

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
229 Willowbrae Road, Edinburgh, EH8 7ND**

Proposal: A residential development consisting of 48 apartments with a commercial unit at ground level.

**Item – Committee Decision
Application Number – 22/02740/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the number of objection comments exceeds the threshold of the Council's Scheme of Delegation.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it will preserve the setting of nearby listed buildings.

Overall, the development is in accordance with the development plan. The development provides high density housing in a sustainable location and will have a positive impact on the character of the surrounding neighbourhood. An acceptable amount of car and cycle parking and amenity open space is provided. The housing mix provides an acceptable range of accommodation sizes and includes on site affordable housing provision. The proposals are an acceptable design, scale, height, and density and are appropriate for the location.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

There are no material considerations which outweigh the proposal's accordance with the Development Plan.

SECTION A – Application Background

Site description

The site measures 0.34 hectares and is located on Willowbrae Road, at the junction with Northfield Drive. It is the former site of the Radical Road public house and restaurant and a single storey retail unit formerly occupied by a fish and chip takeaway and bookmaker's outlet. Most buildings on site have been demolished and the site is currently largely brownfield in nature, with the exception of the retail unit which is currently present and operational. An operational telecoms mast is located within in the southeast of the site within the site boundary which will be retained in situ.

The site has a prominent frontage onto Willowbrae Road and Northfield Drive. Willowbrae Road is a principal route into the city centre and provides frequent bus services, with southeast and northwest bound bus stops located within 100m of the site. Northfield Drive is a local access road and additional bus services run along Northfield Broadway, which branches to the northeast from the corner adjacent to the site.

The site slopes from east to west by approximately 3m. Land to the immediate southeast of the site is occupied by a single storey car showroom with forecourt area to the frontage onto Willowbrae Road. An area of public allotments is located to the immediate southeast of the site. Beyond this, the land slopes downwards and land to the east and northeast of the site is occupied by a residential development of three to five storey flatted blocks along Northfield Drive. The triangle of land opposite the site to the immediate northwest is occupied by an area of amenity open green space containing a number of mature trees.

Land immediately opposite the site on Willowbrae Road is occupied by a Premier Inn hotel which includes a two-storey stone villa with modern extensions to the rear, set back within garden grounds. A petrol filling station and forecourt is situated adjacent to the hotel. Two residential three/ three-and-a-half storey flatted blocks are located to the immediate northwest of the petrol filling station, fronting onto Willowbrae Road.

There are several listed buildings within visual proximity of the site, located between 50m and 100m to the south along Willowbrae Road. These are.

- 260 Willowbrae Road (Cat B, ref LB29933, listed 14th June 1966),
- Duddingston Forge at 243 Duddingston Road (Cat B, ref LB29937, listed 20 February 1985),
- 126 Duddingston Road (Cat B, ref LB29936, listed 14th December 1970),
- Mill cottages at 1-5 Duddingston Mills (Cat C, ref LB29940, listed 19th January 1982)
- 31-33 Duddingston Mills (Cat C, ref LB49041, listed 19th December 1982).

Description of the Proposal

The proposal is for the erection of a residential led development, comprising 48 apartments with a 163 sqm commercial unit at ground floor and associated access and landscaping. The commercial unit is proposed for use as a hot food takeaway (sui generis).

The development will consist of a single building, arranged in a crescent form facing onto the corner of Willowbrae Road and Northfield Drive. The building frontage onto Willowbrae Road is four storeys in height and steps down into the sloping site to incorporate a lower ground floor level to the rear of the building. The roof form will be flat. The hot food takeaway unit is located at the southern end of the development at ground floor level and will have a separate entrance facing onto Willowbrae Road.

The building is arranged around three separate stair cores, with access to these provided on both the front and rear elevations. A lift will be provided in each stair core providing accessibility to all apartments.

The development comprises 48 residential apartments which are a mix of one to three bedroom in size. A housing mix of 17 one-bedroom apartments, 20 two-bedroom apartments and 11 three-bedroom apartments is proposed.

The development will include twelve affordable homes (25% provision) which are a mix of one to three bedroom in size, as per the properties for sale. This will be accessed via single stair core. An affordable housing mix of three one-bedroom apartments, six two-bedroom apartments and three three-bedroom apartments is proposed.

The principal and gable elevations of the building will be finished with buff ashlar sandstone. Further detail will be provided on the principal elevation through the inclusion of sections of neutral tones acid etched cast stone, which will be incorporated in cills, lintels, and vertical forms. To the rear, a blonde facing brick is proposed.

Pedestrian access into the building will be provided from the street into three shared stairwells. Further pedestrian access is provided via a pedestrian gate onto a footpath which will connect from Northfield Drive into the site and provide connections within the site to each of the three rear access doors.

Cycle storage is provided within the building and will be accessed via the rear of the building at lower ground level. 110 cycle storage spaces are provided. The cycle storage will comprise a mix of two-tier racks (54 spaces), Sheffield type stands (34 spaces) and non-standard cycle parking spaces (22 spaces). An external short stay cycle stand with capacity for two cycles will be provided at the entrance of the commercial unit.

Vehicular access into the site is via Northfield Drive. 13 car parking spaces are provided to the rear of the building, positioned along the northern boundary of the site. A gated access point is provided into the development. Two motorcycle spaces are also provided. The car parking provision includes one accessible parking space and four spaces for electric vehicle charging.

Separate refuse stores are provided at ground floor level for residential and commercial waste. These are accessed via Willowbrae Road.

Landscaping will be provided to the front and rear of the building. A landscaped buffer strip ranging from 3m to 5m wide is proposed to the front of the building, providing separation between the building at the street. This will be interspersed with level access paths providing ramped access to the stairwell entrances to allow accessibility for all. A low boundary wall is proposed along the street boundary to define public and private spaces. A small area of public realm is proposed outside the commercial unit which will include two street trees.

Open space is provided to the rear of the site. This will include grassed areas with soft landscape planting (695 sq.m) and hard landscaped footpaths to provide connections between the properties and parking area. Nine apartments will have private balcony space to the rear of the building at first to third floor level.

The proposed layout will allow for vehicular access to be retained through the proposed parking area to the telecoms tower positioned in the south-east of the site.

Supporting Information

- Design and Access Statement
- Flood Risk Assessment and Surface Water Management Plan
- Transport Statement
- Proposed Landscape Strategy
- S1 Sustainability Form
- Energy Statement
- Noise Impact Assessment (updated)
- Affordable Housing Statement

Relevant Site History

20/02101/FUL

229 Willowbrae Road

Edinburgh

EH8 7ND

A residential led development consisting of 48 apartments over 2 apartment buildings with a commercial unit at ground floor.

Refused

14 January 2021

16/05399/FUL

235 Willowbrae Road

Edinburgh

EH8 7ND

Change of use from car showroom to purpose-built student accommodation and retail units at ground level with ancillary facilities, landscaping, access, and parking.

withdrawn

23 January 2017

17/01565/FUL

235 Willowbrae Road

Edinburgh

EH8 7ND

Planning application for full planning permission for change of use from car showroom to purpose-built student accommodation and retail units at ground level with ancillary facilities, landscaping, access, and parking.

Refused

26 May 2017

17/05809/FUL

228 Willowbrae Road

Edinburgh

EH8 7NG

Extension to the existing hotel to provide additional bedrooms and alterations to car park in addition to minor elevational changes.

Refused

4 April 2018

18/03302/FUL

228 Willowbrae Road

Edinburgh

EH8 7NG

Extension to the hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes.

Refused

30 August 2018

Other Relevant Site History

No other relevant planning site history

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Willowbrae and Northfield Community Council

Environmental Protection

Transport

Flooding

Affordable Housing

Waste

Scottish Water

Communities and Families

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 2 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable.

Site Notices Date(s): Not Applicable.

Number of Contributors: 65

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old.
- equalities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

Assessment

a) The proposals harm the listed building and its setting.

The following HES guidance is relevant in the determination of this application:

- Managing Change - Setting

Listed Buildings and Setting

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. It can often be integral to a historic asset's cultural significance.

Setting extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

There are a number of listed buildings within proximity of the site. These are located between 50m and 100m to the south of the site. The Category B listed villa at 260 Willowbrae Road is set back from the main road in large garden grounds. This property has a number of substantial mature trees within the garden grounds which help to protect the buildings amenity and provide its setting. The villa house at 126 Duddingston Road, is also relatively visually removed due to its distance from them site and orientation onto Duddingston Road. The impact of the proposed development on these buildings and their setting is considered to be negligible.

The Category C listed cottages and tenements at Duddingston Mills and the Category B listed single storey Duddingston Forge building have a small scale and intimacy to their built character, with the buildings ranging between one and two and half storeys in height. It is recognised that the proposed development is some distance from these cottages, and therefore the impact of development on their setting is in the wider rather than immediate context.

The proposed development will introduce a tenemental building form to the streetscape which is characteristic of main thoroughfare routes across the city and will bring a good quality of development form to the local area. The proposed building has been reduced in height from the previously refused scheme on this site from five storeys to four storeys. The building from will create a strong frontage onto Willowbrae Road and respects the development pattern along Willowbrae Road, with a clear separation of private dwellings set back from the road with a landscaped buffer strip. It is considered that the proposal introduces a compatible building form to the street frontage and local area which is acceptable in this context.

Conclusion in relation to the listed buildings

Section 59 (1) the Planning (Listed Buildings and Conservation Areas) (Scotland) (Act) states that the proposals are required to preserve the setting of the listed building including any special architectural or historic interests it possesses. The ability to experience, understand and appreciate the special interest of the listed buildings would not be harmed by the proposed development. The application, therefore, complies with Section 59 of the Act.

a) The proposals comply with the development plan.

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policy Env 3
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Retail policy Ret 11
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Environment Policies Env 9, Env 16, Env 21, Env 22

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies. Supplementary Guidance set out in Developer Contributions and Infrastructure Delivery is also a material consideration.

Principle of Development

The site lies within the urban area of the adopted Edinburgh Local Development Plan where policy Hou 1 Housing Development states that priority will be given to the delivery of the housing land supply and relevant infrastructure providing proposals are compatible with other policies in the plan. It is in a sustainable location. The principle of housing in this location is therefore acceptable providing other policy criteria can be met.

The development of hot food takeaways is managed by policy Ret 11 which notes that the provision of food and drink establishments is a recognisable component of urban living and provides criteria to be met to ensure that such development will not result in any negative amenity impacts or an over-concentration of provision in a local area.

The development proposes a small scale single hot food takeaway unit which will replace the existing hot food takeaway unit on this site currently occupied by the Barracuda Fish and Chip shop, which will be demolished to make way for the development. It is the intention that the new ground floor commercial space will accommodate this existing business, therefore there will be no overall change in the provision of hot food takeaways in the local area. The applicant has provided supporting information in relation to noise and air quality which is assessed later in this report of handling. The development is therefore acceptable in principle provided it complies with other policy requirements.

Listed Buildings

The impact on neighbouring listed buildings has been assessed in section (a) above and complies with LDP Policy Env 3.

Design context, height, scale, and materials

Context

LDP Design Policies Des 1 to Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The surrounding built environment is urban with a mix of building materials and styles. This part of Willowbrae Road is characterised by a historic pattern of buildings largely fronting directly onto the street and set back from the busy street frontage with generous garden grounds, interspersed with larger areas of open space such as that opposite the site to the north. There is also a mix of modern developments within the urban pattern such as the adjacent car sales garage and petrol filling station which do not fit this pattern, and which have over time eroded the predominant pattern of development in the area. It is important therefore to ensure that new development does not further erode the pattern of development and will make a positive contribution to the overall quality of the urban environment.

The previously refused application (reference 20/02101/FUL) proposed two pavilion style residential blocks on the site, set within an area of landscaped green open space with car parking to the rear. Much of the green space provided on site was located between and in front of the buildings and did not provide a good level of amenity for occupiers, particularly given the site's location on a major thoroughfare. The proposed layout of that scheme did not form a strong frontage onto the street corner of Willowbrae Road and Northfield Drive and was not considered to make a positive contribution to the overall quality of the built context in this regard.

The site layout proposed in the current application allows the building to form a strong crescent-shaped frontage with the street, which clearly defines the street corner, whilst bringing a density of development to the site which is appropriate for a main route within the city. The building is set back from the street frontage by a landscaped buffer strip which provides a clear separation between public and private space.

The provision of open space to the rear of the building allows good quality, usable open space to be provided for residential amenity. Car parking will be provided to the rear of the building and is positioned along the site boundary. This arrangement benefits the amenity and usability of the green space to the rear by providing a direct connection from the rear entrances to the apartments onto the green space and will not impact adversely on the appearance of the building from the street frontage. The appearance of the building is clearly residential in character and provides a legible use within the context area.

Height, scale, and massing

LDP Policy Des 4 seeks to ensure that new development is compatible with the surrounding area in terms of height and form as well as scale and proportion. Building heights along this part of Willowbrae Road are currently mixed, ranging from two storeys to four storeys in height.

The two apartment buildings proposed in the previously refused planning application were both five storeys in height onto the street frontage, dropping down to include a partial sixth lower-ground storey to the rear elevation. That development proposal provided the same quantum of development (48 apartments and a ground floor hot food takeaway) as the development proposed in this application. The revised scheme set out in this application will create a four-storey frontage onto Willowbrae Road, dropping down to include a partial fifth lower-ground storey on its rear elevation where the site level falls. It is therefore a storey less in height yet achieves the same density of development on the site.

The proposed building is a maximum height of 45.76m AOD. This is a comparable height to the residential building located diagonally opposite the site at 224 Willowbrae Road, which reaches 45.68m AOD in height. It is noted that there are several five storey residential properties located in the nearby Northfield neighbourhood, however these sit at a significantly lower level than the site itself, and do not provide a comparable measure in relation to appropriate building height.

The proposed development therefore provides a more appropriate fit with the surrounding building heights, whilst allowing a built form and density to be achieved on the site which will make a positive contribution to the overall structure of the built environment. The proposed form and massing of the building creates a strong frontage onto the corner of Willowbrae Road/ Northfield Drive which clearly defines the street edge and provides a development form which could be extended and replicated, should adjacent sites be redeveloped in the future.

The applicant has undertaken a visual assessment of the proposed development and has considered the impact of the development on local and wider key city views. The visual impact of the development is considered to be acceptable in this regard.

On balance, the building height, form, and massing is considered to be acceptable as it will help to define the street corner in a positive manner and help to create a strong, defensible built form pattern that will reflect positively given the overall mix of built form in the surrounding area and its location within the wider city context.

Materials and detailing

There is a mixed quality of building forms, materials, and detailing present in the surrounding area, but given the visual prominence of this site on the corner of a main thoroughfare, the use of high-quality materials is encouraged and supported, as is detailing in the built form which clearly demonstrates its use as a residential building.

The proposed building materials include buff ashlar sandstone to the principle and side elevations, acid etched cast stone detailing on the front elevation of the building and buff brick to the rear of the building. Doors and windows will have bronze PPC aluminium frames and detailing. The proposed materials are of a high quality and will help to improve the overall appearance of the surrounding area.

The building will have a flat roof and has a contemporary tenemental appearance in its detailing, with communal stairwell entrances located along its frontage onto Willowbrae Road. The use of acid etched cast stone detailing between ground and first floor levels helps to define the frontage and creates a simple variation in the elevation. The materials and detailing provide a simple and legible residential building appearance.

The provision of balcony space on the rear elevation provides additional outdoor amenity space to residents and will overlook the rear courtyard space.

The provision of a landscape buffer strip along the frontage of the building and the street provides a clear separation of public and private space and helps to soften the hard landscape of the street. Two feature street trees will also be provided at the entrance to the commercial unit which further soften the relationship between the built form and the street frontage.

Overall, the mix of materials and use of detailing provides a well-balanced appearance which relates successfully with the surrounding built context. A condition will be added to the consent to ensure that materials are approved prior to construction on site. The proposals comply with the Local Development Plan in this regard and are acceptable.

Residential Amenity

Existing residents

LDP Policy Des 5 Amenity seeks to ensure that new development meets the needs of the users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight, or privacy. The Edinburgh Design Guidance provides further advice in relation to assessing that adequate sunlight, daylight and outlook is achieved for new and existing residents.

The proposal is positioned a sufficient distance away (22m minimum) from neighbouring residential properties to ensure that there will be no adverse impacts on existing amenity in terms of overshadowing and privacy. The proposal complies with the policy Des 5 and the Edinburgh Design Guidance in this regard and is acceptable.

The site is located to the south of an area of allotments which are designated as open space in the LDP. The development will not result in any loss of this open space. A sunlight assessment has been provided by the applicant which demonstrates that the majority of the allotment grounds will be unaffected by overshadowing from the new development. A small area in the north of the allotment grounds will have a reduction in the amount of sunlight received at the Spring Equinox, however this area will still achieve well in excess of the minimum requirement of two hours of sunlight as set out in the Edinburgh Design Guidance on this date. This is acceptable.

New occupiers

Daylight, sunlight, privacy, and outlook

The building has an east to west orientation and is not positioned in close proximity to other high buildings therefore there will be no overshadowing of daylight into the development. This is acceptable.

A sunlight assessment has been provided which demonstrates that the open space to the rear of the development will receive in excess of the recommended amount of sunlight (i.e., 50% of open space will receive a minimum of two hours of sunlight on the 21st of March). This is acceptable.

With regard to privacy and outlook, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The development is well separated from nearby residential properties by the area of allotments located to the rear of the site and will not adversely impact on any surrounding dwellings in this regard.

The Edinburgh Design Guidance expects that no more than 50% of the total units should be single aspect. The proposed development will include 27 single aspect apartments (56%), therefore slightly exceeds the expected standard. This is acceptable.

Size and mix of accommodation

With regards to housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. The proposed mix of residential accommodation within the development includes 17 one-bedroom apartments (35%), 20 two-bedroom apartments (42%) and 11 three-bedroom apartments (23%). This provides a good mix of accommodation and exceeds the requirement for 20% family housing provision set out in the Edinburgh Design Guidance.

All apartments meet the minimum space standards as set out in the Edinburgh Design Guidance. The building has level access via all entrances onto Willowbrae Road and to the rear courtyard. All flats are accessible and single storey. An elevator is provided in each stair core to allow access to all upper floors of the building.

The proposed housing mix complies with policy and guidance and is acceptable.

Noise

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of noise generating uses. The applicant has undertaken a Noise Impact Assessment which has been updated following comments from Environmental Protection. The revised report addresses the matters raised by Environmental Protection and sets out a series of mitigation measures which will enable an acceptable level of noise impact to be met. All noise mitigation measures set out within the supporting NIA should be installed and operational prior to occupation of the development. A condition has been added to this report to address this matter.

Air Quality

The applicant has provided information to demonstrate that appropriate ventilation will be provided to ensure effluvia from the proposed hot food takeaway unit at ground floor level will be removed to the satisfaction of Environmental Protection. This is acceptable.

Open space provision and landscape details

Policy Hou 3 seeks to ensure that new development makes adequate provision for green space to meet the needs of future residents and requires a minimum provision of 20% of the total site to be provided as usable green space.

The amount of open space proposed on site has been increased during the application assessment period, and the development will provide 695 sq m of usable green space, which equates to 20% of the total site area. The green space is located primarily to the rear of the building. This will consist of areas of grass with shrub planting and some small trees. It is noted that the previously refused application for this site (ref 20/02101/FUL) had a shortfall in the provision of usable open space and that the current application provides a significantly improved position in this regard.

The open space is well positioned to the rear of the properties and is accessible to residents, providing a good opportunity for meaningful usage. Car parking is located along the northern site boundary and is an appropriate distance from the open space to minimise its impact on the setting of that space.

It is noted that nine of the apartments will also benefit from a private balcony which will be positioned on the rear elevation of the building overlooking the shared open space.

The development provides an acceptable quantity and quality of open space and meets the requirements of the LDP in this regard.

Parking, road safety and infrastructure

Policy Tra 1 of the LDP aims to reduce travel demand and encourages accessibility to major development by modes alternative to the car. The site is located immediately adjacent to Willowbrae Road which provides a frequent bus service with bus stops located within 100m of the site.

The applicant proposed 13 car parking spaces including one disabled space and four electric vehicle charging spaces. The amount of parking has been revised downwards (from 20 spaces) during the application assessment period in order to provide an increased amount and quality of open space on site for residents. Two motorcycle parking spaces are also provided. Transport is satisfied with the proposed pedestrian and vehicular gates and access arrangements into the rear of the site. The proposal complies with the Edinburgh Design Guidance parking standards.

The proposed 110 cycle parking spaces on site provide an acceptable mix of storage types (single and double tier) and comply with the Edinburgh Design Guidance cycle parking standards.

The proposal complies with the transport policies of the Local Development Plan and is acceptable.

Affordable housing provision

Policy Hou 6 of the LDP requires residential developments of twelve or more units to include provision for 25% affordable housing. The proposed development is for 48 apartments and includes provision for twelve affordable apartments. These will include a mix of three one-bedroom apartments, six two-bedroom apartments and three three-bedroom apartments. This mix is representative of the wider housing mix proposed and is acceptable.

The applicant has been in discussion with a registered Social Landlord (Castle Rock Edinvar) to provide the affordable housing for social rent. The affordable housing will be tenure blind and will be fully compliant with latest building regulations. It will be positioned within a single stairwell for ease of management by the operator. The design of the affordable housing will be informed by guidance such as Housing for Varying Needs and Castle Rock Edinvar Design Guides.

The affordable properties will be situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance will be provided. The applicant has confirmed that all residents including those in affordable housing will have access to cycle parking, car parking with electrical vehicle charging.

The proposed affordable housing provision complies with the requirements of the LDP and is acceptable. The applicant will be required to enter into a Legal Agreement in order to secure the affordable housing provision.

Waste

The proposed waste management arrangements have been reviewed by the Council's waste officers and are acceptable.

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. The site is not included in an area of flood risk as identified by the SEPA flood map.

Below ground cellular storage is proposed for the development which is contrary to the Council's Water Vision. In this regard, it is noted that the amount of space potentially available for overground storage on site is somewhat constrained by the need to retain vehicular access to the telecoms mast which is located within the site boundary. The applicant has already reduced the amount of parking proposed in order to meet the required provision of usable open space on site, which further limits the opportunity to use available space for overground storage. The development will also incorporate filter drains and permeable paving which will contribute to the drainage strategy. Therefore, on balance given the brownfield nature of the site, the approach is considered reasonable in this instance.

Contaminated Land

The site has been developed for commercial uses for a significant time. These uses have the potential to contaminate the site. A condition is attached to the consent which requires the applicant to provide supporting information to assess ground conditions and potential contamination in this regard.

Telecommunication infrastructure

There is an existing telecom mast located within the site boundary. The operator of this infrastructure has advised that the proposed development will block the signal to the mast and have operational implications. An informative is attached to the application which recommends that the applicant discuss this matter in detail with the operator.

Sustainability

The development site can be classified as brownfield and the intensification of uses in this location provide a sustainable use of an urban site. The scheme proposes sustainability measures in its development approach including the use of an air source heating system. The applicant has undertaken the required Part A of the Council's S1 Sustainability Assessment and complies with the requirements.

Conclusion in relation to the Development Plan

Overall, the proposals are in accordance with the Development Plan and associated guidance. The proposals are an acceptable design, scale, height and density for the location and there will be an acceptable level of amenity achieved. The proposed level of car and cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, waste, and recycling arrangements.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The Planning Committee considered the objections received to City Plan 2030 on 30th November. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

Willowbrae and Northfield Community Council

No comments received.

A summary of the representations is provided below:

Ten objections have been received for this planning application. 55 support comments have been received. These are assessed as follows.

material considerations - objections

- Principle of residential development
- The development is not in keeping with the character of the surrounding area
- Excessive height/ density on site
- Overshadowing of adjacent allotment
- Impacts on existing road network
- Inadequate car parking provision
- Impact on air quality from additional vehicles on residents and amenity of allotments
- Concern over the compatibility of hot food takeaway use with residential dwellings
- The development could provide a greater level of retail/ social / community space
- A larger proportion of the units should be affordable housing.
- The development should include a larger amount of green space and landscaping
- The development should have a greater separation back from the street frontage
- Concern re. gating of car parking

Non-material considerations - objections

- Impact on views
- Loss of public house on site
- Objection to re-submission following refusal of previous application

Material considerations - support

- Support for provision of residential and retail development
- The development will improve appearance of the area
- Support for reuse of brownfield land
- Good quality, contemporary design
- Provision of affordable housing on site
- The scale, design and proportion is in keeping with the surrounding area
- The development will boost the local economy and provide employment
- Development will benefit the local community

Non-material considerations - support

- 25 (of the total 55) comments of support were received which did not contain any specific comments.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it will preserve the setting of nearby listed buildings.

Overall, the development is in accordance with the development plan. The development provides high density housing in a sustainable location and will have a positive impact on the character of the surrounding neighbourhood. An acceptable amount of car and cycle parking and amenity open space is provided. The housing mix provides an acceptable range of accommodation sizes and includes on site affordable housing provision. The proposals are an acceptable design, scale, height, and density and are appropriate for the location.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

There are no material considerations which outweigh the proposal's accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.
3. The noise protection measures to the proposed commercial and residential units, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' updated technical report (Ref R-8654A-EKR-RRM) dated 25 August 2022, shall be carried out in full and completed prior to occupation of the residential units.
4. A detailed specification of the proposed ventilation system for the hot food takeaway commercial unit shall be submitted to and approved in writing by the Planning Authority and implemented in full prior to occupation of the commercial and residential units. The ventilation system is required to be capable of removing effluvia at a minimum rate of 30 air changes per hour.
5. 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 groundwork is commenced on site. This includes external hard landscaping materials. Sample panels may be requested.

6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the development's occupants and human health.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to enable the Planning Authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to affordable housing, as set out below:

Affordable Housing

The proposal is required to deliver 12 units of affordable housing.

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. The applicant should consider providing car club vehicles in support of the development. The sum £1,500 per order plus £5,500 per car would be required.
5. The applicant should consider developing a Travel Plan including provision of 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.

6. The proposed vehicle access gate should be set back a minimum of 6m from the carriageway edge.
7. Prior to the commencement of development, the applicant should discuss the potential impact of the proposed development on the telecommunications signal with the operator of this infrastructure.
8. The applicant is encouraged to provide details of tree-pits in both hard and soft landscape areas to control quality of implementation of new trees.
9. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 23 May 2022

Drawing Numbers/Scheme

01-04, 05A, 06, 07A, 08A, 09A, 10, 11, 12A, 13A, 14A, 15A16B, 17B, 18A, 19.

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Julie Ross, Planning Officer
E-mail: julie.ross@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Willowbrae and Northfield Community Council

COMMENT: No response received.

DATE:

NAME: Environmental Protection

COMMENT: Additional information requested in relation to noise impact assessment and ventilations requirements. Concern raised regarding amount of parking on site in relation to air quality. Information was provided by applicant to satisfy these queries and relevant conditions are attached to the consent in this regard. Car parking provision on site has been reduced by six spaces.

DATE: 6 September 2022

NAME: Transport

COMMENT: No objection to the application subject to appropriate conditions and informatives.

DATE: 18 August 2022

NAME: Flooding

COMMENT: Flooding are satisfied with the additional supporting information provided by the applicant and the application can proceed to determination with no further comment.

DATE: 14 September 2022

NAME: Affordable Housing

COMMENT: No objection. Affordable Housing welcomes the proposal as set out and requests that the applicant enters into a dialogue with the Council to deliver the agreed provision on site.

DATE: 1 December 2022

NAME: Waste

COMMENT: Waste strategy agreed with applicant.

DATE: 15 August 2022

NAME: Scottish Water

COMMENT: No objection. General advice provided to developer.

DATE: 9 May 2022

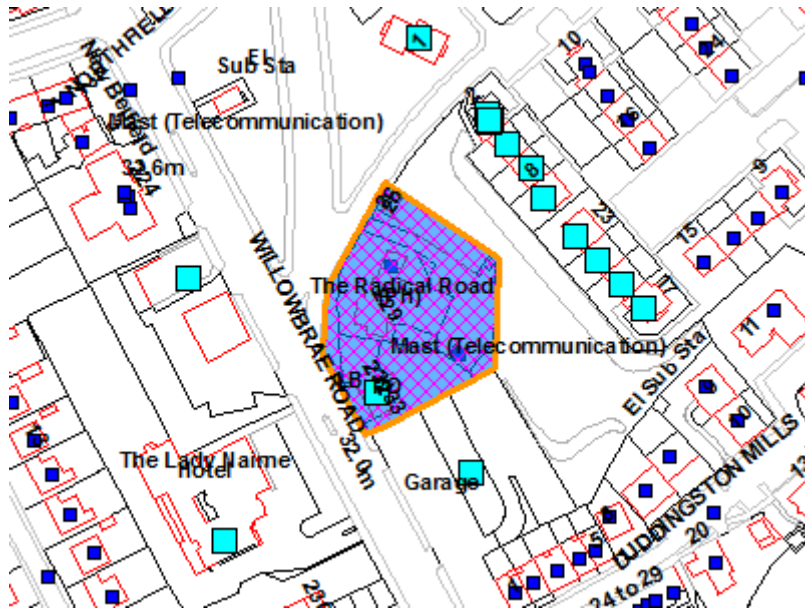
NAME: Communities and Families

COMMENT: No response received. It is noted that the site is not located within an education contribution zone.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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