to enhance biodiversity, this can be secured at the AMC stage. No evidence of any other mammals in the form of burrows or tracks was recorded on the site.

There was no vegetation of significance found on the site which is largely bare former industrial land. It is considered that the proposal will not have a detrimental impact upon biodiversity of the site and that the proposal makes provision for enhanced landscaping through water features and tree planting that will be beneficial to the area.

f) Infrastructure

Tram

Policy Del 1 Developer Contributions and Infrastructure Delivery states that contributions towards infrastructure delivery 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. The Roads Authority has assessed the proposal as being within Zone 3. Therefore, the development warrants a tram contribution. The site is calculated to be 750 metres from the nearest tram stop. The total contribution requested is £1,244,745.

Fountainbridge

As specified in the Heads of Terms the developer will contribute towards improvements along Fountainbridge including the upgrading of bus stops and the delivery of a cycle lane north and south of Dundee Street/Fountainbridge. A replacement toucan crossing will be delivered along Gilmore Park/ Fountainbridge and the northern section of Lower Gilmore Park will be pedestrianised.

Healthcare and Education Infrastructure

Policy Del 1 requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Draft Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Healthcare

Policy Hou 10 Community Facilities states that planning permission will only be granted where there are associated proposals to provide any necessary health facilities relative to the impact and scale of development proposed. The Action Programme sets out a requirement for an expansion to Polwarth medical practice to mitigate the impact of CC3 Fountainbridge. This site is located within the Polwarth Contribution Zone within the draft Developer Contributions and Infrastructure Delivery Supplementary Guidance and will require a contribution of £71.40 per residential unit.

Education

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area BJ-1 of the Boroughmuir James Gillespie's Contribution Zone within the draft Developer Contributions and Infrastructure Delivery Supplementary Guidance and will require a contribution of £1,703 per flat and £9,634 per house.

g) Representations

No representations were received from members of the public.

Conclusion

There have been no material changes in circumstances which render the renewal of consent unacceptable. The proposal broadly complies with the Edinburgh Local Development Plan and Fountainbridge Development Brief. The principle of a mixed use development is acceptable on this allocated site, the proposal will provide a wide mix of uses and sets out the principle of delivering a mix of housing types and sizes with integrated affordable housing and other uses. The development has the potential to enhance the edge of the Union Canal and create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. Before any work on a site which forms part of an identified sub-site development plot is commenced details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority. The submission shall be in the form of a detailed layout of the site within the relevant development plot.

Approval of matters

- Height, massing, siting and ground floor levels within the approved planning permission in principle levels;
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm including the canal basin;
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of underground and surface parking and cycle parking provision in accordance with standards agreed within the PPP;
- Amendments of any treatment to adopted roads and footways;
- Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;
- Signing of pedestrian and cycle access routes to/from and through the development;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;
- Waste management and recycling facilities;

- External lighting, including floodlighting and street lighting arrangements for the development; and
- Site investigation/decontamination arrangements;

Landscaping

- (i) Detailed soft and hard landscaping plan and levels.
 - (ii) A schedule of all plants to comprise species, plant size and proposed number and density.
 - (iii) Inclusion of hard and soft landscaping details.
 - (iv) Landscape management plan including schedule for implementation and maintenance of planting scheme.
 - (v) Any boundary treatments
2. Each application for approval of matters specified in condition shall be accompanied by a phasing plan for the development of the site. The phasing plan shall identify the car parking, individual blocks with associated landscaping and public realm to come forward as part of the development.
 3. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Head of Planning before work is commenced on a site; note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction.
 4. Prior to the commencement of construction works on site:
 - (a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to an approved in writing by the Head of Planning.

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

5. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the road and commercial noise (existing and proposed) has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning before any part of the development is occupied.

6. Class 3/ Class 7/ Class 10 / Class 11 (Food & Drink/Hotel/ Non Residential Institutions/Assembly and Leisure) detailed plans of where the commercial ventilation ducts will be installed shall be submitted to and approved by the Planning Authority prior to occupation of the uses.
7. Any application for approval of reserved matters shall include a minimum of 70% active commercial frontage onto Fountainbridge/Dundee Street. For the avoidance of doubt, uses considered appropriate to maintain an active frontage are those within class 1 (retail), class 2 (financial and other services), and class 3 (Food and Drink) as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997.
8. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent.
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
 - management of any flat/shallow pitched/green roofs on buildings within the site.
 - which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design'.
 - reinstatement of grass areas.
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.
 - which waste materials can be brought on to the site/what if any exceptions e.g. green waste.
 - monitoring of waste imports (although this may be covered by the site licence).
 - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
 - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

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

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment given the nature of previous uses/processes on the site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to enable the Head of Planning to consider this/these matter/s in detail.
7. To ensure the vitality and viability of the new Local Centre as required in the Fountainbridge Development Brief.
8. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
9. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

Heads of Terms:

Transport

Tram Contribution Zone 3 - £1,244,745 indexed from 2019 (based on indicative quantum of development).

The applicant will 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.

The applicant will contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

The applicant will contribute £12,500 towards provision of a city car club space.

The applicant will contribute £17,000 to upgrade/reposition the existing bus stop.

The applicant will be required to;

- a) Design and deliver cycle lane (minimum wide of 1.5m wide) on both north and south side of Dundee street/Fountainbridge fronting the proposed development to the satisfaction and at no cost to the Council;
- b) Design and deliver toucan crossing at Gilmore Park/Fountainbridge to replace and realign the existing to the satisfaction and at no cost to the Council;
- c) The northern section of Gilmore Park to be pedestrianised;

Healthcare

Polwarth Contribution Zone - £71.40 per dwelling.

Education

Boroughmuir James Gillespie's Contribution Zone Sub-Area BJ-1 - £1,703 per flat and £9,634 per dwelling.

Affordable Housing

A minimum of 25% affordable housing will be provided on the site.

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.

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 is not subject to 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 10 June 2019. Neighbours were notified of the application on 04 July 2019 and 21 days were allowed for comments. The proposals received no representations.

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**

Edinburgh Local Development Plan

Date registered

27 June 2019

Drawing numbers/Scheme

01 - 16,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail:declan.semple@edinburgh.gov.uk Tel:0131 529 3968

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

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

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

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.

Relevant Non-Statutory Guidelines

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

Appendix 1

Application for Planning Permission in Principle 19/03097/PPP

**At Site 60 Metres South Of 199, Fountainbridge, Edinburgh
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.**

Consultations

Roads Authority - Response dated 22/10/2019

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

1. *The applicant will be required to contribute the sum of £1,244,745 (based on 340 residential units, 140 bed hotel, 11,621sqm office, 11,858sqm Cultural (non-residential institution use) and 4,476sqm retail unit in Zone 3) 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 payment;*
2. *The applicant will be required to;*
 - a. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - b. *Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;*
 - c. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of 2 car club vehicles in the area;*
 - d. *A contribution of £17,000 is required for new bus stop, upgrading/repositioning of the existing bus stops fronting the proposed development. The contribution will also provide bus shelter. As it is not possible to determine the optimum position for the bus stops in relation to the new buildings and roads until detailed applications are submitted the location of the stops should be a reserved matter.*
3. *Design and deliver cycle lane (minimum wide of 1.5m wide) on both north and south side of Dundee street/Fountainbridge fronting the proposed development to the satisfaction and at no cost to the Council;*
4. *Design and deliver toucan crossing at Lower Gilmore/Dundee Street /Fountainbridge junction to provide straight pedestrian desire line from Gilmore Park to*

Melvin Walk and replacing the existing crossing to the satisfaction and at no cost to the Council;

5. The northern section of Lower Gilmore Place to be pedestrianised;

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

7. Applicant to provide a 14-15m wide shared route north of the canal towpath per planning application drawing number 09; The proposed walking/cycle route that runs parallel to the canal towpath should be built to an adoptable standard and will provide a public right of a passage;

8. Internal layout to be designed in accordance with the current Edinburgh Design Guidance and to be approved at detailed design stage (reserve matter);

9. Car, cycle and motorcycle parking spaces to be provided in accordance with the Council's current parking standards and accordance with Edinburgh Street Design Guidance;

10. Applicant should consider provision of visitor cycle parking that cater for all bike needs including non-standard bikes. The visitor cycle parking for the development should be located at convenient locations, near the main entrances;

11. All road and junction layout must provide pedestrian and cycle priority;

12. The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation;

13. 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. 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.

14. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;

15. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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;

16. 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;

17. 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);

18. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed 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 as part of any sale of land or property;

19. 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

20. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

21. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

22. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

23. Electric vehicle charging outlets will be required per current parking standards;

24. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

a) 140 residential unit in Zone 3 = £247,176.47; 140bed hotel in Zone 3 = £213,571.43; 11,621sqm Office in Zone 3 = £402,086.60; 11,858sqm Cultural use (Non-residential institution) in Zone 3 = £176,923.95; 4,476 retail use in Zone 3 = £204,985.97; Total tram contribution = £1,244,745

b) 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

Archaeology - response dated 20/08/2019

Further to your consultation request, I would like to make the following revised comments and recommendations in respect to this application in principal for a proposed mixed-use development comprising retail (class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel, housing, community use, leisure, public house and associated parking, open space, infrastructure and public realm works.

Bounded to the south by the Scheduled Monument of the early-19th century Union Canal, the application area occupies most of the former site of the 20th century Fountain Brewery and the nationally important North British Rubber Company (NBRCo) works established in 1856. Fountainbridge has, since the late-18th century, been a focus of industrial activity the expansion of which was aided by the construction of the

Union Canal and Caledonian Railway in the 19th century. The 19th century OS maps of the site demonstrate that in addition to the NBRCo works a range of other industrial concerns occupied the area at various times including the early 19th century Castle Silk Works.

The most significant of these industrial concerns was the rubber works established by the North British Rubber Company (NBRCo) in 1856. This significant industrial concern expanded rapidly through the 19th century and by the turn of the 20th century had by and large taken over most of this proposed development site. In 1966 the rubber factory was engulfed in a major fire which resulted in the demolition to ground level of substantial sections of the factory. However, this site was less affected by the fire and until demolished very recently still contained significant and important industrial brick buildings of which only the recently restored C-listed NBRCo office building on the corner of Gilmore Park & Dundee Street survives.

This application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of its Industrial Archaeology. In response to a condition attached to 14/02814/PPP the main development area was evaluated by AOC in 2015 (AOC report 23107). The reports were largely negatives supporting the DBA evidence that the site was significantly truncated by demolition activities c.2000.

Given the sites history of brewing and heavy industry isolated deep features, such as wells, may survive on site which may be impacted upon by developed. Therefore, it is recommended that a suitable programme of works is agreed to excavate/record/preserve any such remains that may be affected.

In addition, the proposals will require ground breaking works along the Canal, a scheduled Ancient Monument, and such works will require consent from HES and an appropriate archaeological mitigation.

NBRCo Building

This important building was subject to detailed programme of historic building recording by Addyman Archaeology between 2017 & 2018 during its conversion b Edinburgh printmakers. As such no further mitigation is required, however the setting of this important building should be reflected and enhanced within the final approved layout design.

Interpretation

This site at Fountainbridge has been central to the industrial heritage of Edinburgh, from the early 19th century through to the end of the 20th with the closure of the Fountain Brewery. The results of the 2014 community planning exercise in response to the earlier PPP application (14/02814/FUL, demonstrated that the area's industrial heritage importance was and is shared by the local community.

Accordingly, it is essential that this rich heritage is interpreted within the final design of this development. In part this was aided by the retention and reuse of the listed NBRCO Office building and proposed works to improve the landscape surrounding the Union Canal. However, a fuller scheme is required which will see the return of the former fountain Brewery Clock, once an important landscape feature of the area, plus designs which commemorate and interpret the sites industrial heritage. This could include public art works as wells as more tradition interpretive panels.

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

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Interpretation, excavation, analysis & reporting, public engagement) 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.

Scottish Water - response dated 02/07/2019

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 for a foul only connection. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Further network assessments may be required. Early engagement with Scottish Water through the PDE process is recommended.

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 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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:

o Scottish Water asset plans can be obtained from our appointed asset plan providers:

*Site Investigation Services (UK) Ltd, Tel: 0333 123 1223, Email: sw@sisplan.co.uk
www.sisplan.co.uk*

- o *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-and-Developers/Connecting-to-Our-Network>*

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. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Historic Environment Scotland - response dated 11/07/2019

Thank you for your consultation which we received on 28 June 2019. 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>
<i>SM11097</i>	<i>Union Canal, Fountainbridge to River Almond</i>	<i>Scheduled Monument</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 have no comments on the proposals in relation to the listed building. With regards the scheduled area of the Union Canal, we would highlight that any works that affect this may require scheduled monument consent, and we would encourage the applicant to open pre-application discussions with us regarding this.

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.

Communities + Families - response dated 29/07/2019

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

340 Flats

This site falls within Sub-Area BJ-2 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Per unit infrastructure contribution requirement:

Per Flat - £1,703

Per House - £9,634

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Edinburgh Access Panel - response dated 24/07/2019

The Panel had some concerns regarding this submission:

It is unclear whether there was any accessible housing included in the proposal. An appropriate percentage should be included.

We could find no indication of accessible (disabled) parking for visitors. An appropriate percentage should be included and placed at appropriate places.

We have concern over the range of ground surface materials proposed. Some have implications for visually impaired people or those with dementia.

The Panel would wish to be consulted on details when/if a Full Planning Application is submitted.

SEPA - response dated 16/07/2019

Thank you for your consultation which SEPA received on 28 June 2019.

Advice for the planning authority

While we have no objection to this planning application, we advise that some aspects of the proposal should be clarified before determination to prevent uncertainty, at a later stage, on processes SEPA consents and air quality. These issues are set out in Sections 2 and 3 below.

1. Flood Risk

1.1 We have no objection on the grounds of flood risk.

1.2 Only surface water flood risk is identified at this site, and surface water is a matter for the local authority to address. The site is adjacent to the canal. There has been flooding from the canal but we cannot assign a probability of failure of the canal and, therefore, we can have no objection.

1.3 I refer you to our response of 25 July 2014 (our reference PCS/134635) to highlight that the canal has previously failed and therefore residual risk must be considered, but we have no objection.

2. Operations consented by SEPA.

2.1 It is possible that the Combined Heat and Power plant (CHP) may fall under Medium Combustion Plant Directive (MCPD) provisions which came into domestic legislation in December 2018.

2.2 If the CHP is >1MW thermal input, it will need to be registered with SEPA and may be required to meet emission limit values. The applicant should confirm the thermal input and we will advise on the likelihood of it meeting the requirements for registration.

2.3 Whether the plant falls under MCPD can be determined at the detailed design phase, but it may be advantageous to clarify this now. In order for SEPA to determine if the MCPD applies information on the thermal input, operation hours and fuel type will need to be provided.

3. Air Quality

3.1 Again, whether the plant falls under MCPD can be determined at the detailed design phase, but the City of Edinburgh Council will still need to request a chimney height assessment, as this is not part of the MCPD permitting process: it may prevent later delays if this information was provided and agreed before the planning permission in principle was determined.

Regulatory advice for the applicant

4. Regulatory requirements

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

Active Travel - response dated 15/07/2019

This application has been considered on behalf of the Active Travel Team.

The Active Travel Team takes no stance either for or against the proposed development, but as a consultee would make the following comments:

- 1. This development is of interest in light of the wider walking and cycling network. Active travel improvements along the Fountainbridge/Dundee St corridor have been identified for delivery in the Active Travel team's 2018-23 5-yr programme. These routes add value to the development by providing safe, convenient, and attractive links for walking and cycling to key trip attractors such as local shops, amenities and recreational areas, public transport services, and Edinburgh City Centre. In order to safeguard the council's ability to deliver a high quality cycle corridor and pedestrian footways in line with the Edinburgh Street Design Guidance, a 5m strip of land is required from the edge of the site. This land take is required to facilitate the movement of buses along the corridor, the provision of a with flow segregated cycle track and a possible bus-stop bypass, along with 2m footways. This one-way with flow segregated cycle lanes are included in the plans submitted. Given the need for the infrastructure to be delivered along the entirety of the corridor in a coherent fashion, the land requirement should be conditioned, rather than a requirement for the infrastructure to be delivered as part of the site's development. The provision of this land is necessary for this application to be in line with Policy TRA2.*
- 2. It is imperative that this new development supports the design principles of the Local Development Plan (LDP), Edinburgh Design Guidance, and the Edinburgh Street Design Guidance (ESDG) detailed design manual and associated factsheets to generate the benefits associated with active travel. With regards to a few specifics detailed in this PPP application, the designs have failed to refer to the guidance in relation to materials for cycleways (M2) and street furniture (F2, p3- seating, seat dimension standards).*
- 3. Appropriate visitor and secure cycle parking on the site must cater for non-standard bikes/trailers/bikes with child seat attachments, including sufficient provision of single-tiered cycle parking and maintenance space. Secure cycle parking must allow for locking of both the wheel and the frame. See specifications in (draft) ESDG factsheet C7. The footprint provided for cycle parking may need to increase to incorporate this and meet the parking quotas specified in the Edinburgh Design Guidance 2.4.*
- 4. The residential cycle parking needs to also be easily accessible from the ground-floor apartments that are catered for with disabled car parking spaces as a Disabled person may use a cycle as their preferred mobility aid.*
- 5. External bike parking should be provided for visitors and easily accessible from the road and canal, overlooked, attractive, and located close to building entrances. This too must provide spaces appropriate for cargo bike/non-standard cycle parking to enable alternative forms of delivery to take place to the commercial units, as well as ensuring visitor accessibility for those with protected characteristics.*

6. The existing Puffin crossing of Dundee St to the East of Gilmore Park should be upgraded to a toucan. The crossing should be realigned on the desire line, on the junction of Gilmore Park with Dundee St. Elephant footprints should be considered, as per West Crosscauseway, leading cyclists into/from the mouth of Gilmore Park carriageway to the shared use path adjacent to the Hilton hotel.

Flood planning response

I have considered the application with the information provided under 16/03321/AMC.

I am happy for the application to be determined with no further comments from our department and the following condition: Prior to construction, the applicant shall provide details of how water will be prevented from entering the underground car parking.

Location Plan



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