

Development Management Sub Committee

report returning to Committee - Wednesday 29 July 2020

Application for Planning Permission 19/02778/FUL at Land 143 Metres Southeast Of 94, Ocean Drive, Edinburgh.

Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).

Item number

Report number

Wards

B13 - Leith

Recommendations

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

Background information

The Committee was minded to grant planning permission on 25 September 2019, subject to the conclusion of a legal agreement within six months of that date to secure developer contributions towards education, healthcare, transport and affordable housing. The period for conclusion of the legal agreement has been extended for a further three months under delegated powers, but that period has now expired.

Negotiations are continuing and are nearing conclusion, a further three month extension to the period to conclude the legal agreement is recommended.

There has also been further dialogue on a noise condition and this process can be used to amend the wording of the condition.

Main report

Legal Agreement:

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 25 September 2019 that was minded to grant this application subject to a legal agreement first being concluded to secure the necessary contributions towards education, healthcare, transport and affordable housing.

Progress has been made in negotiating the terms of the legal agreement. As one of the first Build to Rent (BTR) models in the city, the legal agreement has required a number of detailed discussions between parties on the affordable housing element of the proposals. This has been time consuming and requires bespoke drafting over and above that found within the model S75 agreement.

Discussions have reached a point where it is considered that a further three month extension to the period will allow the legal agreement to be concluded.

Noise condition:

There has also been further discussion on condition 9 in relation to noise. This currently states that:

'Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation systems) complies with NR15 within the habitable rooms (bedrooms and living rooms) in the residential properties shall be submitted for written approval by the Planning Authority.'

Since the application was minded to grant the applicant has provided additional information in relation to the noise from the mechanical extract systems which will be designed to achieve a noise level of approximately NR 25. Environmental Protection has considered the additional information and has agreed that the condition can be amended to refer to compliance with NR 25 rather than N15. The proposed amended condition reads:

'Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation systems) complies with NR25 within the habitable rooms (bedrooms and living rooms) in the residential properties shall be submitted for written approval by the Planning Authority.'

It is recommended that the timescales for concluding the legal agreement for this application is extended and the wording of condition 9 is amended. Once the legal agreement is concluded the planning permission can be released.

Links

Policies and guidance for this application

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES10, LEN03, LEN08, LEN09, LEN16, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LRS06, SDP, NSG, NSGD02, OTH,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PSW06IEWIPK00>

Or Council Papers online

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