

Development Management Sub Committee

Wednesday 31 July 2019

**Application for Planning Permission 19/00256/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising residential (flats) and
other commercial uses including Class 3 Food and Drink
and Class 11 Assembly and Leisure with associated access
roads, landscaping / public realm and car parking (as
amended).**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposal broadly complies with the Edinburgh Local Development Plan and Edinburgh Design Guidance. Whilst there are deviations from the Fountainbridge Development Brief, these are acceptable in the context of the wider redevelopment of the area. The principle of a mixed use development is acceptable on this allocated site. The proposal forms part of a wider mix of uses and delivers a mix of housing types and sizes with integrated affordable housing. The development will enhance the edge of the Union Canal, create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area and sense of place. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

NSGD02, LDPP, LDEL02, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LRET11, LTRA02, LTRA03, LTRA04, LTRA10, LRS01, LDEL01, NSG,

Report

Application for Planning Permission 19/00256/FUL At Site At Former 159, Fountainbridge, Edinburgh Mixed use development comprising residential (flats) and other commercial uses including Class 3 Food and Drink and Class 11 Assembly and Leisure with associated access roads, landscaping / public realm and car parking (as amended).

Recommendations

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

Background

2.1 Site description

The site, covering an area of approximately 1.20 hectares, lies within the city centre, south east of Haymarket, west of Tollcross and borders the Union Canal. It is currently vacant brownfield land, forming part of the former Fountainbridge Brewery. It is bound to the north-east by phase one of this development which is under construction and further north by Fountainbridge. Edinburgh Quay, an existing office, residential and commercial development, sits on the eastern boundary. To the west, the site is bounded by additional former brewery land and Gilmore Park. To the south is the Union Canal, a Scheduled Monument (Index number 11097, 15 December 2003) and Local Nature Conservation Site.

Vehicular and pedestrian access to the site is taken from Fountainbridge, Gilmore Park and from the existing road which serves Edinburgh Quay and its underground car park. There is a substantial drop in ground level from the edge of the Union Canal and the southern part of the site.

2.2 Site History

3 November 2004 - Fountainbridge Development Brief approved (amended 2005).

4 June 2007 - detailed planning permission granted for mixed use development with 171 housing units, commercial space, public open space and associated parking and service areas (as amended) (application number 03/04621/FUL).

24 September 2014 - masterplan application for planning permission in principle for mixed use development comprising offices, hotel/aparthotel, residential, commercial and retail uses with associated service roads, landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03848/PPP).

29 April 2015 - detailed planning application for a new 180 room aparthotel with service road, associated landscape works and car parking. The applicant has not signed the necessary legal agreement (application number 14/03847/FUL).

24 October 2017 - A Pre-Application Notice was submitted to the planning authority and the consultation approved (planning reference: 17/04964/PAN).

12 March 2019 - detailed planning application for a mixed use development comprising offices, hotel and other commercial uses including classes 1, 2, 3 and 11 was granted (planning reference: 17/05997/FUL).

Main report

3.1 Description Of The Proposal

The application is for detailed planning permission for a mixed-use housing led development comprising residential and other commercial uses including Class 3 Food and drink and Class 11 Assembly and leisure with associated access roads, landscaping/public realm works.

The residential element of the scheme comprises 234 residential properties ranging from studio to three-bedroom. The type of housing is predominantly flatted accommodation with eleven townhouses. 25% of the residential accommodation is affordable housing. The total commercial floor space, comprising food and drink and leisure uses created by the development will be 745sqm and located at key nodes.

The applicant proposes a development of two urban perimeter blocks of varied height between three and eight storeys. The commercial units are on the ground floor with residential flats above and townhouses facing the Union Canal. Public spaces will be provided between the two blocks and a new public square created at the foot of the Leamington Lift Bridge.

The scheme proposes to form two flat roof blocks with internal courtyard space. The external space around the blocks will form public realm. The height of the blocks range from 10m to the south to a maximum of 22.2m. Brick is the predominant building material of this proposal.

It is proposed to provide 95 car parking spaces and 528 cycle spaces which will be provided in an underground car park accessed from the north-east of the site.

Scheme 1

A number of amendments have been made during the assessment of the proposals. The main changes relate to:

- the use of brick tones was amended to improve the legibility of the blocks;
- the materials in the public realm were altered to simplify the design and comply with the Fountainbridge Public Realm Strategy; and
- boundary treatments on the west approach to the lift bridge were revised to incorporate views of the Leamington Lift Bridge.

Supporting Information

The following documents were submitted in support of the application:

- Air Quality Assessment;
- Daylighting Report;
- Design and Access Statement;
- Surface Water Management Plan;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Utilities Infrastructure Report;
- Planning Statement;
- Site Investigation Report;
- Sustainability Form;
- Transport Statement; and
- View Analysis.

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.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal would preserve or enhance the adjacent scheduled monument;
- c) the proposed design, scale and layout are acceptable;
- d) the mix of units and level of affordable housing are acceptable;
- e) the proposal provides an acceptable level of amenity for future occupiers and existing neighbours;

- f) the transport, access and parking arrangements are acceptable;
- g) the impact on infrastructure is acceptable;
- h) the proposal meets sustainability criteria;
- i) there are any other material issues; and
- j) representations raised issues to be addressed.

a) Principle of Development

The site is identified in the Edinburgh Local Development Plan (LDP) as a commercial led mixed-use site (reference CC3). Proposals will be expected to provide mixed use development including a local centre, residential, office, small business units, retail, leisure and community uses.

The Fountainbridge Development Brief supports residential development as a key component of the overall redevelopment of the area. Commercial uses are also supported that facilitate the establishment of a new community and contribute towards the vitality of the area.

A Proposal of Application Notice (PAN) included a wider site area and the subsequent applications have been submitted in two phases. Phase one of the PAN area including a hotel and office space was granted planning permission (planning reference: 17/05997/FUL). This proposal (phase two) is a residential-led development with commercial uses at the ground floor level.

The proposed residential and commercial uses when considered with the phase one office and hotel will provide a good mix of uses in accordance with the strategy of the LDP and make a positive contribution towards the wider redevelopment of Fountainbridge. In summary, the principle of a residential-led mixed use scheme at this location is acceptable, subject to compliance with other LDP policies.

b) Historic Environment

The site is bound by the Scheduled Monument known as Union Canal which terminates at the Lochrin Basin, east of the site. The monument includes the canal, Leamington Lift Bridge, banks to both sides and the towing path running along the north side which lies adjacent to this site.

Policy Env 8 Protection of Important Remains states that development will not be permitted which would adversely affect a scheduled monument or the integrity of its setting.

The proposal will enhance the setting of the monument through providing an attractive, active frontage to the canalside. The frontage will be offset from the towpath and bound by a privacy strip comprising corten edging and soft landscaping. The existing towpath will be preserved in situ. Connections between public realm and the existing towpath will use similar thresholds to provide continuity and incorporate key views towards the Leamington Lifting Bridge from Grove Street.

The canal edging and material are considered appropriate and enhanced public access to the towpath will be provided. The development will enhance the setting of the scheduled monument and there will be no detrimental impact on any archaeological features. Historic Environment Scotland has been consulted and does not object to the application.

c) Design, Scale and Layout

Layout and Density

Policy Des 1 - Design Quality and Context, Des 3 - Development Design - Incorporating and Enhancing Existing and Potential Features, Des 7 - Layout Design and Des 8 - Public Realm and Landscape Design of the LDP support schemes with a comprehensively designed layout and demonstrate an integrated approach to the layout of buildings, streets, footpaths and open space. Layouts should incorporate and enhance existing features contributing towards a sense of place. The layout should connect with the wider network and encourage walking, cycling and support public transport. The Fountainbridge Development Brief aspires to integrate new development with the wider area and improve permeability.

Policy Hou 4 - Housing Density seeks an appropriate density having regard to the characteristics of the area and creating an attractive residential environment. Accessibility to public transport and supporting local facilities are key criteria to be considered.

The proposal broadly complies with the urban framework set out in the development brief for this site. The layout of the two phases have been co-ordinated to deliver a comprehensively designed mixed use development taking into account neighbouring schemes. The layout compliments the surrounding context and provides a high quality development in accordance with the principles established through the development brief. A clear hierarchy of routes and public spaces have been reinforced within the proposals for the two phases. The hierarchy of routes and spaces has generated a scheme of two courtyard blocks separated by the central pedestrian street leading to the tow path.

Two key nodes include an active frontage and increased scale to reinforce the nature of these spaces. This provision of commercial units including food and drink and leisure uses and primary entrance routes to the blocks will activate the facades of the scheme on all sides. There is also a civic square to the west of the phase one scheme and a proposed public space adjacent to the Leamington Lift Bridge.

The node along the west of the site is the primary public space providing a link between Fountainbridge and the Union Canal for pedestrians and cyclists. The route is designed as a shared surface and a high quality public realm connecting the existing public routes. The route incorporates a key view from Grove Street towards the Leamington Lift Bridge, integrating the Canal into the wider Fountainbridge area.

Through the centre of the site is a secondary public space that provides public terraced gardens and a route from north to south of the site. The design addresses the change in gradient of the site and provides an accessible route to the Union Canal. North of Phase Two will be a shared surface route with pedestrian priority. The primary vehicular route through the site is north of phase two and provides access to the underground car park and Freer Street.

The space between buildings along the primary public space is around 18m, below the 20m street width aspiration of the development brief. However, the proposed width does not detract from the overall quality of the public realm or design of the scheme. Accordingly, it is considered that an infringement on the brief is acceptable and the proposals broadly comply.

The density of the development is commensurate with phase 1 and new development in the surrounding area and complies with policy Hou 4.

Height, Scale and Massing

LDP Policy Des 4 - Development Design - Impact on Setting supports development that will have a positive impact on its surroundings, including the character of the wider townscape, landscape and impact on existing views having regards to height, scale and massing. The Fountainbridge Development Brief notes that this area is characterised by buildings of greatly differing scales and offers guidance on the height of new development. It states that in general, buildings should be set out to 16 metres to eaves and 19 metres to ridge, with a street width of 20 metres at ground floor level. However, the guidance provided on heights should not be used as a rule book or a method of calculating the maximum development potential of sites.

The character of the area is a mix of architectural scales. To the south of the Union Canal, the scale is predominantly low rise with a mix of residential and industrial properties. New developments surrounding Lochrin Basin vary from five to eight storeys, including residential and commercial uses. These buildings incorporate a range of materials from panellised stone to render. Most of the buildings around the canal are modern. Further to the north are traditional tenement buildings and several listed buildings including the A listed Pilkington tenement on Grove Street.

Analysis into the local context identifies that the site sits amongst three distinct massing characteristics in the surrounding area including the Exchange Business District, emerging developments and low rise residential areas to the south of the canal. The proposed massing of this proposal responds to each of these conditions in order to successfully integrate into the urban grain of Fountainbridge.

The business district is characterised by tall buildings focussed around the east end of Fountainbridge and Semple Street. New residential developments such as Springside and India Quay have established a new massing characteristic to the area. This is characterised by increased density and taller massing. Residential areas to the south of the Union Canal are characterised by two - four storey tenement blocks. The massing south of the Union Canal is lower and less dense than that to the north of the canal.

The proposed maximum height of the proposal is around 22.2m to the ridge which sits above the development brief height. However, in the context of the neighbouring buildings the proposal sits comfortably within its surroundings. The northern edge of the site will correlate with the massing of phase one and then step down towards the canal. The prevailing height along the southern edge of the site is 10m with 16m pop ups at key nodes facing civic spaces. The building height correlates with the buildings on the south side of the Canal that are predominantly three storeys in height.

The applicant has submitted verified views that show how the development will sit amongst the wider Edinburgh townscape. The verified views demonstrate that the proposed buildings will be visible below the skyline and merge with existing buildings in viewcone C1d Castle Ramparts - Pentland Hills . Views of Edinburgh Castle will be protected and there will be no significant adverse effect on long views.

Design and Materials

Policy Des 1 Design Quality and Context of the LDP supports development where it will create or contribute towards a sense of place. The scheme should draw on the positive characteristics of the surrounding area and be of a high standard of design.

The scheme proposes two urban blocks with internal courtyard space. The external space around the blocks will form public realm. The blocks are cubic in form with Juliet balconies, recessed windows and smaller window fenestration. Commercial space is on the ground floor in corner units and is well located for public access.

The building's elevations are ordered by a bottom, middle and a top. The bottom of the building is articulated as a 'plinth' of varying heights between one and two storeys and relate to the nature of the accommodation behind. The middle makes up the main portion of the façade of the residential levels with windows set into deep reveals. The parapets on the top storey are articulated with a pre-cast concrete capping or metal pressing and correlate with the material below.

The blocks are predominantly brick and use four tones including three red and one grey. The red tones are used on the external walls facing onto the public realm and grey brick is used for the internal courtyard facades and the townhouses. The commercial units will be highlighted in turquoise glazed brick or tiles.

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. However, the material palette of new buildings in Fountainbridge is mixed and brick has become a characteristic of the area. The proposed design is of a high quality and reflects the changing mixture of materials in the area. Accordingly, a deviation from the Fountainbridge Development Brief is deemed to be acceptable.

d) Housing Mix and Affordable Housing

LDP Policy Hou 2 - Housing Mix requires a mix of housing types and sizes on suitable sites. The EDG stipulates that there should be at least 36 square metres of internal space for studios, 52 square metres per one bedroom unit, 66 square metres per two bedroom unit and 81 square metres per three bedroom unit.

The scheme represents a mix of housing types and sizes ranging from studio flat to three bedroom townhouse. Details of the mix are as follows:

Studio 10	4.4%
1 Bed 108	40.2%
2 Bed 73	31.2%
3 Bed 43	18.4%

All units accord with the internal space guidelines and in most flats exceed the guidance. The mix of units will make a positive contribution to the residential accommodation within this community.

Affordable Housing

Policy Hou 6 Affordable Housing of the LDP requires developments of 12 or more units to include provision for affordable housing amounting to 25% of the total number of units proposed.

The scheme includes 25% affordable housing representing 58 units on the site. The units range from one to three bedroom flats and the mix is representative of the overall mix of the scheme. Units will be distributed throughout the site and will be tenure blind. Housing tenure will be 'intermediate rent' and to be secured by legal agreement.

e) Amenity

Daylighting, Sunlight and Privacy

Policy Des 5 Development Design - Amenity of the LDP supports development where it can be demonstrated that neighbours and future occupiers will have an acceptable level of amenity in relation to noise, daylight, sunlight, privacy and outlook. The Edinburgh Design Guidance sets out standards for protecting residential amenity and how it will be assessed.

The applicant has submitted a daylight report which assesses the level of daylighting on the proposed development and the impact on neighbouring properties. The proposed and existing windows were assessed by Vertical Sky Component (VSC) and Average Daylight Factor (ADF). The proposed development achieves a pass rate of 95%. This translates to 95% of windows achieving at least the minimum standard level of daylight when assessed by either methodology stated above.

Four windows from Edinburgh Quay fail to meet the minimum standards when assessed by VSC and ADF. The fail rate is marginal and will not affect reception rooms. Accordingly, the impact on neighbours is negligible and will not have an unacceptable detrimental impact on neighbouring amenity.

The Edinburgh Design Guide (EDG) requires half of new garden space to be capable of receiving potential sunlight during the spring equinox of more than three hours. The applicant has demonstrated that at least 50% of public realm is capable of receiving sunlight between 11am and 1pm. A high concentration of the sunlight to public realm is on the west approach and the terraced gardens. At least 50% of private garden space will also be capable of receiving direct sunlight between 11am and 1pm on the spring equinox.

In terms of privacy, the ground floor privacy of residents has been considered in the design of the development. The main living space of the townhouses are to the rear facing the courtyard. A buffer zone between public spaces and the façade is created by the formation of gardens with edging and soft landscaping of privacy planting. The buildings are set above ground level and avoid eye level views into private properties.

The privacy of existing residents of Edinburgh Quay has been addressed in the design. The gable of Block D elevation is used for private bedroom accommodation and the existing Edinburgh Quay development windows are from the bedroom and kitchen. The fenestration of Block D has been designed to avoid direct overlooking of the neighbouring windows. The EDG stipulates that the privacy of gables to existing housing is not protected.

Air Quality

The site is not located within any of the declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. The Air Quality Impact Assessment has considered the potential effect to local air quality on Fountainbridge as a consequence of the physical effect of the development on air flows and, therefore, dispersion on emissions from road traffic sources on Fountainbridge. Despite an increase in concentrations due to the "canyon effect" caused by development on both sides of the street, the predicted levels remain below the required air quality objective levels for NO₂, PM₁₀ and PM_{2.5}. A prioritised pedestrian/cycle route and enhanced pedestrian space to the Canal will be provided and support modal shift, mitigating increased vehicle emissions.

Uses

The applicant proposes to introduce Class 3 food and drink uses that will result in commercial cooking at the ground floor level. An adequate extract flue and ventilation system capable of 30 air changes per hour will be installed to protect the neighbouring amenity. This use is acceptable on this basis. In addition, Policy Ret 7 - Entertainment and Developments support leisure uses within the City Centre provided it can be integrated successfully and will not lead to significant noise and disturbance. The proposals meet this criteria and are acceptable in policy terms.

Noise

The applicant has submitted a frequency analysis which has highlighted that plant noise would adversely impact future residents and mitigation measures will be required. The applicant has proposed mitigation measures in the form of upgraded glazing, acoustic barrier and mechanical ventilation. Environmental Protection has no objection to the application subject to compliance with recommended planning conditions. However, some of the restrictions are unreasonable, such as class 11 being yoga only, and have not been applied.

f) Transport

The scheme has been assessed against policies Del 1- Developer Contributions and Infrastructure Delivery, Tra 1- Location of Major Generating Development, Tra 2 - Private Car Parking, Tra 3 - Private Cycle Parking, Tra 4 - Commercial Centres and Tra 8 Entertainment and Leisure Developments - Other Locations of the LDP. The policies support development on suitable sites in the City Centre that are accessible. Any parking provision should comply with the standards set out in the Edinburgh Design Guidance and incorporated within the scheme.

Cycle and Pedestrian Permeability

As part of the development proposals pedestrian routes will be introduced in the form of high quality public realm and link with the existing infrastructure on Freer Street, Fountainbridge and the Union Canal. In addition, the development layout has been designed to connect to and expand on the street network consented for the adjacent office and hotel development.

The scheme will create a comprehensive public realm and pedestrian access to the canal adjacent to Gilmore Park. The completion of the public realm space in conjunction with the works already consented for the hotel and office will ensure a high quality pedestrian and cycle connection between Bruntsfield, Leamington Lift Bridge and Grove Street.

Parking

The car parking provision is 95 spaces, including 16 electric vehicle charge points, seven disabled spaces and 18 motorbike spaces. The maximum standards allow for a maximum of 234 spaces. However, given the city centre and accessible location of the site, a lower level of provision is encouraged. The provision of basement parking is in accordance with policy and guidance and will eliminate the impact on visual amenity of the area and allow the creation of an attractive public realm.

Cycle provision of 528 spaces is provided at basement level. The provision exceeds the standards of the Edinburgh Design Guidance and will supplement the slight under provision of cycle parking in phase one. The Roads Authority was consulted and raised no objections.

Servicing

The development will be serviced on the road north of the consented development separating phase one and two. This avoids conflict with the main public routes. A turning arrangement is proposed in the north east corner of the development to facilitate vehicles turning out of the existing service road without causing conflict with the entrance to Edinburgh Quay car park.

The design of the streetscape and buildings prioritises pedestrian/cycle movement and the site is well served by public transport. The proposed uses within the development will not give rise to any road safety or transport issues, subject to the transport interventions and appropriate contributions being secured.

g) Infrastructure

Tram

Policy Del 1 states that contributions towards the tram network will be sought from future development which impacts on or creates the need for this infrastructure. The Developer Contributions and Infrastructure Delivery Supplementary Guidance requires that where a development falls within 750 metres of the tram corridor it should pay a contribution calculated using Zone 3 weightings. The Roads Authority has assessed the proposal as being outwith Zone 3. However, major developments on land outwith the defined zone 3 will also be considered with regard to their net impact on transport infrastructure.

Given the location of the site and the nature of the uses, it is expected that the tram will be used to access the development. Therefore, the development warrants a tram contribution. The site is calculated to be 830 metres from the nearest tram stop (phase one and two were considered as a whole). The total contribution requested for Phase Two is £96,647 (based on 234 residential units and 382sqm Class 3).

Healthcare and Education Infrastructure

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

Healthcare

LDP Policy Hou 10 states that planning permission will only be granted where there are associated proposals to provide any necessary health facilities relative to the impact and scale of development proposed. The Action Programme sets out a requirement for an expansion to Polwarth medical practice to mitigate the impact of CC3 Fountainbridge.

This site is located within the Polwarth Contribution Zone. The Council is seeking a contribution of £71.40 per dwelling towards the expansion of the existing premises. The contribution towards healthcare facilities equates to £16,708 (£71.40 x 234 units).

Education

The Council's Action Programme identifies the need for additional secondary school capacity and primary school classes. Communities and Families provided a consultation response which sets out the level of developer contributions required for this proposal which falls within Sub-Area BJ-1 of the Boroughmuir James Gillespie's Contribution Zone within the draft Developer Contributions and infrastructure Delivery Supplementary Guidance. The assessment was based on 11 houses and 105 flats (excluding one bedroom flats), using the established 'per house' and 'per flat' rates for that zone. The total land contribution required is £174,796.

h) Sustainability

LDP policy Des 6 - Sustainable Buildings sets criteria to help tackle the causes and impacts of climate change. The applicant has submitted a sustainability form in support of the application. The proposal is a major development and has been assessed against Part B of the form. 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 of the S1 Sustainability Form and contains a number of other measures such as increased cycle parking to address sustainability issues. The new buildings will be required to meet the building regulations and domestic waste collections including recycling bins will form part of the development.

i) Other Material Considerations

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposals meet the Council's requirements. SEPA has no objection to the application. The proposal is acceptable in terms of flood risk, drainage and surface water management requirements and complies with LDP Policy Env 21 Flood Protection.

j) Public Comments

Neighbours were notified of Scheme 1 on 6 February 2019 and re-notified of Scheme 2 on 11 April 2019.

Material Representations - Objections

- Scale, design and layout; this is addressed in section 3.3 b);
- Daylight and sunlight; this is addressed in section 3.3 e);
- Privacy; this is addressed in section 3.3 e);
- Noise and air quality; this is addressed in section 3.3 e);
- Overshadowing; this is addressed in section 3.3 e); and
- Transport; this is addressed in section 3.3 f).

Representations - Support

- Scale, design and layout; and
- Landscaping.

Non-Material Representations

- Loss of private view;
- Existing maintenance of site; and
- Comments relating to phase one.

Community Council

The Tollcross Community Council did not request to be a statutory consultee but supported the application on the following grounds:

- Mix and size of properties;
- Integration of affordable housing; and
- Mix of uses.

Conclusion

The proposal broadly complies with the Edinburgh Local Development Plan and Edinburgh Design Guidance. The principle of a mixed use development is acceptable on this allocated site. The proposal forms part of a wider mix of uses and delivers a mix of housing types and sizes with integrated affordable housing. The development will enhance the edge of the Union Canal, create a high quality public realm and pedestrian/cycle priority routes, contributing towards the cohesive regeneration of the wider area and sense of place. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (recording, excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. No development shall commence until a noise impact assessment has been submitted which details the specific noise glazing and ventilation mitigation measures required to meet the noise levels specified in the noise impact assessment Reference UK12-24974 dated November 2018. This must be submitted to and approved in writing by the Planning Authority. All mitigation measures shall be implemented before occupation of any part of the development.
5. No development shall commence until a noise impact assessment has been submitted which details the specific noise mitigation measures required to mitigate noise from the proposed class 3 uses. This must be submitted to and approved in writing by the Planning Authority. All mitigation measures shall be implemented before occupation of the Class 3 units.
6. The proposed car park extracts shall be located no closer than 20m to sensitive receptors openable windows.
7. Prior to the Class 3 use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no GA Plan Level 8 - Roof dated 21/12/2018 and 'addendum 5' dated 9 April 2019 shall be implemented.
8.
 - i) Within 6 months of the commencement of development the applicant shall submit and gain approval from the Planning Authority for a public art scheme in accordance with the Fountainbridge Public Realm Strategy.
 - ii) Within 12 months of the first occupation of any part of the accommodation the approved public art shall be completed in accordance with the approved public art scheme.

9. No development shall take place on the site until details including sections, elevations, materials and siting of the proposed acoustic screen (shown on drawing 48) are submitted by the applicant and approved by the Planning Authority. The proposed screening shall be implemented before occupation of Block D (as shown in drawing 02).
 10. The following noise protection measures to the proposed residential units as defined in the Ranboll Internal Noise Level Memo' report (Ref 1620004357), dated 4/06/2019:
 - Glazing units with a minimum insulation value of 4/20/4mm double glazing shall be installed for the bedroom and living room external doors and windows on facades highlighted in figure 4.1.
 - A close 3m boarded acoustic barrier shall be erected with the facing material having a minimum surface density of 7 kg/m² and be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base. The barrier shall be located as shown in Figure 3.1.
 - Alternative mechanical ventilation shall be installed to serve all living rooms and bedroom with windows on the facades highlighted in figure 4.1.
- Shall be implemented before the occupation of the first property in Block D.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to protect the development's occupants and human health.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
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6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to ensure that a high standard of public art is achieved, appropriate to the location of the site and in accordance with the Fountainbridge Public Realm Strategy.
9. In order to safeguard visual amenity.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

Tram Contribution Zone - £96,647 (based on 234 units, 382m² Class 3) to the Edinburgh Tram.

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

Healthcare

Polwarth Contribution Zone - £71.40 per dwelling: £16,708.

Education

Boroughmuir James Gillespie's Contribution Zone Sub-Area BJ-1 £174,796.

Affordable Housing

25% on site provision (58 units) mix as follows:

1 bed	34
2 bed	16
3 bed	8

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

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. In accordance with the Council's LTS Travplan3 policy, the applicant should submit an updated Travel Plan within 6 months of the development being occupied.
6. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
7. 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.
8. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment
9. Electric vehicle charging points shall be installed to serve under-croft carparking spaces. Charging points shall have a minimum output of 7Kw (type 2 sockets) and be fully installed and operational prior to occupation.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

The scheme was subject to extensive pre-application discussions and the Edinburgh Urban Design Panel and this has influenced the proposed scheme.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 11 February 2019. Neighbours were notified of the application on 6 February 2019 and 21 days were allowed for comments. The proposals that formed Scheme 1 received six objections and one general comment.

Neighbours were re-notified on 11 April 2019 to allow for comments to be submitted on revised plans and further information for Scheme 2. Scheme 2 received five objections and one supporting representation.

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

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision	Edinburgh Local Development Plan
Date registered	31 January 2019
Drawing numbers/Scheme	01 - 03, 4A, 05 - 20, 21A - 40A, 41 - 49, Scheme 2

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

Contact: Declan Semple, Planning Officer
 E-mail: declan.semple@edinburgh.gov.uk Tel: 0131 529 3968

Links - Policies

Relevant Policies:

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.

Relevant policies of the Local Development Plan.

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

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

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

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

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

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

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

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

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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

Relevant Non-Statutory Guidelines

Appendix 1

**Application for Planning Permission 19/00256/FUL
At Site At Former 159, Fountainbridge, Edinburgh
Mixed use development comprising residential (flats) and
other commercial uses including Class 3 Food and Drink
and Class 11 Assembly and Leisure with associated access
roads, landscaping / public realm and car parking (as
amended).**

Consultations

Affordable Housing response dated 19/07/2019

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

This application is for a Build To Rent (BTR) development consisting of 234 homes and the AHP will apply. There will be an AHP requirement for a minimum of 25% (58) homes of approved affordable tenures. The developer entered into an early dialogue with the Council to agree the tenure of the affordable housing and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 58 (25%) of the new homes, which are central within the development and offer an integrated mix of house types. This is welcomed by the 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 nearby schools.

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 by Section 75 Agreement as affordable housing for a minimum of 25 years. Rents are restricted to Local Housing Allowance levels, in line with policy. No grant funding is required for the delivery of these affordable homes.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. This department welcomes this approach which will assist in the delivery of a mixed sustainable community. The affordable housing will be secured by a Section 75 Legal Agreement.

o The applicant will deliver the affordable housing as "intermediate rent", an accepted type of affordable housing, with rents set at Local Housing Allowance levels for a minimum of 25 years.

o The affordable housing will include a variety of house types and 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 expected to be identical in appearance to the market housing units, an approach often described as "tenure blind". These units will be centrally located within the development.

o The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

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

Scottish Water comment

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following.

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

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.

Next Steps

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.

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.

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.

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.

Environmental Protection - response dated 25/06/2019

The applicant has submitted further information to address the main outstanding noise issue, plant serving the neighbouring building. Environmental Protection had stressed that a frequency analysis was required to assess plant noise and this has now been done. Internal noise levels should be achieved commensurate with NR25 allowing for the windows to be open. The applicants noise addendum has highlighted that NR25 will not be achievable with windows open. Mitigation has been recommended in the form of an acoustic barrier which will provide acoustic protection to the lower floors. Acoustic glazing with mechanical ventilation will be required for all other effected facades.

The applicant has confirmed the exact location of the main plant noise sources as being within the neighbouring development and not the plant on Freer Street.

The applicant has submitted a frequency analysis which has highlighted that the plant noise would adversely impact future residents and mitigation measures will be required. The applicant has proposed mitigation measures in the form of upgraded glazing, acoustic barrier and mechanical ventilation with supporting referenced drawings although not all are detailed enough to allow conditions to be referenced accordingly therefore the noise impact assessment has been referenced.

Therefore, Environmental Protection would recommend that all the applicants noise mitigation measures are fully implemented to ensure impacts on amenity is minimised based on this layout. All conditions below are recommended by Environmental Protection in order to ensure the impacts on amenity are minimised;

Conditions

1. Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

2. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the unit shall be restricted to yoga only, and no other use within Class 11 of the Order.

3. The following noise protection measures to the proposed residential units as defined in the Ranboll Internal Noise Level Memo' report (Ref 1620004357), dated 4/06/2019:

-Glazing units with a minimum insulation value of 4/20/4mm double glazing shall be installed for the bedroom and living room external doors and windows on facades highlighted in figure 4.1.

-A close 3m boarded acoustic barrier shall be erected with the facing material having a minimum surface density of 7 kg/m² and be constructed continuously ensuring there are no air gaps, either between the boards or at the barrier base. The barrier shall be located as shown in Figure 3.1.

-Alternative mechanical ventilation shall be installed to serve all living rooms and bedroom with windows on the facades highlighted in figure 4.1.

shall be carried out in full and completed prior to the development being occupied.

4.No development shall commence until a noise impact assessment has been submitted which details the specific noise glazing and ventilation mitigation measures required to meet the noise levels specified in the noise impact assessment Reference UK12-24974 dated November 2018. This must be submitted to and approved in writing by the Planning Authority.

5.No development shall commence until a noise impact assessment has been submitted which details the specific noise mitigation measures required to mitigate noise from the proposed class 3 uses. This must be submitted to and approved in writing by the Planning Authority.

6.The car park extracts shall be located no closer than 20m to sensitive receptors openable windows.

7.Electric vehicle charging points shall be installed to serve all under-croft carparking spaces. Charging points shall have a minimum output of 7Kw (type 2 sockets) and be fully installed and operational prior to occupation.

8.Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no GA Plan Level 8 - Roof dated 21/12/2018 and 'addendum 5' dated 9 April 2019 shall be implemented.

Environmental Protection - response dated 12/02/2019

The proposed development is the second phase of a two stage development and follows on from phase one which consisted of a hotel with commercial units (planning application 17/05997/FUL). This proposal (phase 2) is for a residential lead mixed use development.

The Freer Street site (formerly no. 159 Fountainbridge) sits adjacent to Edinburgh Quay at the eastern end of the Union Canal. The site forms part of Site 1 of the Fountainbridge Development Brief.

The site is generally surrounded by commercial buildings of varying scale. The Freer Street site is bordered by the Exchange Business District to the north east. The business and financial area is typically characterised by tall commercial buildings. Edinburgh Quay is immediately adjacent to the east of the site. The development comprises offices, residences and a number of un-let commercial units on the ground floor. The site is bounded by Fountainbridge to the north, and the Union Canal to the south.

There are a number of vacant brownfield sites along Fountainbridge. Developments recently completed include the Hampton by Hilton, Lochrin Basin development, Springside Phase 1 and the Boroughmuir High School. A number of major schemes have also been recently consented including residential development at India Quay immediately to the west of the site, and Springside Phase 2 as well as the phase 1 hotel to the north.

The site sits within 'Site 1' of the Fountainbridge Development Brief. (2005) An aspiration of the development brief is to integrate new development with the wider area and promote improved movement through the site to the city beyond.

Environmental Protection have provided input at the pre planning stage and raised a number of issues that would need to be addressed when the full application was submitted. The issues requiring further detailed information included local air quality, noise, commercial ventilation and it was advised contaminated land could be conditioned. Environmental protection has also provided a consultation response on the planning permission in principle application (14/0281/PPP) which covered this site.

The applicant has submitted a supporting noise impact assessment. A noise survey was carried out at the development site to establish the existing noise climate and to assess potential noise impacts affecting and arising from the development.

Noise

The proposal includes the introduction of unspecified Class 3 and 11 premises. The applicant has advised that the class 11 use is likely to be a yoga studio or small gym, but Environmental Protection need to know exactly where this/these unit(s) will be located. Some uses within, Class 11 premises are not necessarily compatible within predominantly residential development. Such premises require to be adequately conditioned and appropriately sited to be able to operate within a residential area without impacting upon residential amenity. Such premises will require a restrictive condition to specific only yoga use or a noise impact assessment assuming worst case scenario recommending detailed measures designed to protect localised residential amenity. Therefore, Environmental Protection will only support unspecified, Class 11 premises including within this application if the applicant provides specific information (Noise Impact Assessment) which proves that localised amenity will be protected. In this regard, the location of such premises is essential at this detailed planning stage. This would allow an adequate assessment of the location of such premises to ensure that residential amenity will not be detrimentally affected by the premises which can cause noise and disturbance.

It may be possible to restrict the use within class 11 to yoga only without the requirement of any noise impact assessment, however the location of the unit would need to be highlighted. If the applicant proposed a small gym then again this could be restrict within the class 11 use but Environmental Protection would require a supporting noise impact assessment as this use is likely to adversely impact residential amenity if not designed and mitigated acoustically. The location of any proposed gym would also need to be identified.

Environmental Protection need to know the exact location of the proposed class 3 uses. The noise impact assessment has not assessed any proposed class 3 uses. This must be carried out to ensure that noise mitigation measures are designed to ensure that no noise breakout will effected any proposed/existing residential above or over looking the proposed class 3 units. Details of the class 3 uses are also required for ventilation of odour issues which will also create plant noise and must be covered in a noise impact assessment.

The proposed under ground car park requires extracts to ventilate the car park. The vents will be located on the north (inlets) and east (extracts) elevations of the proposed development. For exhaust emission reasons the extract must be located 20m from any sensitive receptors. Environmental Protection require this to be highlighted an elevation. The location of the extracts may be creating a noise issue for the proposed development its not clear if this has been assessed. It is also noted that the eastern facade of the proposed development are already exposed to excessive levels of plant noise from the QUAY2 building. This has been identified in the applicants noise impact assessment.

The noise impact assessment has highlighted that noise from the neighbouring QUAY2 low level plant will adversely impact the proposed residential properties located to the north east facades of the proposed 'eastern building'. Environmental Protection highlighted this noise source at an early stage and was expecting the applicant to design out the issue by not locating residential use near to the extract. The applicant has however proposed residential units close to the QUAY2 plant and suggested acoustic glazing supported with mechanical ventilation to mitigate the noise impacts. This is not acceptable, Environmental Protection require this type of noise to be assessed using a frequency analysis and for mitigation to allow for windows to be open. Furthermore it should be noted that any proposed mitigation measures are specific with supporting referenced drawings and detailed enough to allow conditions to be referenced accordingly.

It developed out as proposed it is likely that complaints would be received regarding noise from the QUAY2 plant. Any subsequent investigation by Environmental Health would involve noise assessing the noise with windows opened albeit against nuisance criteria which is a lesser level of protection when compared against amenity levels.

Therefore Environmental protection would recommend that the application is refused due to concerns that the noise impact assessment has not considered the worst-case scenarios and proposed mitigation measures that are not supported by Environmental Protection.

Local Air Quality

The applicant has highlighted that the site is not located within any of declared Air Quality Management Areas (AQMAs), although the Central AQMA includes part of Dundee Street to the west of the site and also areas to the east of the site. It should be noted that any vehicles visiting the site will need to travel through part of a AQMA.

The proposal includes the potential for car parking provision in excess of thresholds contained within non-statutory guidance on air quality assessment, and the proposals include a centralised energy centre comprising a gas-fired Combined Heat and Power (CHP) plant and gas-fired boilers for domestic heating and hot water. Therefore, due to the sensitivity of the area to changes in local air quality, a detailed Air Quality Impact Assessment (AQIA) has been undertaken and submitted in support of the application.

The development proposals have been amended since the pre-application consultation. Substantial car parking facilities are proposed (97 undercroft spaces) as part of the development, therefore the increase in traffic flows associated with the development have been assessed in the AQIA.

The phase 1 air quality impact assessment had highlighted that a change in concentrations will occur within the main section of street canyon only, between the proposed site development and the Hampton Hotel on opposite side of road. The maximum increase in concentrations is ~25% increase in NO₂ occurring at first floor level at the façade of the Hampton Hotel and the façade of the hotel proposed as part of the development. The increase in PM₁₀ and PM_{2.5} was less in percentage terms. No change in concentrations was predicted outside of the street canyon; therefore the highest changes were restricted to commercial receptors on Fountainbridge. The highest change at a residential property was an approximate increase in concentrations of 16-17% at first floor properties at the junction of Fountainbridge and Grove Street. Despite the increase in concentrations due to canyon effects the predicted levels remained below the required air quality objective levels for NO₂, PM₁₀ and PM_{2.5}. Its important to note that both phases of these developments are linked. The creation of the partial canyon by phase 1 and now the introduction of large car park has both got to be considered together. The phase 1 development will have access to this Phase 2 application car park.

The site is very well served with pedestrians and cycle paths. The site is also located near to the Haymarket transport hub with a high level of amenity also provided locally. Environmental protection would strongly recommend that that applicant reviews the excessive level of proposed car parking for such a well connected site.

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

The applicant has stated that they will install 16 electric vehicle charging points .It should be highlighted that this is the minimum requirement stipulated in the Edinburgh Design Guidance that must be achieved. Edinburgh has made huge progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of fuel emissions will contribute to improving air quality, and their quieter operation will mean that a major source of noise will decrease.

The proposed car parking area is in an undercroft area which makes it extremely simple to incorporate charging points. The applicant should consider providing more than the minimum requirement for charging points due to the development close proximity to the AQMA and to mitigate the excessively high level car parking spaces. The applicant would need to install 7Kw (Type 2 sockets) charging points throughout the car park as a minimum standard.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

Rapid (50KW) charging provision must be provided for non-residential developments. Information on fast and rapid chargers is detailed in the following technical guidance. Information on the infrastructure being provided should be included in the supporting transport submission provided with a detailed application. As a minimum rapid charging points shall be located to support taxis and service vehicles.

The proposed development includes a underground car park with 97 spaces which needs to be ventilated. The car park needs to have two air intakes, one being the open entrance and a second which is a perforated shutter on the north side. Induction fans in the car park will push the air to the east side where extraction fans will discharge the air outside at least 20 m away from a sensitive receptor. Environmental Protection shall recommend a condition is attached ensuring that the extract is located no closer than 20m to sensitive receptors. The applicant will need to provide a detailed elevation highlighting the extract points and demonstrating that they are located 20m from any proposed and existing sensitive receptors.

The proposed development includes a centralised energy centre comprising a gas-fired CHP plant (57kW Elco Varion 25 unit) and two gas-fired boilers (2 x 1300kW boilers) for domestic heating and hot water. Environmental Protection had previously advised the applicant that all combined heat and power units must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. The applicant has provided a chimney height calculation within the AQIA. The proposed energy plant exceeds 1MW therefore the applicant will need to include secondary abatement technology to further reduce NOX. It should also be noted that plant of this size is classified as a 'Medium Combustion plant' and now must be registered or permitted with Scottish Environment Protection Agency.

Cooking Odours

The applicant proposes introducing class 3 uses that will introduce commercial cooking. Environmental Protection advised the applicant to provide specific details on where these uses will be located and show the commercial flues on drawings. Environmental protection needs this information before we can consider supporting the application.

Contaminated Land

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.

Therefore, Environmental Protection recommends that the application is refused due to concerns with noise and odour amenity. Concerns have also been highlighted regarding impacts on local air quality mainly due to excessive car parking numbers being proposed.

Archaeology - response dated 12/02/2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for mixed use development comprising residential (flats) and other commercial uses including classes 1, 2, 3 and 11 all with associated access roads, landscaping / public realm and car-parking.

The site occupies part of the former McEwan's Fountainbridge brewery demolished in the early 2000's. Lying between Fountainbridge and the southern bank of the Union Canal, a Scheduled Ancient Monument, the site prior to the late 18th century was thought to open farmland bisected by a burn (now canalised as a sewer) which ran east-west towards what is now Lochrin Basin. The construction of the Canal in the 1820's opened up this site for industrial and housing development, which occurred throughout the following decades. The 1849 1st Edition OS Map shows the site as open ground (? Orchards) but with a rope walk across the application sites northern boundary. However, by 1876 the site has been fully developed with a range of buildings including a rope walk and an Iron Foundry.

Therefore, the application site is regarded as occurring within an area of archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9.

Buried Archaeology

The proposed development will require extensive excavations in terms of construction, landscaping, utilities etc which will adversely impact upon any surviving remains. However, given the results from earlier evaluation and recent demolition activities, the potential significance of such impacts is likely to be low. It is recommended however that if consent is granted, that as part of the overall archaeological mitigation a programme of archaeological work is undertaken during development in order to fully excavate, record and analyse any significant archaeological remains.

It is recommended that the following condition, based upon condition 19 of the 2014 PPP application (14/02814/PPP), is attached in order fully record any buried remains as follows;

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

Archaeological Public Engagement Interpretation

As stated in the 2014 applications covering the overall Fountainbridge redevelopment, Fountainbridge has been central to the industrial heritage of Edinburgh from the late-18th century through to the end of the 20th. According a condition (20) was attached to the 2014 PPP application requiring that this rich heritage was interpreted throughout the development of this area, of which application site forms a central part. Accordingly, site specific interpretation should be undertaken in collaboration with interpretive proposals covering the wider Fountainbridge development sites.

It is recommended therefore that the following condition, based upon condition 20 of the 2014 PPP application (14/02814/PPP), is attached;

' No development shall take place on the site until the applicant has submitted details of a heritage interpretation plan for approval by the planning authority in consultation with CEC Archaeology.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Tollcross Community Council - response dated 12/02/2019

We have followed the preparation of this application and (phase 1) and been generally supportive, particularly of phase 2 for housing (this application).

We are keen for this gap site to be developed and our preference is for housing as virtually none has been delivered on developments in the area up to now. We feel that the mix of sizes is better than most local developments and does provide the proportion of larger flats. Also the provision of the mix for affordable housing is also better than other developments. We also approve of the commercial developments as specified in the application. Whilst the dimensions of the flats meet the guidelines, we feel that they are still rather small, which seems to be a UK problem.

In terms of design, we like the lower-rise buildings along the canal and feel that some note has been taken of locals' preferences on that score and the garden spaces do enhance the area.

Overall Tollcross Community Council supports this application.

Historic Environment Scotland - response dated 19/02/2019

Thank you for your consultation which we received on 06 February 2019. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

<i>Ref</i>	<i>Name</i>	<i>Designation Type</i>
SM11097	Union Canal, Fountainbridge to River Almond	Scheduled Monument

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We note the site boundary for this application may overlap with the above scheduled monument - works within the scheduled area may require scheduled monument consent. We can confirm that the applicant has already engaged in pre-application discussions with us regarding this.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org

Building Standards - response dated 11/02/2019

Geo-environmental Phase I & II reports would be required for the Building warrant application as this was a former brewery site.

Flood Planning - response dated 12/02/2019

Thanks for the consultation request. I have reviewed the documents on the portal and am happy that this satisfies the requirements of flood prevention at this stage so that it can proceed to determination with no further comments from our department.

Waste Management - response dated 06/02/2019

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

I have provided below some general information in relation to this development, but the detailed arrangements need to be agreed with myself at later stage. The architects or developers should liaise directly with me, via email at justine.stansfield@edinburgh.gov.uk

I understand that there will be 234 properties, although it is not clear how many of these are houses, and usually these have different waste requirements.

Compliance with Waste Strategy (Domestic Waste Only)

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

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

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

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

Waste Management Responsibilities

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

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

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

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. We would need to see some explanation of how the bin stores would be serviced, if we are expected to service bins from each location. If we are to enter the site, we require vehicle tracking to show how we would access each bin store and turn, where necessary, and exit safely.

The vehicle swept path provided does not highlight the distance from bin stores, and would need to be amended to show the location and distance from each bin store.

Initial information on the requirements for waste services is available in the Architect's Instructions, which can be provided for reference.

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

Communities + Families - response dated 06/03/2019

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

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

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

Assessment and Contribution Requirements

Assessment based on:

105 Flats (118 one bedroom / studio flats excluded)

11 Houses

This site falls within Sub-Area BJ-1 of the 'Boroughmuir James Gillespie's Education Contribution Zone'.

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

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

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

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

Total infrastructure contribution required: £174,796

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

Edinburgh Urban Design Panel

1 Recommendations

1.1 In general, the Panel was supportive of the mixed-use approach and the development in principle.

1.2 In developing the proposals the Panel suggests the following matters should be addressed:

- Relationship with adjacent development sites
- Principle, use and quality of shared surface
- Residential environment including sunlight/daylight/outlook/open space
- Sustainability
- Relationship of office/hotel buildings on Fountainbridge
- Creation of a less sterile environment and more celebration of canal side location.

2 Introduction

2.1 The site, covering an area of approximately 1.16 hectares, lies to the south of Fountainbridge. The site was previously occupied by the Fountainbridge Brewery, but is now vacant.

2.2 The site is designated as being within City Centre Proposal 3 in the Edinburgh Local Development Plan (LDP), where comprehensive mixed use redevelopment is supported. The site is identified for commercial led mixed use. There is an approved development brief for the site (Fountainbridge Development Brief 2005).

2.3 The proposal is for a mixed use development of offices, hotel/aparthotel, residential (flats) and other commercial uses including classes 1, 2, 3, 11 and public house all with associated access roads, landscaping public realm and car parking.

2.4 The site was reviewed in August 2013 but this is the first time that these proposals have been reviewed.

2.5 No declarations of interest were made by any Panel members in relation to this scheme.

2.6 This report should be read in conjunction with the pre meeting papers which provide a project and planning overview, historic plans, local context plans with photos, site analysis, indicative framework and a concept proposal.

2.7 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

3 Relationship with wider redevelopment of Fountainbridge

3.1 The Panel supported the redevelopment of the site as part of the wider Fountainbridge development. The Panel considered it critical that this site sets a good precedent and considers the relationship with the adjacent site and the wider area to ensure it does not compromise redevelopment opportunities. It is important that there is future-proofing with other development sites.

4 Movement and Parking

4.1 The Panel had major concerns about the shared surface between the two development blocks. In particular, the shared surface is an issue for children and those with visual impairment (further consultation with Disability Scotland etc. was recommended).

4.2 There are a number of users for that space i.e. vehicles accessing car parking, servicing, hotel drop-off etc. and this multi-use needs to be looked at and controlled. The Panel asked the developer to consider whether it was possible to shorten the route to the underground car park to help reduce surface traffic movements and whether the hotel drop off/ pick-up could be to Fountainbridge. It was raised whether the entry and exit for vehicles could be closer together for example on Freer Street only.

4.3 The Panel highlighted that similar shared surfaces have been affected by vehicle parking and therefore some thought needs to be given to controlling parking on the shared space i.e. self-enforcing features and/or the roadway being adopted and having parking restrictions.

4.4 The zig-zag ramp and stair combination needs to be carefully considered in terms of ease of access for pedestrians, cyclists and residents.

4.5 The Panel advocated that a bridge over the Canal would help pedestrian movement. A crossing between Fountainbridge and Grove Street is important as this is a pedestrian desire line. The west bound bus stop requires a shelter.

4.6 The canal tow path can be busy at peak times; it needs more space if people are going to linger there. The cobbles on the tow path are difficult to negotiate for wheel-chair users.

4.7 The Panel highlighted the Council's Street Design Guidance and that the development should comply with this guidance i.e. kerb radii, footways on Fountainbridge.

5 Amenity

5.1 The Panel had some concerns about the affordable housing and the open space being limited shared space. Daylighting was raised as a concern for the lower flats in the courtyard including the family units - a daylighting study should be done. The outlook of some of the family units is unfortunate. Consideration should be given to children's play areas.

6 Sustainability

6.1 More consideration needs to be given to sustainability including an energy strategy.

7 Design/ Context

7.1 The Fountainbridge elevation was a concern in terms of the junction and relationship between the hotel and office building. It looked like two separate buildings coming together rather than an urban block. It was raised that the horizontal and then vertical treatment did not work together. More consideration needs to be given so it reads as two buildings and this could be mitigated with, for example, a change in materials or colour. The appearance is stark and some softening of the elevation would be welcome.

7.2 The Panel asked whether there was enough feel for the Canal edge and whether the development celebrated the water edge and street edge enough. Overall, it was considered that the development was sterile and more could be done to create a better atmosphere/ place.

7.3 The Panel was not convinced about the width of the courtyard in relation to the number of storeys and the levels of daylight/sunlight. One option could be to lower the height on the canal side to allow more sun into the courtyard with a possible increase in height on the opposite side. On the edges, the outlook into the existing offices are not ideal.

7.4 The Panel suggested that examples of other similar sized squares should be provided to support the application.

7.5 The north elevation of the residential block was unresolved with the blank elevations being vulnerable to graffiti. It was questioned whether there was scope for other uses here i.e. workshops, live/work units. The elevation is not very welcoming and the residential environment i.e. location and distance to front doors needs to be thought through.

8 Landscaping

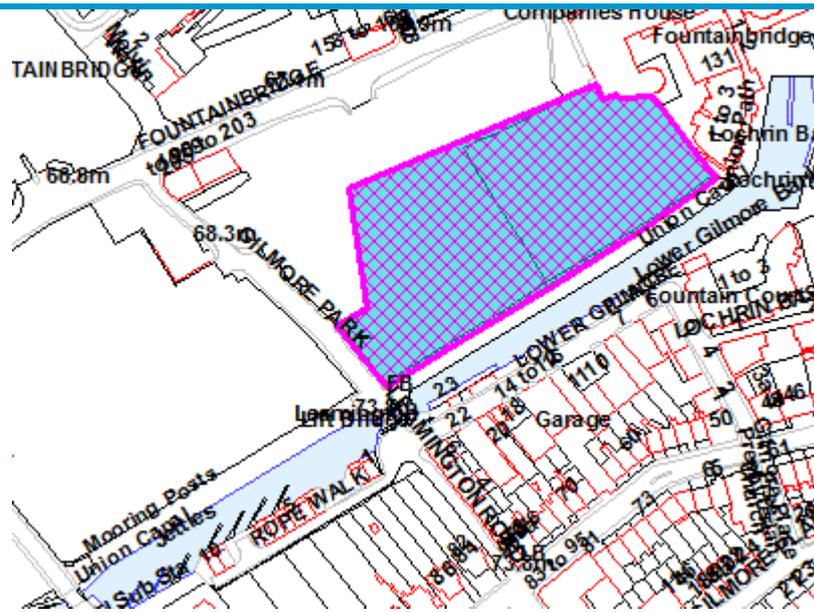
8.1 The Panel raised that the landscaping does not have to be all green but there needs to be a balance.

8.2 Consideration needs to be given to the spacing of the trees and whether green walls could be introduced to soften the development. Future management of the landscaping needs to be given early consideration.

9 Affordable Housing

9.1 The Panel supported the affordable housing on the site. However, it had some concerns about the separation of the affordable housing, whether it looked segregated and whether it could be integrated within the main residential block.

Location Plan



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