

# Development Management Sub Committee

report returning to Committee - Wednesday 9 September 2020

**Application for Approval of Matters Specified in Conds 19/02993/AMC at Land Adjacent to 194 Fountainbridge Edinburgh**  
**Approval of matters specified in conditions 1, 5, 6, 7, 8, 12 & 13 of 15/02892/PPP for Building E including form and massing, design materials, daylight, sunlight, design and operation of private/public open spaces, roads, footways/cycleway/access/servicing, parking, venting, electric vehicle charging, drainage, waste management, operational requirements for commercial uses/ sustainability/floor levels/lighting, site investigation/hard and soft landscaping details and noise mitigation.(as amended).**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## **Recommendations**

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

## **Background information**

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

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six-month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine-month period has now been exceeded and therefore, the matter requires to be returned to Committee for a decision.

## Main report

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

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

Meaningful progress has been achieved in negotiating the terms of this legal agreement. However, there remains a number of substantive clauses where the terms are yet to be agreed. This has led to the nine-month decision period being exceeded in this instance. It is considered that a further three-month extension to the period to conclude the legal agreement will enable the planning permission to be released for this application.

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

## Links

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

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

Or Council Papers online

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