

# Development Management Sub Committee

Wednesday 4 December 2019

## **Application for Approval of Matters Specified in Conditions 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

## **Summary**

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The proposed development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not affect the adjacent listed building while it enhances its setting. The proposal implements the second phase of the PPP consent and completes the wider masterplan for Springside. It will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Fountainbridge regeneration area, supporting the aspirations of the Fountainbridge Development Brief. The development is in accordance with the planning permission in principle. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Overall, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the neighbouring land uses. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

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,

# Report

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

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## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The site is in the Urban Area as defined in the Edinburgh Local Development Plan (LDP). The site forms part of the wider Fountainbridge area identified as Proposal CC3 in the LDP.

The site forms part of the former brewery on the north side of Fountainbridge/Dundee Street, now known as Springside (formerly known as Fountain North). The wider masterplan has now been partly built out to the west and east of the application site. The application site, of approximately 0.53 hectares, covers the southern part of the wider site. The site is bound to the west by Drysdale Road, linking Dundee Street and the West Approach Road, with two large blocks of student accommodation lying beyond. Fountain Park leisure complex lies further west beyond these. To the east lies Melvin Walk, a pedestrian access route linking Fountainbridge with the West Approach Road. The Springside residential development is located on the eastern side of Melvin Walk. Beyond this lies the existing tenemental streets of Upper Grove Street, Brandfield Street and Grove Street.

To the north of the wider PPP site is the West Approach Road and to the south is Dundee Street/Fountainbridge. Both these roads carry high volumes of traffic into and through the area. Beyond the West Approach Road, to the north is Morrison Crescent, a residential development of affordable dwellings. To the south of Fountainbridge/Dundee Street is the former brewery site which has also been partially built out with the redeveloped C listed Edinburgh Printmakers (Listed Building Reference: LB44936), new student accommodation, and the new Boroughmuir High School.

## 2.2 Site History

### Site specific

03 November 2004 - Fountainbridge Development Brief approved (amendment approved on 1 December 2005).

06 December 2006 - outline planning permission granted for a mixed use development on the wider brownfield site subject to a legal agreement and conditions (application reference number: 05/00106/OUT).

13 December 2016 - Planning Permission in principle granted for mixed use development including residential, Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business), and/or Hotel/Class 7; Detailed matters included for the siting + maximum height of building blocks, points of vehicular access + egress, location of pedestrian routes, all detailed matters for the North block (Building A1), new public square + pavilion building - as amended (application reference number: 15/02892/PPP). This PPP consent comprises Block A1 fronting West Approach Road, Block D to the south of this and Block E fronting Dundee Street.

29 November 2018 - Approval of matters specified in Conditions 1, 6 +7 of 15/02892/PPP for Building 'D' relating to form and massing, design and materials, daylight + sunlight, private/public open spaces, roads, footways, cycleway access, servicing + parking, venting, electrical vehicle charging, drainage, waste management, sustainability, floor levels, lighting, site investigation + hard/soft landscaping details (as amended). Granted. (Application reference number: 18/01349/AMC).

21 August 2018 - non-material variation to 15/02892/PPP Building A1. Granted. (Application reference number: 15/02892/VARY).

02 July 2019 - Non-Material Variation to 15/02892/PPP Building A1. Granted. (Application reference number: 15/02892/VAR2).

10 June 2019 - Application for Non Material Variation to application 18/01349/AMC Building D (application reference number: 18/01349/VARY).

21 June 2019 - Detailed application for a new public square, hard and soft landscaping features, lighting, furniture, seating and associated infrastructure (application reference number: 19/02988/FUL) - pending consideration.

## Main report

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### 3.1 Description of the Proposal

The application is for approval of matters specified in condition 1 of the planning permission in principle (PPP) (application reference number 15/02892/PPP) varied under applications 15/02892/VARY and 15/02892/VAR2. This application is for Building E, which fronts onto Dundee Street. The proposal is for residential development with class 1, 2, 3 and 4 uses on the ground floor.

Condition 1 of the PPP consent requires that before works commence on site, further applications shall be submitted to and approved in writing by the Planning Authority in respect of the following matters specified in conditions:

- Block D - building form and massing;
- Block E - any element that exceeds a height of 89.9 metres AOD;
- Design and materials of the development including design of all external features and glazing specification (including acoustic capabilities);
- Daylighting/sunlighting and privacy calculations to neighbouring properties;
- Design and configuration of all private and public open spaces including all materials and finishes;
- Operational aspects of all private and public open space;
- roads, footways, cycleways, access arrangements and servicing and the layout of underground and surface parking (including disabled) and cycle parking provision;
- Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;
- Drainage arrangements, SUDs proposals and SUDs maintenance plan;
- Waste management and recycling facilities;
- All operational requirements for the commercial and business uses including servicing arrangements, opening hours, deliveries/collections, ventilation, servicing, external plant machinery;
- Full details of sustainability measures in accordance with Edinburgh Design Guidance;
- Existing and finished site and floor levels in relation to Ordnance Datum;
- External lighting, including floodlighting and street lighting arrangements for the development;
- Site investigation/decontamination arrangements;
- Hard and soft landscaping details:
  - (i) Detailed landscaping plan;
  - (ii) A schedule of all plants to comprise species, plant size and proposed number and density;
  - (iii) Inclusion of hard landscaping details;
  - (iv) Walls, fences, gates and other boundary treatments;
  - (v) Landscape management plan including schedule for implementation and maintenance of planting scheme; and
  - (vi) Tree protection measures.

As well as the above matters, the application has supplied information to satisfy conditions 5, 6, 7, 8, 12 and 13 of the PPP consent. In summary these are as follows:

- Condition 5 requires the hours of operation of class 1, class 2, class 3 and class 4 to be agreed;
- Condition 6 requires the hours of operation of any external seating area to be agreed;
- Condition 7 requires the application to be accompanied by a detailed Daylight Privacy and Sunlight assessment;
- Condition 8 requires the inclusion of a minimum of 70% active commercial frontage (Class 1, Class 2, Class 3 and Class 4) onto Fountainbridge/Dundee Street;
- Condition 12 requires a noise impact assessment to be provided for Blocks D and E; and
- Condition 13 requires cooking odour ventilation details to be provided.

#### Scheme one

Amendments have been brought forward during the assessment of the proposals. The main changes include:

- Reduction of mass through the addition of setbacks at level 6;
- The introduction of private roof terraces to the flats at level 6;
- Slight increase in height due to insulated terrace build up at level 6;
- Increased articulation of the southern elevation through stepping the footprint;
- New recess in the west elevation to provide variation in the roof line and to break up the elevation;
- Material changed from metal cladding to pre-cast concrete around the commercial units at ground floor;
- Increased recess to the east elevation, with materials changed to pre-cast concrete cladding within this recess;
- Enhanced feature entrance onto the public square;
- Reduction in the number of flats from 140 to 139;
- Amendment to the housing mix following amendments to the building form;
- Reduction in the radius of the junction with Drysdale Road from 10m to 8m;
- Reduction in the footway width to between 3.8 and 3.9m along Dundee Street to accommodate a future cycle path; and
- Six additional cycle racks added to the public realm.

Under the PPP, the upper floors were envisaged to come forward as either office or hotel or residential uses with active commercial uses on the ground floor. This application (scheme two) is for 139 Build to rent residential units. Build to Rent is a housing tenure with properties owned, managed and let by a large scale private landlord on the open market. The concept is based on purpose built integrated development which provides residential accommodation alongside shared on-site amenities. In addition, the Build to Rent units will be fully managed on a 24 hour 7 days a week basis and there will be a concierge facility which will take deliveries of goods.

Building E comprises of a variety of housing sizes ranging from studios to three bedroom duplex apartments. The breakdown of 139 residential units within Building E is as follows:

- Studio: 25 (18%)
- One bed: 47 (34%)
- Two bed: 42 (30%)
- Three bed: 25 (18%)

Detailed planning permission is in place for the northern block (Building A1) and public square with associated pavilion and Building D. Taking Building A1, D and E together, the percentage of family housing is 18% site wide.

To satisfy condition 8 of the PPP, the application also includes 1,213 square metres of commercial floorspace (Class 1, 2, 3 and 4) at ground floor level along Dundee Street, providing 100% active frontage.

The application proposes development of a seven storey urban block fronting Fountainbridge and extending north along Drysdale Road to the west and alongside the public square to the east. The height of the building reduces to one storey along the northern elevation, with a non-accessible sedum green roof.

Pedestrian circulation is proposed around the site and between Buildings E and D. There is an underground car park beneath Building D, which serves Buildings A1, D and E. Although no additional car parking places are proposed as part of this application, residents will have access to these spaces, if required, via an accessible pedestrian route proposed beneath the eastern core of Building E. The development proposes 280 secure cycle parking spaces and 12 visitor cycle spaces within the public realm.

A number of the flats will benefit from private terraces/gardens and balconies, with access to the communal open space consented as part of Building D.

The proposed facade materials are a mix of blonde brick, grey brick and red brick, with elements of pre-cast concrete. Metal framed windows with bronze finish are proposed. The proposed materials for the public realm works include a mix of Caithness paving, granite setts and clay pavers.

## **Supporting documents**

The following documents have been submitted in support of the application:

- Planning Note and Conditions Schedule;
- Design and Access Statement (and Addendum);
- Daylight and Sunlight Report;
- Drainage Strategy Report;
- Flood Risk Assessment Report;
- Transport Statement;
- External Landscape Management Plan;
- Noise Assessment;
- Verified Views;
- Affordable Housing Statement;
- Ventilation details;
- Sustainability Statement and S1 Form; and
- Site Investigation Report.

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

### **3.2 Determining Issues**

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

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) Detailed land use location and mix;
- (b) The details of the development are acceptable;
- (c) Impact on the setting of the C listed building;
- (d) There will be any equalities or human rights impacts; and
- (e) The representations have been addressed.

#### (a) Detailed land use location and mix

The principle of residential development on the upper floors of Building E has already been established under the PPP consent, indicating that Building E could provide in the region of 100-150 residential units. The application proposes 139 Build to rent homes within Building E. Section 2.12 of the Edinburgh Design Guidance states that the Build to Rent sector has the potential to make a positive contribution to the overall housing mix in Edinburgh. These developments are considered a strand of mainstream housing and relevant Local Development Plan (LDP) policies and guidance still apply.

The application also proposes 100% active commercial frontage (Class 1, 2, 3 or 4 uses) to Dundee Street, exceeding the requirement for 70% as set out in condition 8 of the PPP. This also supports the aspirations of the Fountainbridge Development Brief and LDP to create a new local centre at this location. By locating new commercial and retail uses in this location, the proposal complies with LDP Policy Ret 5.

Land use mix and location accords with the PPP land use options and the required ground floor commercial space.

#### (b) Acceptability of the details

##### **Height, scale and massing**

For Building E, the detailed elements consented as part of the PPP were:

- The mix of land uses;
- The maximum general siting of the principal building blocks;
- The maximum height of the principal blocks;
- Points of pedestrian and vehicular access; and
- A public realm and landscaping strategy.

At PPP stage, the maximum extent of Building E was consented as a single block fronting Dundee Street, with a maximum AOD height of 89.9m.

The mass and form of Building E has been designed further as part of this application to reflect the context, sun patterns and internal uses. A reduction in its mass is

proposed along the northern elevation, taking this entire section down to one storey, creating private terraces for all first floor flats overlooking a central inaccessible sedum green roof. This proposed form mirrors the courtyard form of Building D, whilst also increases daylight provision to the landscaped street between the two blocks. Elevational recesses are introduced which not only reduce the mass to proportions similar to individual blocks, but also emphasise the verticality of key entrance points. Likewise, setbacks at the top floor have been introduced which reduces the massing further and suggests a more intimate, domestic scale within the roof space.

While the maximum extent of the building was approved as part of the PPP, condition 1 required that any element of Building E between 89.9m AOD and 95.5m AOD requires approval as part of an AMC. The spatial character of the area is mixed. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales. The Fountainbridge Development Brief also offers guidance on the height of new development. It states that in general, all buildings should be set out to 16m at eaves and 19m at ridge, with a street width of 20m at ground floor level. It goes on to state that higher buildings should be located around the local centre along Dundee Street and 19m eaves height would be supported along the North-South link, located along the eastern boundary of the site. It is noted in the Fountainbridge Development Brief that the guidance provided on heights should not be used as a rule book or method of calculating the maximum development potential of sites. These specified heights are intended to create a scale and proportion of development which sits comfortably within its context.

The parapet height of Building E is 91.090m AOD, with elements of rooftop plant rising to 93.450m AOD. The parapet is 1.165m higher than Building D to the north and the 89.9m AOD height consented under the PPP. This is a consequence of achieving higher floor to soffit heights within the ground floor commercial units, and a result of creating accessible private roof terraces. The maximum proposed ridge height is between 23-24m. This is 2.09m higher than the residential buildings consented on the southern side of Dundee Street, 7.575m higher than the C listed Edinburgh Printmakers, 2.253m higher than the student accommodation on the western side of Drysdale Road, 3.148m higher than the Hampton Hilton east of the public square, and 3.148m higher than the existing Springside development to the east of McEwan Square. The building mass is organised in a U-shape with its highest elements designed to create a positive enclosure to Dundee Street, Drysdale Road to the west and the new public square to the east. This height is within the reserved height and creates a well-considered urban scale and response to the context and aspiration to create a focal point for wider regeneration.

It is acknowledged that the rooftop plant elements and lift over-run rise above the roof level by between 1.06m and 2.36m. However, these elements equate to only 50m<sup>2</sup> and cover only 2.7% of the roof covering. They are also set back from the roof edge, reducing the visual impact from the surrounding streets and properties. In this regard, it has been sensitively integrated into the design of the buildings to avoid impacting upon the surrounding townscape.

The submitted View Analysis demonstrates the proposed buildings will be visible below the skyline and will merge with existing buildings. Within the view from the Castle Ramparts, it is consistent in character and appearance in the context of the modern architectural forms in the vicinity. It is therefore, not considered to pose a significant effect on the character of the townscape or the visual amenity from this key viewpoint.

The overall design presents an appropriate form of development on this site. It acknowledges its context and sits comfortably with the adjoining buildings. The building form and massing is acceptable and complies with LDP Policy Des 4a)-c) and the Fountainbridge Development Brief.

## **Design and materials**

The application seeks approval for the detailed design of Building E, including the materials, design of all external features and glazing specification.

LDP Policy Des 1 states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The form of Building E continues the themes already established within the Springside area, providing a bold, contemporary architectural statement referencing the site's industrial past. Strong vertical facade treatments have been introduced to the elevations. The combination of setbacks in the building line, the projection of balconies, the expressed parapets and the careful use of curtain walling successfully breaks up the massing of the building and provides a series of engaging elevations. Furthermore, the proposed size and alignment of the windows introduces a strong vertical emphasis. The bottom section of the building is robust in character, whilst also being more visually permeable, providing a common horizontal base to the street and incorporating continuous commercial/retail space onto Dundee Street. This creates a commercial aesthetic to the ground floor, appropriate to the creation of a new local centre.

The proposed material palette will ensure consistency between elevations. The existing buildings which form part of the wider Springside development have been predominantly clad in blonde brick. This references the industrial heritage of the site whilst also reflects the tones and textures of Edinburgh sandstone and the red brick of the C listed Edinburgh Printmakers. The proposal for Building E is to continue the use of brick as the primary external material, taking reference from its historical precedent. The use of three tones of brick (blonde, grey and red) will articulate a clearly defined sense of proportionality, and an attractive architectural composition and elevational rhythm, whilst also adding to a sense of place and cohesion. At level six, sections of solid and glazed curtain wall are introduced to break down the massing, articulate the roof line and provide visual interest. At ground floor, full height and fully glazed curtain wall defines the commercial units, framed by concrete with corner piers to add solidity to the base. This creates a strong active relationship with the street, whilst also articulating the commercial ground floor.

On the eastern elevation, precast concrete cladding on the recessed element defines the main entrance point for residents, marked further by a lightweight metal clad canopy. The subtle re-ordering of the materials, recessed detailing, continuation of a concrete horizontal base framing the internal amenity spaces and lightweight entrance canopy on this elevation provides a strong civic composition to the consented public space. Whilst the Fountainbridge Development Brief states that the predominance of stone in the surrounding area should form the key reference point for the design of new proposals, the choice of brick and precast concrete creates a solid masonry block. This adds to a sense of place and cohesion which also reflects the heritage of the area.

The windows within Building E will continue the treatment of the windows proposed in Building A1 and D. These will be tall aluminium windows finished in bronze, maximising levels of daylight within each of the flats. They introduce a strong vertical emphasis, ensuring that the building reflects the coherent design philosophy for the entire site. The majority of windows will also have steel framed Juliette style balcony with fully openable windows to add variation to the elevations. The detailed specification, including trade names where appropriate, of all the proposed external materials will be required to be approved separately under the provisions of Condition 3 of the original PPP consent.

The design and materials are well considered and appropriate in this location, creating a sense of place as part of the wider regeneration. The application complies with LDP Policy Des 1 and Des 4d).

### **Neighbouring residential amenity**

The application site lies within a relatively dense urban context and in close proximity to a number of existing residential properties. The Edinburgh Design Guidance recognises that in many cases the townscape surrounding a site does not always satisfy the daylight and sunlight requirements. A detailed analysis has been undertaken and a Daylight and Sunlight Report has been submitted by the applicant, satisfying condition 1 and 7 of the PPP consent.

In terms of daylighting, the report concludes that the proposed development will have less of an impact on the daylight amenity of the surrounding buildings than the proposed massing of Building E in the PPP. A further two residential buildings south of Dundee Street (India Quay Blocks W4 and W3) were assessed, which didn't previously have consent at the time of the PPP. Block W4 will retain the potential for adequate daylight and complies with the requirements of the Edinburgh Design Guidance. For Block W3, the results indicate that the majority of rooms will retain the potential for adequate daylight and comply with the requirements of the Edinburgh Design Guidance.

In terms of overshadowing and sunlight, the impact of the development on the existing surrounding gardens and amenity space will be negligible. Overall, the application significantly improves upon the performance of the massing consented under the PPP in relation to sunlight received to surrounding amenity areas and there is a significant improvement in sunlight received to one of the external areas to the Block D courtyard, which now fully complies with the Edinburgh Design Guidance.

In terms of privacy and outlook, the proposed layout of the development broadly reflects the existing townscape pattern and layout approved by the PPP consent. The proposed development is located a sufficient distance away from existing residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

The changes made to the design through the determination of the application are considered negligible in terms of impact upon daylight received to surrounding properties. A statement supporting this was submitted with scheme two.

In conclusion the proposals will not impact on existing residential amenity and thus, accord with LDP Policy Des 5a).

## **Amenity of future occupiers**

### *Housing mix*

LDP Policy Hou 2 seeks the provision of a mix of house types and sizes to meet a range of housing needs, including those of families, older people and having regard to the character of the surrounding area and its accessibility. This mix should respond to the differing needs of residents, immediate site conditions and to citywide objectives. The Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. These types of homes should have three or more bedrooms, a minimum internal floor area of 91 square metres, have good levels of storage and have direct access to private gardens or safe play areas for children.

The proposal comprises a mix of studio (18%), one bed (34%), two bed (30%) and three bed flats (18%) with a number of duplex flats located at ground floor levels. In this regard, the proposal achieves a good mix of house types and sizes, including 18% family housing. When considered alongside the consented Building A1 and Building D as part of the wider PPP consent, this remains at 18% site wide. This broadly meets the Edinburgh Design Guidance and complies with the requirements of LDP Policy Hou 2.

Section 2.12 of the Edinburgh Design Guidance includes a section on 'Purpose built homes for rent', where it acknowledges that there tends to be key differences in the design of Build to Rent developments which may justify a more flexible approach to the Council's design standards. This specifically relates to the standards for minimum internal floorspace. The size of the proposed flats meet or exceed the minimum internal floor areas and/or the equivalent habitable space areas set out in the Edinburgh Design Guidance.

### *Dual and single aspect*

The application proposes a long corridor on each floor level with access taken directly from this. In this regard, where a flat is classed as dual aspect, the alternative aspect is located within the same elevation. The proposals provide 47% dual aspect flats. This is only marginally under the 50% standard and is justified by the open plan layouts and tall windows, which allows light to penetrate more deeply into the flats. This complies with the Edinburgh Design Guidance, which justifies a limited increase in single aspect units for Build to rent developments.

## *Open space*

Building E provides 227 square metres of private balconies and 257 square metres of private terraces and gardens. There is no external communal open space proposed within Building E. However, the entire PPP area has been considered as a wider site. The total area of communal open space for Building A1, D and E equates to 1,675.5 square metres. This is shared between the 421 residents in Building A1, Building D and Building E that do not have private external space. This results in an open space provision of 3.97 square metres per flat. However, in addition to this communal space, the development also provides 2,850 square metres of attractive semi-public spaces running east to west between each of the buildings. This contributes to the site-wide amenity, increasing the provision to 4,525.5 square metres. This equates to 10.7 square metres per flat, exceeding the requirement for 10 square metres per flat as set out in LDP Policy Hou 3. Furthermore, the wider site delivers high quality public realm in the form of a new public square to the east of Building E, the detail of which was approved as part of the original PPP consent, and the existing play park at McEwan Square constructed as part of earlier phases of Springside. In addition to external spaces, the development also proposes 261.8 square metres of communal internal amenity space at ground floor. In this regard, the application complies with LDP Policy Hou 3.

In terms of the operational aspects of all private and public open space, the development will benefit from an on-site management team 24 hours a day, seven days a week. The role of the management team includes managing the operational aspects of the private and public open space. Public access to the central courtyard of Building D will be limited to times defined by the management company.

The overall provision of private amenity space, public realm and internal amenity space will create a high quality living environment which also contributes to the amenity of the wider area.

## *Daylight*

An assessment on the amount of daylighting to the proposed units within Building E has been undertaken. The majority of the rooms assessed were compliant with the criteria in the Edinburgh Design Guidance. Of the 348 rooms assessed, 96% will meet the Edinburgh Design Guidance target for daylight to new development. The 4% that are not compliant equates to 15 rooms, five of which are bedrooms where there is less of a requirement for daylight. While 11 of these rooms do not achieve the 50% threshold, daylight penetration for 11 of the 15 windows is above 40% and very close to 50% in some cases. Overall the level of compliance standards is very high. Achieving adequate levels of daylighting within more dense urban contexts can be difficult. On balance, the requirements set out in the Edinburgh Design Guidance and the BRE document have been broadly met and as such, an adequate level of daylight will be provided to Building E. The changes made to the design through the determination of the application are considered negligible in terms of impact upon future occupiers as they do not introduce any material new obstructions to daylight. A statement supporting this was submitted with scheme two.

## *Commercial uses*

Conditions 5 and 6 of the PPP require that the hours of operation of the commercial units and the hours of operation and siting of any outdoor seating areas are agreed at AMC stage to ensure amenity of future and existing residents is safeguarded. The proposed hours of commercial units will be led by the eventual occupier but are proposed to be within 6am and 12am. This is acceptable on the basis that the buildings will be adequately insulated as set out in the Noise Impact Assessment. A condition is applied which ensures that the mitigation measures are implemented. The proposed hours of any external seating will be led by the eventual occupier but are proposed to be within 7am and 11pm. A table and chairs permit would be required which will set out the timings.

## **Hard and soft landscaping**

LDP Policy Des 8 supports external spaces which have been designed as an integral part of the scheme. The Fountainbridge Development Brief seeks a coherent approach to public realm works throughout the area. Likewise, the Public Realm Strategy emphasises the need for a cohesive palette of materials to contribute to a successful sense of place. The detailed proposals for the public realm put forward by the application are in accordance with these standards.

The landscape has been designed to provide a series of relaxed and informal social spaces for both residents and visitors to the Springside development. A new landscaped street is proposed between Building D and E to provide a direct connection between Drysdale Road and Melvin Walk. This is classed as a secondary route within the Public Realm Strategy, where high quality reconstituted/manmade materials are supported. The materials proposed are predominantly clay paving brick in a herringbone pattern, with areas of granite setts along the northern edge at key entrance points into the courtyard. The design of this street continues the design concept established in the PPP consent. By including large geometric areas of raingarden planting within the street itself, it creates a more dynamic space for pedestrians and cyclists. Seating opportunities have been created using raised edges and benches. Retractable bollards limit vehicular access through this space to allow safe, pedestrian movement between the two buildings. All the elements have been coordinated to avoid a sense of clutter and integrate with the wider PPP site. To delineate the significance of Dundee Street as a primary route in the Public Realm Strategy, Caithness Stone is proposed along the footway returning into the southern section of Drysdale Road. This is coherent with the other developments in the area.

The application proposes a robust landscape structure through the provision of both raingardens and an inaccessible sedum green roof on the roof of the first floor where the massing reduces at the rear of Building E. These elements not only enhance local biodiversity, but also improve visual amenity for residents and visitors.

The proposed hard and soft landscaping is supported, complying with LDP Policy Des 8.

## **Transport, access and parking**

A Transport Statement has been submitted in support of the application. It is agreed that the proposed development will integrate well with the existing transport network. An underground car park is consented underneath Building A1 and D. Within this car park there are 109 spaces, including nine accessible spaces, 14 motorcycle bays and 18 electric charging bays. No additional car parking or motorcycle spaces are proposed as part of this application, but residents will have access to spaces under Blocks A1 and D if required on a decoupled basis. There is an accessible route from the car park to the east core of Building E for residents. The proposed parking provision complies with the Edinburgh Design Guidance.

Two secure undercover bike stores for the residents are being provided at ground floor level to the rear of the building accessed from the landscaped street. Within these stores, 280 spaces are provided, which exceeds the requirement by two. In addition, four cycle spaces in the form of two Sheffield cycle stands are provided at the junction of Dundee Street and Drysdale Road for visitors and staff of the ground floor commercial units, and eight cycle spaces in the form of four stands are provided in the public realm to the north east of Building E. The proposed cycle provision exceeds the requirements set out in the Edinburgh Design Guidance.

In order to accommodate a future cycleway along Dundee Street/Fountainbridge, the carriageway has been widened to ensure a minimum of 6.5m. This has resulted in a slight narrowing of the footway to between 3.8 and 3.9m for a short section in front of Building E, which is acceptable.

The Roads Authority has raised no objections.

## **Affordable housing**

LDP Policy Hou 6 sets out the requirement for affordable housing amounting to 25% of the total number of units proposed.

The Section 75 agreement associated with the PPP (application reference number: 15/02892/PPP) provides the framework to agree the delivery of the affordable housing tenure proposed. This agreement states that "25% of all residential units to be completed after the completion of construction of the 416th open market housing units shall be affordable housing units" (Clause 3.1). Based on this agreement, the development of the 417th unit and above will create a requirement for affordable housing provision. Within the matrix of overall PPP site there will be 476 residential build to rent apartments in total delivered upon completion of Building E. Under the terms of the Section 75 agreement of the PPP, this would equate to a requirement for 15 affordable housing units ( $476 - 416 = 60 \times 25\% = 15$ ). These units would be funded, delivered and operated by the applicant (Moda) as intermediate rent units.



Clause 3.2 of the existing legal agreement makes provision for the agreement of these additional affordable housing units, including:

- The type of affordable housing tenure;
- The number of affordable housing units;
- The location of the affordable housing units and the design standards to which the affordable housing units are to be built; and
- The type of Affordable Housing Contracts by which the units are to be leased, sold or otherwise

The tenants of the affordable housing units will have access to a wide range of additional services and amenities over and above the current mid-market rent market in Edinburgh. The intermediate rent housing unit mix would be aligned to the overall development mix, where studios would be substituted for one bed units.

Although the rents are above Local Housing Allowance (at BRMA 30th percentile), they are significantly below average market rents in Edinburgh and are affordable to the priority client group defined in the Council's Affordable Housing Policy Guidance.

Affordable Housing are supportive of the application subject to a legal agreement to secure their delivery in line with the provisions of Clause 3.2 above.

### **Flooding and drainage**

The foul water discharge from the development will be discharged to the existing combined water sewerage network. The surface water discharge from the site will incorporate full SUDS measures, designed in accordance with the requirements of the Council and SEPA to control the discharge from the site and reduce the pressure on the existing drainage system. This will be achieved using porous paving and filter trenches in the landscaped areas. Safe access and egress will be maintained by designing the SUDs system without utilising temporary above ground storage. The drainage system and SUDS features will remain private and will be inspected on a regular basis with particular attention being given to the channel drains and porous paving. Details of the maintenance requirements has been submitted and is acceptable.

Flooding have raised no objections. The application complies with LDP Policy Env 21.

### **Waste management and recycling facilities**

The primary bin store for Building E is located on the west elevation, providing direct access to Drysdale Road for collection, where a designated loading bay will be located. Within each bin store, is a variety of bin types for recycling and general waste. All calculations for waste and recycling provision have been based on the Council's Waste Management Guidance.

The Waste and Cleansing Service has confirmed that all the information provided in relation to waste provision is acceptable.

## Sustainability

The applicant has submitted a sustainability statement in support of the application. Part A of the standards is met through the provision of a Combined Heat and Power system. The proposal is a major development and has been assessed against Part B of the standards.

The points achieved against the essential criteria are set out in the table below:

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

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures within the overall PPP site include the installation of a combined heat and power plant, the inclusion of car club spaces and electric car charging points. The application complies with LDP Policy Des 6.

## Ground conditions

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed, condition 9 of the PPP consent cannot be discharged.

### (c) Impact on the setting of the listed building

The materials and details brought forward as part of this AMC do not affect the setting of the C listed Edinburgh Printmakers located to the south east of the site on the southern side of Dundee Street. The redevelopment of this vacant former industrial site will enhance this part of the Fountainbridge. In this regard, it is compliant with Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3.

### (d) Equalities or human rights impacts

The proposal has been considered in terms of equalities and no adverse effects have been identified. An Integrated Impact Assessment has been completed for the application. The applicant will be required to comply with the provisions of the Equality Act 2010 and Building Standards. The site is accessible for those with mobility issues and could create an environment where public spaces can be used safely. The proposed development will provide good access to new high quality public realm. The proposed development has also been assessed against the LDP which is compatible with the Human Rights Act.

## (e) Public comments

### **Non-material objection**

- The application fails to rectify the problems for cyclists at Younger's Steps adjacent to West Approach Road. The application only covers Building E and thus, does not extend to the Younger's Steps. In this regard, it is outwith the scope of this site, and not a material consideration for this planning application.

### Conclusion

The proposed development implements the second phase of the PPP consent and completes the wider masterplan for Springside. It will make a significant contribution to the overall housing mix in Edinburgh and mix of uses within the wider Fountainbridge regeneration area, supporting the aspirations of the Fountainbridge Development Brief. The development is in accordance with the planning permission in principle. The building massing and form are acceptable. The proposed development is acceptable in terms of amenity and will provide a modern development with high quality public and private spaces for the benefit of future occupiers. Overall, it makes a positive contribution to the regeneration of the area and provides a mix of housing sizes which are compatible with the neighbouring land uses. It will enhance the character of the area through the delivery of a well-considered design solution. There are no material considerations which outweigh this conclusion.

The proposed development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not affect the adjacent listed building while it enhances its setting.

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

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

#### **Conditions: -**

1. The applicant shall submit for approval of the Planning Authority, the location and detailed design of the replacement permanent bus shelter prior to occupation of Building E.
2. The applicant shall install the agreed replacement permanent bus shelter prior to occupation of Building E.
3. Prior to commencement, further details of the noise mitigation measures required to the separating floor between the commercial and residential uses in Building E, as outlined in the RMP Noise Impact Assessment Report (Ref R8478-NS2-RGM dated 14 June 2019) must be submitted for approval by the Planning Authority.
4. The agreed required noise mitigating works shall be carried out in full and completed prior to the occupation of the residential properties in Building E.
5. Prior to occupation of Building E, the extract flue and ventilation system serving the Class 3 use(s) (capable of 30 air changes per hour and with an efflux velocity of

15m/s) as shown on drawing 11A shall be implemented prior to occupation of the residential units in Building E.

**Reasons: -**

1. In order to safeguard the interests of road safety.
2. In order to safeguard the interests of road safety.
3. In order to protect the amenity of the occupiers of the development.
4. In order to protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.

**Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to the delivery of the 15 affordable housing units.

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

2. The development hereby permitted shall be commenced no later than the expiration of 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.

3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

5. As part of the RCC process, the applicant will be required to contribute:  
- £2,000 to progress a suitable order to redetermine sections of footway and carriageway as loading bay; and  
- £2,000 to progress a suitable order to relocate the existing Car Club bays east of Drysdale Road to existing layby west of Drysdale Road.

6. Conditions of the Planning Permission in Principle to which this application relates remain and are required to be discharged.

7. A Tables and Chairs permit will be required for any external seating on Council adopted land.

8. When designing the exhaust ducting, heating, ventilation and air conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

It is also recommended that the supply and extract fan and ductwork are suspended using anti-vibration mounts and flexible connectors specified to ensure that there is no perceptible vibration in the nearest residential accommodation. This would apply to both external as well as internal plant and ductwork.

9. The two visitor Sheffield Cycle Stands east of Drysdale Road/Dundee Street junction should be positioned at 45 degrees and 0.5m clearance to the kerbline to prevent potential conflict with the highway.

10. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

The application was publicised on the weekly list of applications on 1 July 2019. Neighbours were notified of the application on 27 June 2019 and 21 days were allowed for comments. Only one comment was received from Spokes.

Tollcross Community Council and Merchiston Community Council were also consulted but made no comment.

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

Minor amendments to scheme one did not raise any new material considerations and therefore, no further consultation or notification was necessary.

## Background reading/external references

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- 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 site lies within the City Centre as defined in the adopted Edinburgh Local Development Plan (LDP). The LDP City Centre Proposal CC3 Fountainbridge promotes a comprehensive mixed use redevelopment of the land previously occupied by the Fountainbridge Brewery.

**Date registered**

25 June 2019

**Drawing numbers/Scheme**

01, 02A, 03, 04A-16A, 17, 18A-25A, 26-28,

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Emma Fitzgerald, Senior Planning Officer

E-mail:emma.fitzgerald@edinburgh.gov.uk Tel:0131 529 3794

**Links - Policies**

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**Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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.

**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.

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

# Appendix 1

## **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).**

### **Consultations**

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#### **The Roads Authority - response date 11/11/2019**

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

1. *The applicant will be required to;*
  - a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as loading bay;*
  - b. *Contribute the sum of £2,000 to progress a suitable order to relocate the existing Car Club bays east of Drysdale Road to the existing layby west of Drysdale Road;*
2. *Large bus stop/shelter (4 bay Cairngorm with no ends, seating, roof bracket and full information panel, colour RAL 7043 and a seat rail in RAL5015 or agreed specification with CEC public transport) required to be designed and installed by the applicant in consultation with CEC public transport on agreed location on Dundee Street fronting the development to the satisfaction and at no cost to the council (see Note d);*
3. *Applicant to safeguard 6.5m wide carriageway on Dundee Street/Fountainbridge for buses to pass each other and 1.5m wide road space on both sides of Dundee Street/Fountainbridge fronting the proposed development to accommodate mandatory cycle lanes.*
4. *Radius of Dundee Street/Drysdale Road junction to be tightened to improve pedestrian crossing (shorter crossing distance) and promote slow vehicular turning speeds at the junction.*
5. *280 secure covered cycle parking spaces to be provided for the residential unit and complies with the Council's minimum cycle parking requirement of 278 spaces. 12 victor cycle parking spaces to be provided;*
6. *The proposed 2 visitor Sheffield Cycle Stands east of Drysdale Road/Dundee Street junction should be positioned at 45 degrees and 0.5m clearance to the kerbline;*

7. *The current Parking standards requires a minimum of 6 motorcycle spaces;*
8. *A minimum of 3.8m wide walking and cycling route to be provided between the proposed development and consented Block D linking Melvin walk and footway east side of Drysdale Road;*
9. *Existing footway north side of Dundee Street fronting the development to be widened to at least 3.9m and paved in Caithness.*
10. *All doors must be opened inwards and not onto adopted footway/road except emergency doors;*
11. *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;*
12. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
13. *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;*
14. *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;*
15. *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](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);*
16. *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;*
17. *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;*
18. *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.*

Note:

- a) *The proposed development is estimated to generate a total of 55 and 79 two-way people trips during the Weekday AM and PM Peak periods respectively. It could generate*

approximately 6 and 9 two-way vehicle trips during the Weekday AM and PM peak hour periods respectively. Significant level of predicted trips is by sustainable transport. The transport statement has demonstrated that the existing and proposed transport infrastructure will be able to accommodate the impacts of the proposed development

b) It has been demonstrated that servicing and refuse collection of both residential and commercial units can be undertaken from the proposed lengthened existing layby east of Drysdale Road.

c) Zero car parking is being provided for the proposed development. This is considered acceptable due to the site accessibility to public transport. Central car park is available in the basement car park of Block A1 and D on a decoupled basis; future tenants will be able to rent spaces in the central car park under Blocks A1 and D if required.

d) The location of the bus stop on Dundee Street shown on the plan is not approved. The location is likely to cause blockade on Drysdale Rd should there be 2 or more eastbound buses queuing on the bus stop. It is recommended that the existing bus stop relocated eastwards in consultation with Council's public transport.

e) The position of existing lighting columns compromises the width of the north side footway of Dundee Street and the applicant should work with the Council to relocate the existing lighting columns during pavement design and construction to improve pedestrian experience.

### **Scottish Water - response date 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*

o 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*

o 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.

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](mailto: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](mailto:sw@sisplan.co.uk)  
[www.sisplan.co.uk](http://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](http://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](mailto: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](http://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](mailto:planningconsultations@scottishwater.co.uk)*

## **SEPA - response date 15/07/2019**

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

*Advice for the planning authority*

*We have no objection to this planning application.*

*We had no objection to an earlier application (15/02892/PPP) and we have no objection to this current application for this site. Please see attached our response of 03 July 2015:*

*Thank you for your consultation which SEPA received on 23 June 2015.*

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

*Advice for the planning authority*

### **1. Flood Risk**

1.1 We have reviewed the information provided in this consultation and it is noted that part of the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of surface water flooding. In addition, the application site is at a location for which we hold a record of flooding.

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

1.3 No mention of previous flooding has been noted in the Flood Risk Assessment (FRA). Review of the Proposed Site Sections A-A & B-B, C-C & D-D drawings (ref. no. (PL)017, dated 18/06/2015 and (PL)018, dated 18/06/2015) indicates that the finished floor levels are to be flush with the proposed ground levels. We would strongly recommend that finished floor levels, especially for any ground floor residential areas, are elevated above existing ground levels to mitigate the residual risk from the canal and surface water flooding.

1.4 Car parking is proposed for the lower ground floor. We would strongly recommend that to reduce the risk from groundwater ingress that flood resistant and resilient measures are incorporated which could include tanking and a pump to remove any ponding water.

1.5 It is recommended that contact is made with your Flood Prevention Authority and Scottish Canals regarding the issues raised above.

## 2. Drainage Strategy

2.1 As the site drains ultimately to the combined sewer, and not directly to the water environment, there is no requirement for Sustainable Urban Drainage Systems (SUDS). The provision of SUDS on this site, therefore, is good practice and we are content with the details of SUDS that accompany this application.

### Detailed advice for the applicant

## 3. Flood Risk

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

3.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

3.3 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.



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

3.5 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.  
Regulatory advice for the applicant

#### 1. Regulatory requirements

1.1 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 operations team in the local SEPA office.

### **Waste Services - response date 05/09/2019**

*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 have been in touch with me, and I have advised on the current plans.*

#### *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. These must be stored off street at all times.*

*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.*

*Access to the bin store should be by budget lock, and other criteria relating to the requirements of the bin store are detailed in the "Instructions for Architects and Developers" which should be complied with in advance of any waste strategy being agreed.*

*For these high density properties, we would recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. I understand that there will be 140 units in building E, 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. The number of bins they require will be 19 residual 1280L, 12 mixed recycling 1280L, 4 glass 660L and 6 food 500L. These should be presented in the main bin store on the appropriate days of collection, which could be between 6am and 10pm, Monday*

*to Sunday. 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, but it should be noted that we require 12 weeks' notice.*

#### *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.*

*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.*

#### **Archaeology Service - response date 20/08/2019**

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, 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, cycleways, 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.

The site occupied part of the Fountainbridge Brewery and area associated with mediaeval orchards as such the site was identified as being of archaeological significance. As such development has been subject a series of archaeological conditions requiring investigations (undertaken by AOC Archaeology) and historic

interpretation (MODA approved interpretation design for building D). As a result, it has been concluded that no further archaeological mitigation is required in relation to this specific AMC application.

### **Environmental Protection - response date 22/08/2019**

*The development site is located on Dundee Street on a gap site between Drysdale Road and Melvin Walk which has planning permission in principal for a mixed use development. This development proposal is for mixed use commercial floorspace on the ground floor with 140 build to rent residential units on the upper 6 floors. The commercial floor space area may be subdivided, with use classes 1 (shops), 2 (financial, professional and other services), 3 (restaurant / food and drink) or 4 (business).*

*The land to the north of the site has planning approval for the construction of a seven storey residential development, to the west beyond Drysdale Road is existing student accommodation, to the east there is an existing hotel and to the south beyond Dundee Street are offices and a vacant site which may be developed in the future.*

*The applicant has advised that there are various amenity spaces proposed for residents to use. At ground floor there is a lounge proposed with the proposal which will also have multi-function event spaces as well as work stations and meeting areas. The applicant has confirmed that the build to rent model proposed would class these areas as falling into the residential class use in planning terms.*

*The applicant is seeking to get conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E discharged. The relevant conditions for Environmental Protection are as follows;*

*Prior to the commencement of construction of Phase 2 and 3 and work on the blocks identified as Block D and Block E, details of the undernoted matters in relation to these blocks shall be submitted to and approved by the planning authority in the form of a detailed layout of the site and include detailed plans, sections and elevations of the buildings and all other structures and any supporting information.*

*Approval of Matters:*

- o Design and materials of the development including design of all external features and glazing specification (including acoustic capabilities);*

*Enhanced acoustic glazing will be required to mitigate traffic noise as identified in the noise report submitted with the 15/02892/PPP application. The applicant has not submitted specific details on the actual specification of the acoustic glazing that will be required to achieve the identified sound reduction levels. This demonstrates that condition 10 from the 2016 PPP consent will be met. However, we will require the specific details of the glazing units to fully discharge the condition. The applicant has previously advised that while details of the manufacturer and product may not be confirmed, it is the case that approval of this can be adequately controlled through Condition 3 of the PPP, which relates to approval of all external materials. The final specification of the glazing units submitted under Condition 3 will accord with the requirements of Condition 10.*

- o Location and details of car parking venting/exhaust termination and electric vehicle charging outlets and ducting;

*Eighteen electric vehicle charging bays will be installed and operational in the neighbouring car park being developed under building A1, Environmental Protection would recommend that a rapid charger is installed at the loading bay in the underground car park. The purpose of the loading bay is to allow residents to transfer their belongs to the western core via the secondary entrance on the north of the building. This would encourage the use of electric vans for this purpose. The applicant has highlighted that residents would have access to 'Moda car Club' vehicles, the applicant should be encouraged to ensure these vehicles are electric and charged in the underground car park. Venting and exhaust points for the car parks is not required for this block.*

- o All operational requirements for the commercial and business uses including servicing arrangements, opening hours, deliveries/collections, ventilation, servicing, external plant machinery;

*Opening hours are covered by conditions 5 and 6 of the PPP consent, and it is recommended that the hours for collections of waste and for deliveries to the commercial units are restricted to 0800-2200 hours. The applicant's noise impact assessment has recommended that the hours for deliveries and collections are restricted to daytime hours otherwise they will adversely impact the amenity of neighbouring residents. The details of the ventilation and external plant serving the commercial uses has been provided to address noise and odour impacts.*

- o External lighting, including floodlighting and street lighting arrangements for the development;

*The applicant has provided details on the lighting scheme and Environmental Protection are satisfied that this will not impact amenity and meets the terms of the condition from an amenity perspective.*

- o Site investigation/decontamination arrangements; (Condition 9 covers contaminated land and shall remain).

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

*Condition 5. Class 1 (Retail), Class 2 (Financial, Professional and other Services), Class 3 (Food and Drink) and Class 4 (Business) hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage.*

*The applicant has not provided a specific details regarding the proposed hours of use for the commercial units. Environmental Protection are of the opinion that if the buildings are adequately insulated then there should be noise breakout through the fabric of the building therefore there should be no impacts on neighbouring residential properties. Other aspects of the commercial uses such as deliveries, collections and outdoor seating*

cannot be mitigated in the same way therefore conditions restricted the hours of those operations is recommended.

*Condition 6. Hours of operation and siting of any external seating area will require to be agreed at the Approval of Matters in Conditions (AMC) stage.*

*The applicant has not provided any specific details on the hours of operation for outdoor seating. Environmental Protection would recommend that the hours are conditioned to the same hours as restricted by a Tables and Chairs Permit. This would restrict outside tables and chairs being used between 9am and 9pm, seven days a week for the commercial uses.*

*Condition 12. A noise impact assessment shall be provided at the AMC stage for Blocks D and E which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.*

*The applicant's noise impact assessment highlighted that deliveries and collections of waste hours should be restricted to day time hours only. The noise impact assessment has also assessed the required sound insulation levels required between the proposed residential units and the proposed commercial uses. For the required on-site sound insulation to achieve inaudibility for the maximum events will be difficult to achieve with a standard residential floor construction. The applicant has advised that such a level of insulation would be achieved with a concrete floor structure, a deep floating floor construction (i.e. resilient cradles), and a heavy resilient suspended acoustic ceiling system. The applicant has advised that they do not have details of the end users for the commercial units. The report provides design advice for noise mitigation based upon the available information outlined above. Further design development will be required to refine the assessment including; tenancy details/commercial noise and plant locations. When this information is available the applicant will need to provide a further detailed noise impact assessment which provided specific details on the sound mitigation measures including details of the materials, acoustic treatments and where specifically this will be required.*

*13. Class 3 and Class 7 Cooking odour ventilation details should be provided at the approval of matters in conditions (AMC) stage. In this regard, details should be provided which confirm that the ventilation will meet the following criteria:*

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

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

*(iii) The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.*

*The applicant has confirmed the above condition can be achieved and submitted drawings showing the termination point of the proposed extracts. Roof level drawing E1718 SPR-CDA-EZ-RL-DR-A-00-5111 P1 dated 14/06/19 with specific details located*

*in the design and success statement Figure 39. Environmental Protection are satisfied with this additional detail and have recommend a condition detailing the requirements.*

*Therefore, Environmental protection offer no objections but do recommend further conditions;*

### *Conditions*

*Further details of the noise mitigation measures required to the building block E separating floor between the commercial and residential uses will need to be submitted, as defined in the RMP Noise Impact Assessment Report (Ref R8478-NS2-RGM dated 14 June 2019) all required works shall be carried out in full and completed prior to the occupation of the residential properties.*

*A noise impact assessment should be provided at the AMC stage which provides details of noise mitigation measures proposed to address noise impacts upon surrounding residential properties from any proposed Class 1, 2, 3 and 4 premises.*

*Deliveries and collections, including waste collections, to be restricted to 0900 - 2100 hours Monday to Saturday.*

*Tables and chairs serving the commercial use shall be restricted to between 0900 - 2100 hours Monday to Saturday.*

*Prior to the use being taken up, the extract flue and ventilation system serving the class 3 use(s), be capable of 30 air changes per hour and with an efflux velocity of 15m/s as shown on drawing no. EZ-RL-DR-A-00-5111 P1 dated 14/06/19 shall be implemented.*

### *Site Contamination*

*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 and 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.*

### *Informative*

*It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended*

*that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.*

*It is also recommended that the supply and extract fan and ductwork are suspended using anti-vibration mounts and flexible connectors specified to ensure that there is no perceptible vibration in the nearest residential accommodation. This would apply to both external as well as internal plant and ductwork.*

*The noise assessment shows that noise emanating from typical condensers, an extract system and associated ductwork are expected to comply the NR 25 criteria for residential properties on the upper floors. A further plant noise review should be undertaken once all plant items and locations are known.*

### **Flood Planning - response date 10/07/2019**

This now addressed all the comments for this application.

### **Affordable Housing - response dated 12/11/2019**

#### *1. Introduction*

*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 set at 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.*

#### *2. Affordable Housing Provision*

*A planning application was considered in January 2016 for this site, as planning reference 15/02892/PPP. The Section 75 set out that up to and including the 416th unit, no affordable contribution was required due to viability constraints. Twenty five percent of all units completed after the 416th unit would be required to be affordable.*

*There will be an AHP requirement for a minimum of 25% of any homes over the 416th unit. 60 additional homes are proposed and therefore 15 homes (25%) of approved affordable tenures are required. The developer entered into an early dialogue with the Council to explore options for onsite delivery, agree the tenure of the affordable housing and deliver a well integrated and representative mix of affordable housing on site. This is welcomed by this department.*

*On 3 October 2018, revised guidance on BTR developments was approved by Planning Committee as part of the report Edinburgh Design Guidance Post Approval Review. A section of the Guidance sets out the key characteristics of "Purpose Built Homes for Rent". Affordable homes are required to be tenure blind, fully compliant with latest building regulations and consistent with the Edinburgh Design Guidance. The affordable homes are situated next to regular public transport links and are located close to local amenities and the nearby school.*

*BTR developments can deliver housing at a scale and pace, which is rarely matched by traditional housing for sale providers. Housing for sale tends to be reliant on short term financing which is repaid through sales, with risk managed by building and releasing relatively small numbers of homes to the market at any time to limit financial exposure. BTR can deliver housing at scale and affordable homes without grant subsidy. The grant freed up by BTR could be channelled into delivery of social rented homes.*

*The affordable housing within this BTR development will be delivered by the applicant as "intermediate rent", which is an accepted affordable tenure, and will be secured as affordable housing for a minimum of 25 years. The applicant agreed that the affordable homes would not include any studio flats and are providing an equivalent number of affordable one bedroom properties instead, which is welcomed. Rents would be restricted to Scottish Government's published Broad Rental Market Area (BRMA) 30th Percentile. No grant funding is required for the delivery of these affordable homes.*

*Local Housing Allowance (or LHA) has been used as a benchmark of affordability for some affordable tenures. LHA had previously been set by Government based on 30th percentile of the Broad Rental Market Area (BRMA). However, as LHA rates were frozen for four years from 2015, during this time LHA became disconnected from BRMA rates.*

*Rents at BRMA 30th percentile are the basis for rent setting for Scottish Government's More Home Scotland Mid-Market Rent Invitation. It is also the maximum level that RSL grant funded mid-market rents can be increased to, with the local authorities consent, under Scottish Government grant guidelines. BRMA 30th Percentile is significantly less than average market rents in Edinburgh; between £1,400 and £3,300 less per annum, depending on house size.*

*The Council's Affordable Housing Policy sets out a "Definition of Priority Clients"; those people who are in housing need and who cannot afford to access accommodation through the regular functioning of the housing market and earn below average household income. Households earning less than the average household income of £44,000 per annum can find themselves unable to afford rents or buy a property. Rents at the 30th Percentile are and significantly less than average market rents and affordable to people within the defined priority client group.*

### *3. Summary*

*The applicant has made a commitment to provide a representative mix of on-site affordable housing, which will be managed by the applicant and requires no grant subsidy. This department welcomes this approach which will assist in the delivery of a mixed sustainable community:*

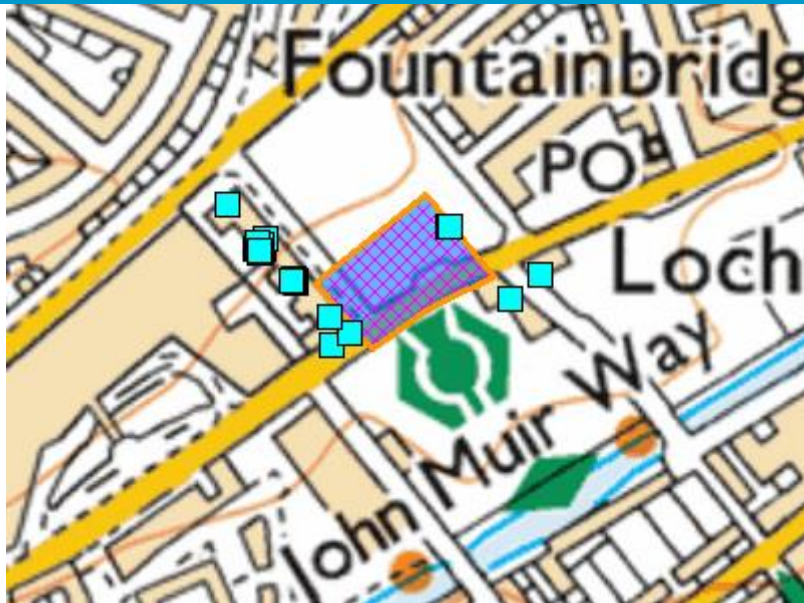


- o *The applicant will deliver the affordable housing as "intermediate rent" for a minimum of 25 years.*
- o *The affordable housing will include a variety of house sizes to reflect the provision of homes across the wider site*
- o *All the affordable homes must meet the Edinburgh Design Guidance and space standards*
- o *In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be identical in appearance to the market housing units; an approach often described as "tenure blind". These units will be pepper-potted throughout the development.*
- o *The prior applications for this site concluded that affordable housing would not be feasible for the first 416 units, and this is set out in the Section 75 Legal Agreement.*
- o *This application can deliver onsite affordable housing, representing 25% of the additional 60 units proposed (or 15 affordable homes).*
- o *Rents are above LHA levels but are significantly below average market rents in Edinburgh*
- o *The rents are affordable to the priority client group defined in the Council's Affordable Housing Policy guidance and are in line with affordable housing policies backed by Scottish Government (for example, More Homes Scotland Mid-Market Rent).*
- o *There is no grant funding required for the affordable homes. The grant funding freed up by BTR developments will be targeted to delivering social rented homes within the city.*
- o *The applicant will be required to enter into a legal agreement to secure the affordable housing element of this proposal.*

*Although the application is not fully policy compliant because of the rents above LHA (at BRMA 30th percentile), after considering the justifications above, this department is supportive of this application.*

## Location Plan

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