

Development Management Sub Committee

Wednesday 25 September 2019

Application for Approval of Matters Specified in Conditions 19/02475/AMC

At Site 60 Metres South Of 199, Fountainbridge, Edinburgh
Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W4 including residential/commercial units; detail of height, massing, ground floor levels, design of external features/materials including public realm, pedestrian/cycle access arrangements, treatment to adopted roads/footways, servicing, parking, surface water/drainage, street lighting, waste management, hard/soft landscaping details, active frontage.

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The proposal is in accordance with the planning permission in principle. The detail of the proposal is acceptable and broadly consistent with the previous approval of matters specified in conditions application. The applicant has provided sufficient information to discharge the requested conditions (with the exception of condition 20) and conditions requiring further information are included where necessary. The proposal will deliver 113 affordable housing units and commercial space as part of a masterplanned regeneration of this former brewery site. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSGD02,

Report

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Recommendations

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

Background

2.1 Site description

The application site is in the urban area as defined in the Edinburgh Local Development Plan. The site is located within the wider Fountainbridge area identified as proposal CC3 in the Edinburgh Local Development Plan.

The site relates to an area of vacant land that previously formed part of the former Scottish and Newcastle Brewery site and covers an area of approximately 0.46 hectares. The site is bound to the north by Dundee Street and to the west by Viewforth. The Union Canal is to the south of the site and is a Scheduled Monument (reference SM11097, 15 December 2003). Boroughmuir High School and Fountainpark Centre are located to the west of the site.

Much of the immediate area is vacant land however, the character of the area is changing as part of the regeneration of Fountainbridge. There is a mix of emerging uses in the area including residential, retail, office, hotel and education uses.

2.2 Site History

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

30 June 2016 - Planning permission in principle for a mixed-use development comprising classes 1, 2, 3, 4, 7, 9, 10 with associated parking, open space, infrastructure and public realm works was granted (application reference: 14/02814/PPP).

9 December 2016 - Approval of matters specified in conditions 1, 2, 3, 17, 18 and 20 for plot E2 was approved (application reference: 16/033321/AMC).

2 May 2019 - Approval of matters specified in conditions 1, 2, 3, 17, 18 and 20 for plot W3 was approved (application reference: 18/09769/AMC).

27 June 2019 - Planning permission in principle for a mixed-use development comprising classes 1, 2, 3, 4, 7, 9, 10 with associated parking, open space, infrastructure and public realm works is pending consideration (planning application reference: 19/03097/PPP). This is a renewal of application reference 14/02841/PPP).

Main report

3.1 Description Of The Proposal

The application is for approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18 and 20 of planning permission in principle reference 14/02814/PPP for Plot W4. In summary, these are as follows:

Condition 1: Each AMC application shall be accompanied by a site plan;

Condition 2: Each AMC application shall be accompanied by detail of matters (a-m) and (i) - (v);

Condition 3: Each AMC application shall be accompanied by a phasing plan;

Condition 17: Each AMC application to be accompanied by a Daylight Privacy and Sunlight assessment;

Condition 18: Any AMC application shall include minimum of 70% active commercial frontage onto Fountainbridge/ Dundee Street; and

Condition 20: Full details of heritage interpretation plan shall be submitted with each AMC application.

The proposal represents Plot W4 of the first phase of detailed proposals for the 14/02814/PPP permission. The proposal is for a residential-led mixed use development comprising 113 social rent mid-market residential units and 313 square metres of retail space at the ground floor fronting Dundee Street.

The proposed plot W4 layout comprises a 'U' shaped perimeter block surrounding shared courtyard gardens and some private gardens spaces for ground floor units facing the internal courtyard. The building height ranges from three to seven storeys, the flatted block reaches a peak of seven storeys in the north-west of the site fronting Dundee Street and Viewforth. Three storey colony flats are located to the east of the plot. The building line is set back from the Dundee Street and therefore provides an area of public realm between the road and the building.

The predominant materials proposed for the external elevations are a mixture of red and buff coloured facing brick. Metal framed windows and balustrades are also proposed. The proposed materials for the public realm works include a mix of Caithness flagstones and clay pavers.

The layout of plot W4 creates pedestrian routes through the site to other blocks, the canal and the wider city. The site is accessible by pedestrians and cyclists through shared surface streets and links. Cycle parking is proposed within an internal store in the northwest corner of plot W4. Three accessible car parking spaces are proposed at street level adjacent to the accessible dwellings to the east of the site.

Changes from previous consent (ref. 16/03321/AMC)

The application includes minor changes from the previously consented scheme (ref. 16/03321/AMC). These include:

- plot W4 tenure changed to wholly social rent;
- one additional residential unit has been added;
- balustrading along Viewforth has been altered; and
- other minor detailed design developments.

Supporting Information

The following supporting documents and drawings have been submitted with this application:

- Design and Access Statement;
- Daylight and Sunlight Assessment; and
- Overshadowing Assessment.

These documents are available to view on the Planning and Building Standards Online Services.

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 development complies with the planning permission in principle;
- b) the proposed design, scale and layout are acceptable;
- c) the proposal provides an acceptable level of amenity for future occupiers and existing neighbours;
- d) the transport, access and parking arrangements are acceptable;
- e) there are any other material issue; and
- f) representations raised issues have been addressed.

a) Compliance with Planning Permission in Principle

Planning permission in principle (PPP) was granted for the wider site for a mixed-use development comprising residential, office, hotel, retail uses with associated access, landscaping and public realm in December 2016 (planning application reference: 14/02814/PPP). The site has been divided into four smaller plots with individual AMC applications. A subsequent application for approval of matters specified in conditions (AMC) was approved for this plot (planning application reference: 16/03421/AMC). This AMC represents further development of the approved detailed proposals for Plot W4. The applicant has submitted an acceptable site plan and phasing plan for the site compliant with conditions 1 and 2 of the PPP.

The wider PPP granted an indicative mix of uses including 340 homes (25% affordable) and 4,476m² of retail space and other uses that are not subject to this AMC. This AMC relates to 113 social rent affordable residential units and 313m² of retail space on plot W4. Condition 18 requires 70% active commercial frontage onto Dundee Street and the application exceeds this with 83.6% of the frontage being active. The application includes 47.5m of frontage onto Dundee Street. Within this total, 42m is active frontage created by the proposed retail units. Therefore, the proposed provision of retail units in the north of the site at Dundee Street complies with condition 18 of the PPP application, in terms of active frontage requirement at this location.

The proposed residential units and commercial space proposed for this plot are compliant with the granted PPP and the consideration can be given to discharging conditions for reserved matters, subject to sufficient information being provided and compliance with the Edinburgh Local Development Plan (LDP) and Edinburgh Design Guidance (EDG).

b) Design, Scale and Layout

Policy 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.

The layout of Plot W4 has changed since the indicative plans within the PPP. The PPP showed a full perimeter block, however the subsequent approved AMC omitted the southern end of the block and formed a colony terrace to the east. The revision maintains a comprehensive approach to the overall scheme connected with a positive relationship with the public realm, enhancing permeability and allowing more sunlight into the garden areas of the blocks and reduces. Overall, the layout has not changed from the approved AMC and complies with policy Des 7 of the LDP. The residential density equates to 255 units per hectare. The density is compatible with the emerging character of the area and will facilitate the establishment of a new urban area within the city compliant with policy Hou 4.

The proposed seven storey height is compatible with the emerging height of development in the area along Dundee Street and Fountainbridge. The maximum height sits along the main routes and will establish an appropriate urban form. In comparison with the PPP the heights have remained broadly the same and there has been a modest reduction in height in some aspects of the roof since the approved AMC. The contrast between the taller buildings at Dundee Street and the lower buildings within the courtyard interior of the site will add to the visual interest and character of the development.

The visual impact of the massing of the buildings was assessed as part of the PPP application and it was concluded that the proposal will not materially affect key city views either by breaking the skyline or obstructing landmark features including the Castle. This proposal sits broadly within the height and massing of the plans approved at PPP stage. The height, scale and massing are consistent with the previously approved AMC and policy Des 4 Development Design - Impact on Setting.

LDP Policy Des 1 (Design Quality and Context) states that proposals should create a sense of place and be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed buildings are modern in appearance. They have full height windows and the use of projecting and 'Juliet' balconies adds to the visual interest of the design. The main external building material is brick and as noted in the Edinburgh Design Guidance, has good weathering characteristics. Brick has been used successfully at neighbouring Springside and on other developments in the wider area. Brick is now a characteristic material of Fountainbridge referencing the historic industrial character of the area. The metal windows will have an attractive appearance and will complement the brick. The design palette of materials is appropriate for the location. The quality of the external building materials will remain controlled by condition 6 of the 14/02814/PPP permission.

Overall, the development would sit comfortably with the wider PPP site. The proposals will provide a suitable density, layout and design solution for the development of the former brewery site which in turn will contribute to the regeneration of the wider Fountainbridge area. The proposals are broadly consistent with the previously approved AMC and comply with the relevant policies in the LDP and therefore the relevant aspects of condition 2 can be approved.

c) Daylight, 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.

There are a variety of units, including one and two bedroom flats, triplex apartments and a triplex house. The internal space standards of all housing units comply with the recommended standards in the EDG. The flats have an open plan layout which allows light deeper into the floor plans and cuts down on redundant circulation space. Across the development as a whole, 65% of apartments are single aspect, with 35% of apartments either dual or corner aspect. This does not accord with the requirements of the Edinburgh Design Guidance which states that single aspect dwellings should not make up more than 50% of the overall dwelling numbers. The Guidance also states that where single aspect units are incorporated, it is important to meet the requirements for daylight and sunlight. When considered alongside Plots W1 - W3 the development as a whole will achieve over 50% dual aspect homes. The % of dual aspect homes for plot W4 is broadly similar to the approved AMC.

The submitted Dwelling Sunlight and Daylight Analysis Report shows that, generally, the flats meet the requirements for daylight set out in the guidance with direct skylight penetrating at least halfway into all habitable rooms. The use of floor to ceiling windows helps to maximise daylight. In relation to sunlight, generally the development achieves the requirements for sunlight within new garden spaces. The development form is based on perimeter apartment blocks organised around shared central corridors which allow common access to cores, lifts, refuse chutes, services and risers. The open plan nature of the flats allows additional daylight into the rooms.

The results and observations presented within the overshadowing assessment indicate that the majority of created amenity space within the proposed development complies with the criteria set out by EDG. This indicates at least half of the amenity area is capable of receiving more than three hours of sunlight on 21 March.

The proposed development is located a sufficient distance from any existing and proposed residential properties so as not to result in any significant overlooking or loss of privacy to these neighbouring dwellings.

Overall, the proposal is broadly consistent with the approved AMC and no new amenity issues have been raised. The proposals are broadly compliant with policy Des 5 of the LDP and condition 17 can be approved.

d) Transport

The scheme has been assessed against Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking). 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.

Three vehicle parking spaces are proposed at street level adjacent to the accessible dwellings. Further vehicle parking is proposed to the south of plot W4, within the basement car park at plots W1 and W2. The site is within zone one of the EDG car parking standards that permit a minimum of zero and a maximum of 113 vehicle car parking spaces. The significantly lower provision of car parking in this accessible location is supported.

Cycle parking is proposed within internal stores accessible from Dundee Street and Viewforth. These spaces will provide 104 cycle spaces for residents use, utilising a two-tier stacked cycle parking system. Additional cycle parking will be provided along Dundee Street and within the internal courtyard. The current Parking Standards require a minimum of 213 cycle parking spaces for the proposed residential plot W4 development. However, the provision of 104 internal spaces represents at least one cycle parking space per flat with the units with garden space able to provide their own additional cycle parking spaces. The units are highly accessible by walking and public transport and the proposed provision of cycle parking in accordance with the previously approved AMC is considered acceptable. On-street visitor cycle stands will be provided at two locations in the north of plot W4 at Dundee Street. A total of 74 visitor cycle parking spaces are proposed throughout plots W1-W4.

Information has been supplied in relation to waste management, refuse collection and recycling. Waste collection will be provided by the City of Edinburgh Council waste collection service. Internal refuse collection storage areas are located to the east and west of the flatted block. This area is accessible from the access road to the east and Viewforth. The streets have been designed as a shared surface with the primary vehicular route through the site from Fountainbridge to the underground car park. A secondary vehicle route runs through the site between north and south and between Plots W1 and W2 providing access to the accessible parking spaces. A layby with a clearance of 0.5m is to be provided to the north of the site on Dundee Street, The design of the layby has taken account of the adjoining cycle route and incorporated a safe distance to protect cyclists from 'dooring' where bikes are obstructed by car door openings. The principles of the vehicular movement were set out at the PPP stage. The transport arrangements are acceptable subject to compliance with the condition 1 below and the relevant parts of condition 2 can be discharged.

e) Other Material Planning Issues

Lighting

Details have been provided in respect of external lighting. The strategy includes the use of column and building mounted lanterns. Residential scale lighting columns will be located in the south of the site adjacent to residential properties and the community garden. Building mounted lanterns will be located in the north of the site. This satisfies part l) of condition 2 of the PPP.

Landscape

The landscaping proposals which include tree planting, grassed areas, hedge planting, groundcover planting and community growing space will serve to promote biodiversity at this city centre site. A planting schedule has been submitted, which outlines the proposed groundcover and tree planting that will support biodiversity and is acceptable.

In terms of public realm, the landscape strategy remains unchanged from the previously consented AMC. Pedestrian pavements along Fountainbridge, Dundee Street and Viewforth will be paved with warm buff colour Caithness flagstone pavers. Clay pavers will be used within the internal shared surface spaces and concrete brick pavers are proposed within the internal courtyards. The proposed materials are compatible with the Fountainbridge Public Realm Strategy.

Ground Conditions

The application site has been subject to a number of operations which could potentially result in contamination. A Site Investigation Report and a Phase II Geo-technical and Geo-environmental Report have been prepared during the PPP and AMC process. The design proposed has acknowledged the findings of these reports and incorporated remediation strategies as appropriate.

Archaeological Heritage

The application provides some detail in relation to a heritage interpretation plan that includes the reuse of the historic brewery clock. While this proposal is welcomed, the information provided is insufficient to fully meet the requirements of condition 20 of the 14/02814/PPP which requires full details to be provided with each AMC application. A condition is recommended which requires further details of the proposals to be submitted and approved prior to development commencing on site.

Drainage and Flooding

LDP Policy Env 21 (Flood Protection) does not allow for development which would increase flood risk. The applicant submitted a Drainage Strategy Plan, Flood Risk Assessment and SUDS Maintenance Plan as part of the PPP and AMC process. The applicant has satisfied the Council standards. The proposal includes attenuation tanks, planting schemes and porous paving. CEC Flood Prevention and SEPA have raised no objections and the proposals are acceptable and part i) of condition 2 can be approved.

f) Representations

No representations were received.

Conclusion

The proposal is in accordance with the planning permission in principle. The detail of the proposal is acceptable and broadly consistent with the previous approval of matters specified in conditions application. The applicant has provided sufficient information to discharge the requested conditions (with the exception of condition 20) and conditions requiring further information are included where necessary. The proposal will deliver 113 affordable housing units and commercial space as part of a masterplanned regeneration of this former brewery site. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) 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 what is shown on the approved drawings and supporting information, prior to the commencement of development on site, further details shall be provided of the heritage interpretation plan for the approval of the Planning Authority in consultation with CEC Archaeology.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

2. 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.
3. 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.
4. All boilers must be fitted with secondary abatement technology.
5. Conditions of the Planning Permission in Principle to which this application relates remain and are required to be discharged.
6. **Transport Informatives**

6.1. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;

6.2. A minimum of 213 secure cycle parking spaces is required for the proposed residential unit. The proposed 126 cycle parking spaces(104 secure cycle spaces + 22 visitor spaces) does not meet the minimum cycle parking requirement for the proposed 106 flatted residential development;

6.3. A layby with clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along south side of Dundee Street;

6.4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);

6.5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

6.6. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;

6.7. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

6.8. 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;

6.9. A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.

6.10. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

6.11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.

The disabled parking bays have to be marked on-street and signed;

6.12. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

6.13. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame; and

6.14. The visitor cycle parking for the development should be located at convenient locations, near the main entrances.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 10 June 2019. Neighbours were notified of the application on 10 June 2019 and 21 days were allowed for comments. The proposals received no consultation responses.

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	30 May 2019
Drawing numbers/Scheme	01 - 37, Scheme 1

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 PLACE
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Links - Policies

Relevant Policies:

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

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

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

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

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

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

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

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

LDP Policy Env 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 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 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.

Relevant Non-Statutory Guidelines

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.

Appendix 1

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Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W4 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.

As stated in my 2014 response to the main application 14/09769/PPP, it was recommended that as part of the overall archaeological mitigation strategy that the site's important industrial heritage be interpreted. Accordingly, condition (20) was attached to ensure this important heritage was interpreted within the final design of this and across the whole development area. This referenced to on page 78 of the Design Statement produced by 7N Architects for this site.

Although it lacks detail in terms of this site, it does however recognise this site's part in the overall design with the use of planting to reflect its industrial past to be incorporated. However, although it is working towards satisfying the aims of condition 20, we will still need to agree the final detail, both in terms of this site and how it integrated within the main application site. In deed looking at the outline scheme the importance of the work and history of the NBRCO needs to be brought out more and there needs to be more discussions of public art and interpretation.

Flood Planning - response dated 01/08/2019

I recently responded to a consultation request for the same site under 19/03097/PPP. The applicant had requested the information provided under 16/03321/AMC be used in the application.

Assuming the information provided in 16/03321/AMC can be used in this application, I am happy for the application to be determined with no further comments from our department.

Transport - response dated 13/08/2019

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

- 1. It is understood that all matters relating to Transport Contributions for the proposed development site have already been secured through the Section 75 Legal Agreement for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to;*
- 2. A minimum of 213 secure cycle parking spaces is required for the proposed residential unit. The proposed 126 cycle parking spaces(104 secure cycle spaces + 22 visitor spaces) does not meet the minimum cycle parking requirement for the proposed 106 flatted residential development;*
- 3. A layby with clearance 0.5m wide to be provided to ensure cyclist safety on the cycle lane along south side of Dundee Street;*
- 4. The applicant should be advised that as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7 (Category A - New Build);*
- 5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 6. In accordance with the Council's LTS Travplan3 policy, the applicant should submit a draft Travel Plan prior to first occupation of the premises and a final Travel Plan within 12 months of that date. The scope to be agreed with the Head of Planning and Transport. The Travel Plan should include agreement to provide, secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and a monitor within the property capable of displaying real time public transport information;*

7. The applicant must be informed that any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents;

8. 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;

9. A Restricted Parking Zone is to be considered for the site, this will remove the requirement for yellow lines but signs will still be required.

10. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved by the Head of Planning and Transport.

The disabled parking bays have to be marked on-street and signed;

12. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

13. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame;

14. The visitor cycle parking for the development should be located at convenient locations, near the main entrances;

Note:

o Cycle parking to be provided at the garden area of the proposed 3/4 bedroom colonnades.

o Cycle parking provision for the proposed 363sqm retail unit complies with CEC minimum cycle parking requirement of 2 spaces in Zone 1.

o Scottish Canals require service vehicle access to maintain the canal infrastructure. Vehicle access along the canal towpath requires an agreement with Scottish Canals to ensure that they have maintenance access and that measures are in place to prevent parking misuse.

o It is understood that the car parking requirements for the proposed development site have already been agreed for the Planning Permission in Principle (PPP) that this Approval of Matters specified in Conditions (AMC) application relates to; undercroft car parking for site W1.

o There are several redetermination orders, traffic regulation orders (parking within the development, speed limits, waiting & loading restrictions) and disabled bays required. These requests will be submitted by WSP once street names are finalised etc;

o Discussions on suitable road materials will be required at an early stage and will be approved as part of the Road Construction Consent;

o Refuse storage facilities should be no more than 10 metres of an area which can be accessed by a refuse removal vehicle unless factors are involved. It is recommended that the applicant discusses refuse collection with the Waste Services Manager.

Affordable Housing - response dated 01/08/2019

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 7 Affordable Housing in the Edinburgh City Local Plan.

o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

2. Affordable Housing Provision

This application is for a mixed development including up to 113 homes and as such the AHP will apply.

The mixed use development will be delivered by the Council and will include up to 113 affordable homes, 113 Social Rent (100%). This is welcomed by the department. The affordable homes are required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides.

In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities on Dundee Street.

3. Summary

The applicant has made a commitment to delivering affordable housing on the site and this is welcomed by the department.

o The applicant is requested to confirm the tenure type and location of the affordable homes prior to the submission of any future applications

o The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site

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"

o An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

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

Environmental Protection - response dated 05/08/2019

The applicant wants to obtain consent for changes to the design and tenure of Fountainbridge Plot W4 since the previous consented AMSC (16/03321/AMC). Environmental Protection do not object to these amendments subject to all the previous comments being carried forward. Updated information has been provided on the energy system as there has been regulatory changes since the last application was consented. The applicant should also review the Edinburgh Design Standards with regards the current requirements for electric vehicle charging infrastructure.

This is an application for Approval of Matters Specified in Conditions (AMSC) related to the Planning Permission in Principle for a mixed use development at a site 60 meters South of 199 Fountainbridge which was granted planning consent (Planning reference 14/02814/PPP). This AMSC application relates to the detailed residential, commercial and public realm proposals on the western part of the site (area known as W4).

The site is bounded to the north by Dundee Street and Fountainbridge and to the south by the canal towpath and the Union Canal. The western boundary of the site adjoins Viewforth with the new Boroughmuir High School beyond. The eastern boundary of the site abut Gilmore Park

The wider site area, which comprises plots W1 - W4, will predominantly be in residential use with proposals for ground floor retail and commercial uses only. This will change for W4 if this application is consented allowing for residential to be located at ground floor.

The Applicant is requesting approval of the matters for a number of conditions. Below are the conditions relating to Environmental Protection. The applicant has provided supporting information relating to each condition.

2/J.All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and/or ventilation, hours of deliveries and collections;

Environmental Protection offers no objection to the discharging of this condition. The commercial and business use only refers to the uses Class 1 and 2; Environmental Protection will require additional noise and ventilation details if any other use class is to be considered in the commercial or retail areas. The applicant has provided details of the external plant including a chimney height calculation which confirm the energy plant (3Mw +) compliance with the Clean Air Act Subject to the installation of a large flue as detailed in drawing number 21173-W-(50)200 Rev C dated 04/05/2015. Due to the size of the proposed energy and its location in close proximity to the central air quality management area Environmental Protection will require a condition is attached that ensures that secondary abatement technology is attached to the proposed boilers and CHP units.

The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will still require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).

The proposed hours of operation for the use class 1 & 2 are acceptable (09:00 to 18:00) and Class 1 food retail (07:00 to 22:00).

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

Car parking for the proposed India Quay Phase 1 development is predominantly proposed within a single underground parking structure beneath blocks W1 and W2 to the south of the site. A minimum of 6 electric vehicle charging points shall be provided one of which should be of the following standard; 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

The applicant has provided satisfactory details of the parking venting and exhaust system, it must be installed as per drawing number 21173-W-(593)1000 dated 21/04/2016.

9. Class 1 Retail hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage. -

Environmental Protection is satisfied with the proposed hours of operation for the use class 1 retail units.

11. Class 3/ Class 10 / Class 11 (Food & Drink/ Non Residential Institutions/ Assembly and Leisure) Hours of operation will require to be agreed at the Approval of Matters in Conditions (AMC) stage. -

Environmental Protection cannot support the discharging of this condition with the level of information provided. Environmental Protection do not support the introduction of any class use 3, 10, 11 or public houses uses with this current level of detail.

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

This condition can be discharged on the understanding that it only currently relates to the Class 1 operations as proposed.

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

Therefore Environmental Protection offers no objections subject to the following conditions;

1. All boilers must be fitted with secondary abatement technology.

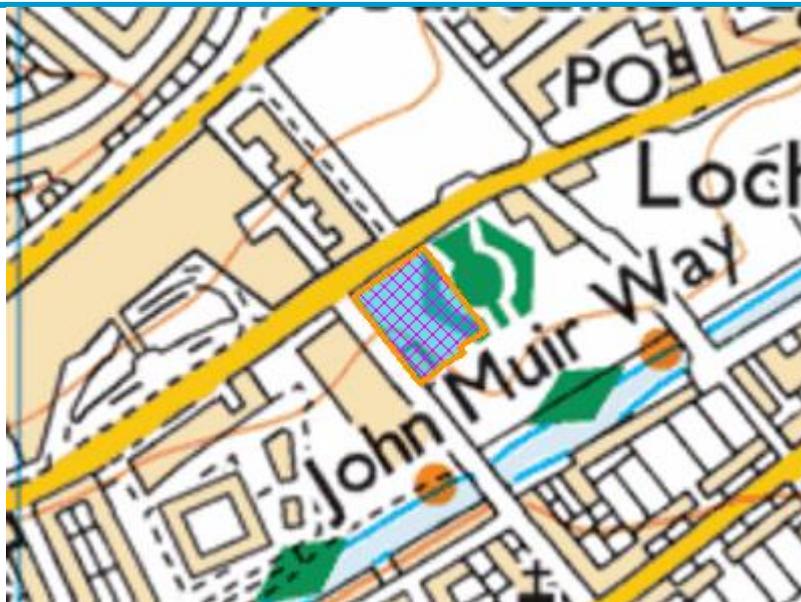
2. i) Prior to the commencement of construction works on site:

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.

Location Plan



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