

Development Management Sub Committee

report returning to Committee - Wednesday 16 December 2020

Application for Approval of Matters Specified in Conds 19/02993/AMC

at Land Adjacent To 194, Fountainbridge, Edinburgh.

Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form & massing, design & materials, daylight & sunlight, design & operation of private/public open spaces, roads, footways/cycleway/access/servicing & parking, venting & electric vehicle charging, drainage, waste management, operational requirements for commercial uses/ sustainability/floor levels/lighting, site investigation/hard & soft landscaping details & noise mitigation.(As Amended).

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Recommendations

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

Background information

The Development Management Sub-Committee determined to grant this application on 4 December 2019, subject to the conclusion of a legal agreement within six months of this date to secure the necessary delivery of on-site affordable housing.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement by a further three months. On 9 September 2020 Committee granted an additional extension of three months until 9 December 2020. However, this additional three month period has now been exceeded and therefore, the matter requires to be returned to Committee for a decision.

Main report

There are no new material planning considerations which affect the original Committee decision on 4 December 2019 to grant this application subject to a legal agreement first being concluded to secure the necessary infrastructure.

The Section 75 legal agreement seeks to secure on-site affordable housing. This is the third of the first three Build to Rent S75s in the city to propose the ongoing delivery of Affordable Housing on the site via intermediate rental units. This is an entirely new form of affordable housing for the city. The developer, being responsible for building and delivering the affordable housing as part of their development, has the potential to significantly improve sufficient delivery of affordable housing at no expense to the Council. However, it is critical adequate safeguards are put in place to ensure that affordable housing is in fact being delivered on the site throughout the 25-year affordable period. An entirely new bespoke schedule has required to be developed to address this new issue, with input from the developers and their agents on each of the three BTR S75s.

In the report of 9 September 2020, we advised that there remained a number of substantive clauses where the terms were yet to be agreed. Meaningful progress has since been achieved in negotiating the terms of this legal agreement and the major issues have been largely resolved. It is considered that a further three-month extension to the period to conclude the legal agreement should enable the remaining issues to be resolved, the legal agreement signed, and planning permission released.

It is recommended this application be granted to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

Links

<u>Policies and guidance for this application</u>	LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN03, LEN09, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET01, LRET05, LTRA02, LTRA03, LTRA04, NSGD02, DBFOUN,
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A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PTG6ZZEWK0X00>

Or [Council Papers online](#)

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