

# Report of Handling

**Application for Planning Permission 20/02101/FUL  
At 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.**

<b>Item</b>	Delegated Decision
<b>Application number</b>	20/02101/FUL
<b>Wards</b>	B14 - Craigentinny/Duddingston

## Summary

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The proposal does not comply with the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height, form and appearance of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on local views contrary to policy Des 4. The development fails to meet the open space requirements set out in policy Hou 3. The proposal represents over development of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, appearance and relationship with the wider surroundings.

## Links

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<b><u><a href="#">Policies and guidance for this application</a></u></b>	NSGD02, LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LEN16, LEN21, LEN22, LTRA02, LTRA03, LRET06, LEN03, NSG,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The site measures 3052 sq m 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. There is an existing telecommunications mast on the site which will be retained. The site slopes from east to west by approximately 3m.

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 north east from the corner adjacent to the site.

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 south east of the site. Beyond this, the land slopes downwards and land to the east and north east 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 to the immediate north west 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 occupies a two storey stone villa with modern extensions to the rear. The hotel building is set back from the street frontage and sits in an elevated position within the 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 a classical villa at 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), a dwelling house at 126 Duddingston Road (Cat B, ref LB29936, listed 14th December 1970), a group of mill cottages at 1-5 Duddingston Mills (Cat C, ref LB29940, listed 19th January

1982) and a tenement building at 31-33 Duddingston Mills (Cat C, ref LB49041, listed 19th December 1982).

An operational telecoms mast is located within in the south east of the site within the site boundary.

## 2.2 Site History

### Adjacent sites

23rd January 2017 - Application withdrawn for a change of use from car showroom to purpose built student accommodation and retail units at ground level with ancillary facilities, landscaping, access and parking on land at 235 Willowbrae Road, Edinburgh (application reference 16/05399/FUL).

26 May 2017 - Application refused 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 on land at 235 Willowbrae Road, Edinburgh (application reference 17/01565/FUL).

4th April 2018 - Application refused for an extension to the existing hotel to provide additional bedrooms and alterations to car park in addition to minor elevational changes at 228 Willowbrae Road, Edinburgh (application reference 17/05809/FUL).

30th August 2018 - Application refused for an extension to hotel to provide additional bedrooms and alterations to car parking in addition to elevational changes at 228 Willowbrae Road, Edinburgh (application reference 18/03302/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposal is for the erection of a residential led development, comprising 48 apartments over two apartment buildings with a commercial unit at ground floor.

A residential led development consisting of 48 apartments over 2 apartment buildings (Blocks A and B) with a commercial unit located at ground floor level of Block B. The two apartment blocks are set out in a pavilion style and are designed to have the same form, massing and similar detailing.

Both blocks are five storeys in height to Willowbrae Road (ground floor to fourth floor), with an additional partial lower ground floor incorporated on the southern elevation of Block B to accommodate an additional apartment. There is a partial lower ground floor on Block A providing a small amount of undercroft car parking. Block A is 46.62m AOD in height and Block B is 47.42 m AOD in height. The top floor of each block is set back and allows for a balcony space to be provided.

The ground floor of Block B will include a commercial unit on the south west elevation, facing onto Willowbrae Road. It is proposed that this will accommodate the existing fish

and chip takeaway that is located on the site at present. This part of the ground floor frontage will incorporate floor to ceiling glazing.

The proposed materials are used on both blocks and include buff ashlar stone, black PPC panelling and black grooved fibre cement cladding. Full height windows are incorporated into all elevations. Window and canopy detailing will be black. Both blocks will have flat roofs. A glass balustrade will wrap around the perimeter of the set back fourth floor of the building. Balconies with glass balustrades are provided on all floors of the building.

Associated works including parking and landscaping are also proposed. Approximately 530 sq m of usable green open space is provided across the site, including an area of landscaped green space at the south west and between the two pavilion blocks, creating a set back between the buildings and the street frontage of Willowbrae Road and Northfield Drive. A further area of shared green space is provided to the east of Block B, to the rear of the buildings. Each flat also has a private balcony space. The remainder of the site is largely occupied by access and parking provision to the rear of the buildings.

A 1.2m high dry stone wall is proposed to the front of the site onto Willowbrae Road/ Northfield Drive. The boundary between the site and adjacent car showroom will be screened by a timber trellis. A timber fence will form the site boundary to the rear of the site.

The proposal incorporates 26 parking spaces provided across the site, three of which are accessible spaces and four of which are to be passive electric vehicle charging bays.

Cycle storage is provided at ground floor level adjacent to each building entrance. 112 cycle spaces are provided in total. 110 internal for residential use and two external short-stay spaces for the commercial unit. Block A will include spaces for 32 bikes and Block B will have spaces for 78 bikes.

### **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, it needs to be considered whether:

- a) the principle of development is acceptable in this location;
- b) the impact of development on the setting of nearby listed buildings is acceptable;
- c) the proposals are of appropriate scale, layout and design;
- d) the proposals have an impact on the amenity of neighbouring properties;
- e) the proposals are acceptable in terms of access parking or transport issues;
- f) the proposals will affect flooding;
- g) the proposals will provide affordable housing;
- h) there are any other material considerations and
- i) the public comments have been addressed.

**a) 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.

Retail development in out of centre locations is managed by policy Ret 6 which states that proposals for retail development in such locations will only be accepted if a range of criteria are met. The scale of retail development proposed at this location is small in nature (a single shop unit), will meet existing local demand and is in an accessible location close to a substantial population. The new retail unit will replace the existing retail unit which is currently occupied by the Barracuda Fish and Chip shop, which will be demolished to make way for the development. It is in the intention that the new retail unit will accommodate this existing business, therefore there will be no overall change in the provision in the local area. This is acceptable.

The development is therefore acceptable in principle provided it complies with other policy requirements.

**b) the impact of development on the setting of nearby listed buildings is acceptable;**

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 require proposals to have special regard to the desirability of preserving the character of listed buildings or their settings, or any features of special architectural or historic interest which they possess.

LDP Policy Env 3 seeks to protect listed buildings from development that may be detrimental to the architectural character, appearance or historic interest of the building, or its setting. 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 more 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 Duddingston Mills, however, the new blocks will be visible from these buildings, and will introduce an increase in height to the built form in the local area and views northwards from the mill buildings along Willowbrae Road from that which is currently present in the context.

In this regard, it is considered that the increase in height as proposed sits at odds with the more intimate scale of the listed properties around Duddingston Mills. Due to the distance of the site from the site, the impact is reduced, however it is considered that a more refined development proposal could be presented for the site which would have a better relationship with the listed properties and more successfully meet the policy requirements of Env 3 in the LDP.

### ***c) Scale, Design and Materials***

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance.

#### *Context, setting and layout*

LDP Policy Des 1 Design Quality and Context supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area.

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 within generous garden grounds and open space and interspersed with larger areas of open space such as that opposite the site to the north.

Whilst it is noted that this pattern has been interrupted in part by developments such as the adjacent car showroom and petrol filling station on the opposite side of Willowbrae Road, it is important that new development does not further erode the predominant pattern. The positioning of the proposed buildings does not successfully address the street frontage, nor provide an adequately generous amount of open space around them to sit comfortably within the prevailing urban pattern.

The site layout devotes a large proportion of the available open space to car parking, which makes little contribution to the quality of the setting of the building or overall character of the development. This restricts the extent to which the buildings can be effectively set back from the street and integrated into the overall built context and the usability of the open space. The proposed site layout does not meet the requirements of policy Des 1 Design Quality and Context.

#### *Scale, height and massing*

LDP Policy Des 4 seeks to ensure that new development will have a positive impact on its surroundings, including the character of the townscape and landscape with regard to height and form, scale and proportions, positioning of buildings and materials and detailing.

The proposed blocks will be five storeys in height, incorporating a sixth storey to the south eastern rear part of block B where the site levels fall. Both buildings will present a five storey frontage to Willowbrae Road. The buildings are positioned on a prominent corner of Willowbrae Road and Northfield Drive and are opposite an area of open space across Northfield Drive, meaning that any development on the site will be particularly visible from approach along Willowbrae Road.

The supporting design statement notes that the proposed development relates to the adjacent five storey housing in the Northfield neighbourhood. The landform around the site slopes downwards from the site to the north and east, meaning that the housing in the adjacent Northfield area sits at a lower level than the site itself. Within the development, block A will reach 46.6m AOD in height and block B is 47.4m AOD in height. The residential development at Northfield Drive to the north of the site reaches a maximum height of 39.7m AOD, and therefore sits substantially lower in height (between 6.9m to 7.8m) than the proposed development. The comparison of the proposed storey heights between the site and adjacent five storey housing is therefore not considered to be reasonable in this context.

The hotel building opposite the site on Willowbrae Road sits in an elevated position above the street frontage. The front part of this building which faces onto Willowbrae Road sits at a height of 42.96m AOD. This is between 3.65m and 4.4 m lower than the proposed blocks.

Whilst it is recognised that the a section of the rear part of the hotel building extends to 47.77m AOD, and is therefore higher than the proposed blocks, this part of the building does not form a direct frontage with Willowbrae Road and is not prominently visible from the street due to its positioning behind the main part of the hotel building, and its significant set back from the street frontage.

The proposed development blocks would therefore sit significantly higher than both the frontage of the hotel building on the opposite side of Willowbrae Road, and the adjacent residential area at Northfield. The overall impression of the development is one of excessive height and over development in relation to the surrounding built context. The impact of the proposed building heights is exacerbated by the positioning of the site adjacent to open space and the single storey car garage to the south east of the site. The height and scale of the proposed buildings in this context will dominate the streetscape and will impact adversely on existing views along Willowbrae Road and the overall character of the townscape. This does not comply with the requirements of policy Des 4 and is not acceptable.

### *Materials and detailing*

The building materials include ashlar sandstone with infill black grooved fibre cement cladding and floor to ceiling glazing. The set back upper storey of the building comprises black cladding and glazing only.

The mix of glazing and dark panelling predominates on the elevational treatment over the areas of sandstone, and the composition of the elevations in terms of the balance between solid and window areas lends itself to a commercial rather than domestic appearance. The external elevations of the buildings are not characteristic of the residential properties in the local area.

Whilst it is recognised that the proposed material includes high quality elements such as ashlar sandstone, the overall elevational treatment is not considered to make a positive contribution to the character of the streetscape on this prominent corner site, and does not present a clear representation of the building's proposed end use.

***d) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;***

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.

*Existing neighbours*

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.

Whilst the site is located to the south of an area of allotments which are designated as open space in the LDP, there will be no loss of this open space as a result of the development. This is acceptable.

*New residents*

Privacy

The development will have 48 apartments positioned between two buildings Blocks A and B have been positioned in an offset arrangement which provide adequate distance between them to allow for privacy between habitable rooms. This is acceptable and meets the requirements of the Edinburgh Design Guidance.

Daylight

No supporting information has been provided by the applicant to allow for an assessment of daylighting to properties to be carried out as required in the Edinburgh Design Guidance.

Sunlight

The applicant has provided a sunlight assessment which illustrates that the open space provision will meet the requirements of the Edinburgh Design Guidance with half the

open space receiving a minimum of two hours on sunlight on the Spring Equinox. It is noted that the open space receiving sunlight is predominantly located to the front of the buildings, adjacent to Willowbrae Road. The central area of landscaped open space between the two buildings will remain almost continuously overshadowed during the Spring Equinox.

#### Open space provision

The site provides approximately 530 sq m of usable green space, which equates to around 17% of the total site area. This green space provision is located to the front of the buildings and centrally between the two blocks, and includes a landscaped courtyard area. It is noted that some additional private open space will be provided by way of private balconies for the apartments.

This provision of green space on site falls below the 20% usable green space requirement set out in policy Hou 3 of the LDP. The Edinburgh Design Guidance notes that open space around buildings provides an important role in contributing to the character and attractiveness of an area. It also notes that private communal grounds should be well proportioned, well orientated and secluded from vehicles. The usability of the green space on site is constrained by the site layout, with the majority positioned onto the frontage of the site adjacent to a busy road. This does not maximise the opportunity for the provision of good quality open space. In this context, the overall provision of open space is not considered to be acceptable, and fails to meet the requirements of policy Hou 3 and the advice set out in the Edinburgh Design Guidance.

#### ***e) Road safety and Parking***

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 proposes 26 car parking spaces including three disabled bays and four electric vehicle charging bays. This complies with the Edinburgh Design Guidance parking standards which could allow a maximum of 48 parking spaces for the development.

The proposed 112 cycle parking spaces complies with the Edinburgh Design Guidance parking standards which requires a minimum of 110 cycle parking spaces for the proposed development.

The transport officer has noted that the proposed arrangements for waste collection have not yet been agreed due to the proximity to the southbound bus lane on the Willowbrae Road/ Northfield Broadway junction. The applicant has undertaken discussions with roads officers with regards to this matter but these have not yet reached a conclusion. Should the application be granted, a condition is required to agree the proposed bin locations within the site to ensure that this can be resolved with no negative impact on existing and proposed access arrangements.

#### ***f) Flooding***

A Flood Risk Assessment and a Surface Water Management Plan have been submitted in support of the application. Flood Prevention has requested some further checks to be undertaken by the applicant before any development can commence. If the application is granted, it should be subject to a condition requiring the final approval of the outstanding information by Flood Prevention, to ensure compliance with policy Env 21 (Flood Protection).

### ***g) Affordable Housing provision***

Policy Hou 6 of the LDP requires residential developments of twelve or more units to include provision for 20% affordable housing. The proposed development is for 48 apartments. The applicant has entered into discussions with an affordable housing provider but has not provided sufficient information with regards to this matter and the strategy has not been agreed with housing officers at this stage. Should the application be granted these matters should be addressed through submission of further information for consideration and secured via a legal agreement.

### ***h) Other Material Considerations***

#### *Site investigation, energy sources, noise and ventilation*

The applicant has submitted supporting information relating to noise and ventilation of the proposed hot food takeaway unit. Environmental Protection has noted that additional information is required from the applicant in relation to several matters including noise impact, ventilation for the hot food takeaway unit, renewable energy provision and site investigation matters. If the application met the provision of other policies in the LDP, these matters should be addressed through submission of additional information to assess compliance with Policy Env 22 Pollution and Air, Water and Soil Quality.

#### *Waste*

The applicant has been in discussions with waste officers with regards to the proposed waste arrangements but has not yet had final amendments approved. Should the application be granted, this matter should be addressed through submission of further information for consideration.

#### *Water Treatment capacity*

Scottish Water has been consulted and has raised no objections to the proposed development. They have noted in their response that they have existing assets on site, therefore the applicant will be required to contact Scottish Water to apply for a diversion should planning permission be granted.

#### *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. Should the application be granted, it is

recommended that an informative be included for the applicant to discuss this matter in detail with the operator.

### ***j) Public Comments***

Thirty public comments have been received in response to the application, all of which object to the proposals.

#### *Material comments;*

- Concern regarding building height/ massing - addressed in section 3.3(c);
- Fit of the building in the local context - addressed in section 3.3(c);
- Impact on setting of listed buildings - addressed in section 3.3(b);
- Drainage concerns - addressed in section 3.3(f);
- Overshadowing/ impact on amenity of allotments - addressed in section 3.3(d);
- Overshadowing/ impact on amenity of neighbouring properties - addressed in section 3.3(d);
- Transport concerns - inadequate parking provision, impacts of additional traffic to local area, impact on safe routes to schools - addressed in section 3.3(e);
- Impact of the proposed development on local amenities - addressed in section 3.3(a);
- Need for affordable housing in the scheme (preferably MMR tenure) - addressed in section 3.3(g);
- Noise/odours/ disturbance from hot food takeaway - addressed in section 3.3(h).

#### *Non-material comments;*

- No replacement of public house on site proposed.

#### *Community Council*

Willowbrae and Northfield Community Council were consulted on this application but has not provided a response.

### ***Conclusion***

***The proposal does not comply with the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height, form and appearance of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on local views contrary to policy Des 4. The development fails to meet the open space requirements set out in policy Hou 3. The proposal represents over development of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, appearance and relationship with the wider surroundings.***

***It is recommended that this application be Refused for the reasons below.***

### **3.4 Conditions/reasons/informatives**

## **Reason for Refusal:-**

1. The proposal is contrary to policy Des 1 as it does not draw on the positive characteristics of the area. It represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, is inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.
3. The provision of green space within the development does not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **5.1 The equalities impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **6.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **6.2 Publicity summary of representations and Community Council comments**

Neighbour notification was undertaken on 5 June 2020. Thirty comments were received from members of the public objecting to the application. Matters raised are addressed in section 3.3 (h).

## **Background reading / external references**

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- [To view details of the application go to](#)
- [Planning and Building Standards online services](#)

## Statutory Development

<b>Plan Provision</b>	The site lies within the urban area of the adopted Edinburgh Local Development Plan.
<b>Date registered</b>	3 June 2020
<b>Drawing numbers/Scheme</b>	01-21,

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

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

## Links - Policies

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### **Relevant Policies:**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

### **Relevant policies of the Local Development Plan.**

LDP Policy 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 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 Env 16 (Species Protection) sets out species protection requirements for new development.

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

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

LDP Policy 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 Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

### **Relevant Non-Statutory Guidelines**

# Appendix 1

## Consultations

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### **Transport**

*Should you be minded to grant, the following should be added as informatives or conditions as appropriate;*

- 1. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- 2. 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;*
- 3. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 4. In accordance with the Council's LTS Travplan3 policy, 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;*
- 5. Works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>*
- 6. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*

#### **Note:**

- a) The applicant proposes 26 car parking spaces (including 3 disabled bays and 4EV charging bays) and complies with the Council parking standards which could allow a maximum of 48 parking spaces;*
- b) The proposed 112 cycle parking spaces complies with the council's parking standards which requires a minimum of 110 cycle parking spaces for the proposed development.*

- c) *It is predicted that 23 two-way vehicle trips will be generated in the morning peak hour and 22 in the evening peak hour;*
- d) *The site is accessible by public transport and is well linked to the wider footway network in the area with controlled and uncontrolled crossings on Willowbrae Road.*

## **Environmental Protection**

### *Response 1 (5th June 2020)*

*Further to your request for a response from Environmental Protection, please could you advise the agent of the following information and ask that they respond to the points below:*

1. *Please confirm the Class Use of the commercial premises proposed.*
2. *The application states to be providing 26 car parking spaces. In this regard, the site feeds into the Central Edinburgh Air Quality Management Area (AQMA) which ends at Jock's Lodge/Willowbrae Road junction and will therefore increase existing pollution levels (NO<sub>2</sub> is the pollutant of most concern within Central Edinburgh AQMA and stems from road traffic and fossil fuel energy sources). In this regard:*
  - a. *26 car parking spaces appears excessive for a site that will impact upon an existing AQMA especially as limited mitigation has been provided (except a Residential Travel Plan - of which more details should be provided). Environmental Protection will consider recommending refusal for the application based on this as we would find it difficult to support the application to a Committee acutely aware of Edinburgh's pollution issues. There have also been no electric vehicle charging points provided. Environmental Protection is of the opinion that as we are within an environmental and climate crisis, there is no justification for this number of parking spaces considering the site is excellently placed for public transport, cycling and walking links. Therefore, Environmental Protection is of the opinion that the parking should be reduced (zero parking should be considered) and if parking is to be proposed it should be low and include 100% electric vehicle charging infrastructure points to any spaces provided.*
  - b. *Please confirm the energy source(s) proposed for the development. The proposal will have a high energy demand thus Environmental Protection welcomes any proposals incorporating photovoltaic panels and other sustainable heating sources. It should be noted that if any plant proposed is larger than 1 megawatt then the applicant will be required to include secondary abatement technology to reduce nitrogen dioxide. The problem with natural gas energy centres is that the pollutants released once operational cannot be reduced and increase the background levels of NO<sub>2</sub>. Now with the Climate Emergency and CEC zero carbon targets being declared the developer must now consider energy demands without any fossil fuels (e.g. gas and biomass). The developer must fully investigate meeting all energy demand through renewable sources of energy including ground/air source heat pumps and photovoltaic/solar panels with energy storage which could be linked to EV charging using the EV's to store energy for possible use in the buildings.*

### *Response 2 (9th June 2020)*

), can you also ask the agent to provide ventilation details and NIA. i.e.

1. Confirmation of where the ventilation extract point is to be situated (it must be above any surrounding windows to roof level including those of the proposed development). Please provide drawings.
2. Confirmation from a suitably qualified ventilation engineer that the effluvia will be removed at a minimum rate of 30 air changes per hour.
3. Confirmation that the ventilation will meet NR25 within the nearest residential premises (with the window open for ventilation purposes). This can be done in the NIA.
4. Provide a noise impact assessment (NIA) which ensures that the Class 3 premises internal noise levels from normal operations will be inaudible within the residential properties above.

### **Communities and Families**

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

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

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

#### **Assessment and Contribution Requirements**

*Assessment based on:*

*35 Flats (13 one bedroom flats excluded)*

*This site falls within Sub-Area P-1 of the 'Portobello Education Contribution Zone'. The Education Appraisal considered the impact of potential new housing sites within the Urban Area. No new education infrastructure was identified as being required to mitigate the impact of expected development.*

*No contribution towards new education infrastructure is therefore required.*

### **Flooding**

*Response 1 (22 June 2020)*

*Thank you for the consultation request. I have reviewed the documents on the portal and have no significant concerns. Is this considered a major application? If so, an*

*independent consultant is required to check the surface water management plan and provide a signed declaration (certificate B1). This has already been done for the Flood Risk Assessment.*

*Could the applicant also provide a copy of the pre and post-surface water flow path drawings. Unfortunately, the quality of the version on the portal in Appendix 8 and 9 of the report is difficult to read.*

*Response 2 (10 August 2020)*

*As it is a local application, certificate B1 is not required.*

*Let me know when you receive the copies of the overland flow path drawings from the applicant.*

### ***Affordable Housing***

*I refer to the consultation request from the Planning Department about this planning application.*

*Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

*- Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

*- 25% of the total number of units proposed should be affordable housing.*

*- The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

### ***2. Affordable Housing Provision***

*This application is for a development consisting of up to 48 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (12) homes of approved affordable tenures.*

*The application does not include any provision for affordable housing. The proposal is therefore contrary to Edinburgh Local Development Plan Policy Hou 6 'Affordable Housing' and the Council's planning guidance on 'Affordable Housing'. Housing Management and Development is not able to support the application.*

*Housing Management and Development would welcome the opportunity to engage with the applicant to agree an approach for delivering affordable housing on this site. The approach to the provision of affordable housing should be explained within an Affordable Housing Statement. The Council's planning guidance on 'Affordable*

*Housing' sets out what is expected in terms of the delivery, tenure, mix, design and location of affordable homes, including the following principles:*

- The affordable element should normally be provided on-site;*
- The proportion of housing suitable for families with children included within the affordable element should match the proportion of such housing on the wider site and a representative mix of house types and sizes should be provided;*
- The applicant should make provision for a minimum of 70% of the affordable housing to be social rent, the highest priority tenure;*
- Any form of unsubsidised low-cost home ownership (such as Golden Share) should not normally exceed 20% of the overall affordable housing provision;*
- The applicant should identify and engage with a Registered Social Landlord (RSL) to deliver the affordable housing at an early stage so that the proposed scheme reflects their design standards and requirements, including Housing for Varying Needs;*
- Affordable housing should be situated close to local amenities, services and public transport where possible. It should be "tenure blind" and well-integrated with housing for sale;*
- An equitable and fair share of vehicle and cycle parking for affordable housing, consistent with the relevant parking guidance, should be provided;*
- The affordable housing requirement will be secured by a Section 75 legal agreement.*

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

## **Waste**

*I have been asked to consider the below application on behalf of the Waste Management Service.*

**REFERENCE NUMBER: 20/02101/FUL**

*As this is to be a residential development, waste and cleansing services would be expected to be the service provider for the collection of any domestic and/or recycling waste produced.*

*Waste strategy agreed at this stage Y/N N*

*I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance (attached) to ensure waste and recycling requirements have been fully considered.*

- 1. I would require some alterations to the pull directions.*
- 2. A detailed plan showing dimensions and bins in place along with*
- 3. Confirmation of the number of flats using each bin store.*

*In view of these factors I would ask that the Architect/developer contact myself directly Trevor.kelly@edinburgh.gov.uk or Waste Services on 0131 608 1100 at the earliest point to agree their options so that all aspects of the waste & recycling service are considered.*

## **Scottish Water**

### *Audit of Proposal*

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

#### *Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

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

#### *Waste Water Capacity Assessment*

*This proposed development will be serviced by Edinburgh Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.*

#### *Development Operations*

*The Bridge*

*Buchanan Gate Business Park*

*Cumbernauld Road*

*Stepps*

*Glasgow*

*G33 6FB*

#### *Development Operations*

*Freephone Number - 0800 3890379*

*E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)*

*[www.scottishwater.co.uk](http://www.scottishwater.co.uk)*

#### *Please Note*

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

#### *Asset Impact Assessment*

*According to our records, the development proposals impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system. There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*To find out more about connecting your property to the water and waste water supply visit: [www.scottishwater.co.uk/business/connections](http://www.scottishwater.co.uk/business/connections)*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### ***Willowbrae and Northfield Community Council***

*No response received*

END



CDA.  
FAO: Nicholas Saunders  
16 Moray Place  
Edinburgh  
EH3 6DT

Evantyr Properties Ltd.  
79A Salamander Street  
Edinburgh  
EH6 7JZ

**Decision date: 14 January 2021**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
**DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

A residential led development consisting of 48 apartments over 2 apartment buildings with a commercial unit at ground floor.  
At 229 Willowbrae Road Edinburgh EH8 7ND

**Application No:** 20/02101/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 3 June 2020, this has been decided by **Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reason for Refusal:-**

1. The proposal is contrary to policy Des 1 as it does not draw on the positive characteristics of the area. It represents overdevelopment of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, is inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.

3. The provision of green space within the development does not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-21, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with the development plan as it does not draw on the positive characteristics of the area, contrary to policy Des 1. The height, form and appearance of the proposal will not integrate well with its surroundings, is inappropriate in its context and would adversely impact on local views contrary to policy Des 4. The development fails to meet the open space requirements set out in policy Hou 3. The proposal represents over development of the site and fails to comply with the Edinburgh Design Guidance, particularly in terms of its height, appearance and relationship with the wider surroundings.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Julie Ross directly at [julie.ross@edinburgh.gov.uk](mailto:julie.ross@edinburgh.gov.uk).

*D R Leech*

**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

## NOTES

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 19/3/21

Dear Sir/ Madam

20/02101/FUL: A residential led development consisting of 48 flats over 2 buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh

I write to express my support for the development proposed by Evantyr for the following reasons:

- The proposal will regenerate this eyesore of a derelict site.
- There is a need for this type of well designed accommodation in this area.
- This section of Willowbrae Road is a mixture of sizes, heights and types of accommodation – this will not be out of place at all.
- The council flats that surround the site are much higher than this proposal and are so poorly maintained. The spaces around them give the impression that this community has been left behind when it comes to public investment. To see a proposal like this will kick start a badly needed regeneration of this area.
- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed:

[Redacted Signature]

Name

Address

[Redacted Name and Address]

FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 22.3.21

Dear Sir/ Madam

20/02101/FUL: A residential led development consisting of 48 flats over 2 buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh

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- There are no negative impacts of this proposal.

We explore the Local Review Body to support the proposals.

Yours Sincerely

Signed:

Name

Address



FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 24/3/21

Dear Sir/ Madam

20/02101/FUL: A residential led development consisting of 48 flats over 2 buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh

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- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed

Name

Address

FAO: Clerk to the Local Review Body

City of Edinburgh Council

Date: 24.3.21

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- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

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City of Edinburgh Council

Date: 24/3/21

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20/02101/FUL: A residential led development consisting of 48 flats over 2 buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh

I write to express my support for the development proposed by Evantyr for the following reasons:

- The proposal will regenerate the site and provide a mix of accommodation in this area.
- There is a need for this type of well designed accommodation in this area.
- This section of Willowbrae Road is a mixture of sizes, heights and types of accommodation – this will not be out of place at all.
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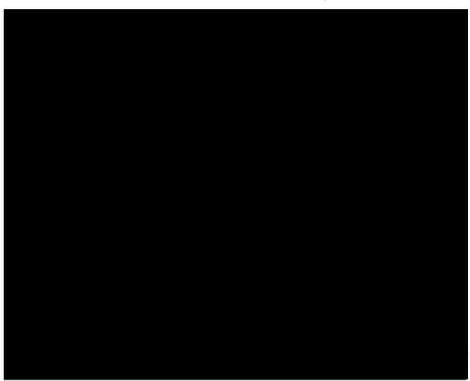
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Yours Sincerely

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FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 23.3.21

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We implore the Local Review Body to support the proposals.

Yours Sincerely

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FAO: Clerk to the Local Review Body

City of Edinburgh Council

Date: 19/3/21

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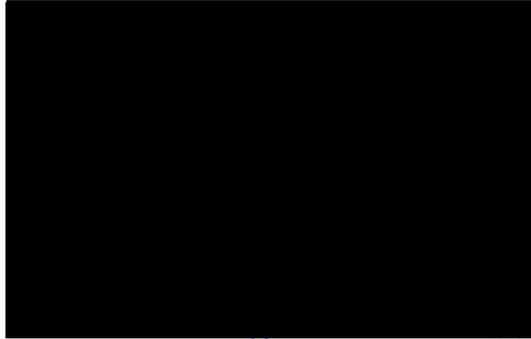
We explore the Local Review Body to support the proposals.

Yours Sincerely

Signed:

Name

Address



FAO: Clerk to the Local Review Body

City of Edinburgh Council

Date: 25/3/21

Dear Sir/ Madam

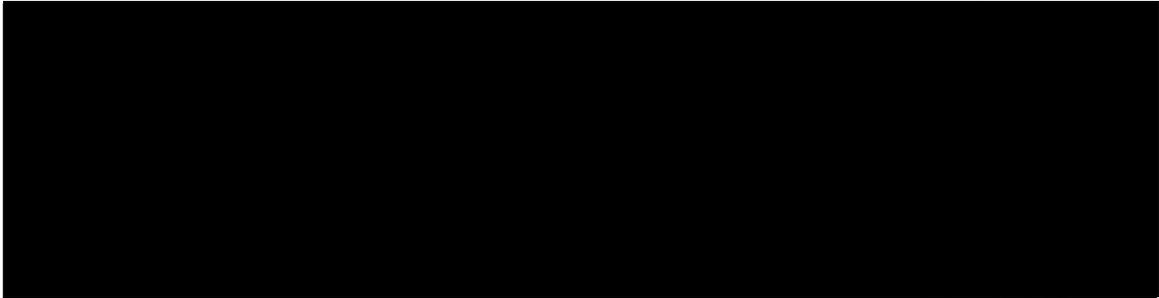
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- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

Yours Sincerely



FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 21/3/21

Dear Sir/ Madam

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- There are no negative impacts of this proposal.

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Yours Sincerely



FAO: Clerk to the Local Review Body

City of Edinburgh Council

Date: 24/3/21

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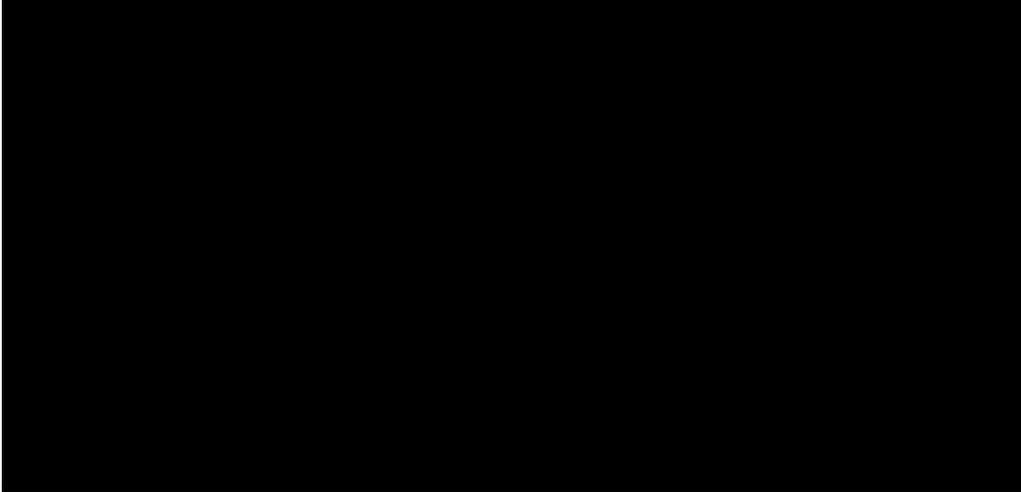
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- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

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FAO: Clerk to the Local Review Body  
City of Edinburgh Council

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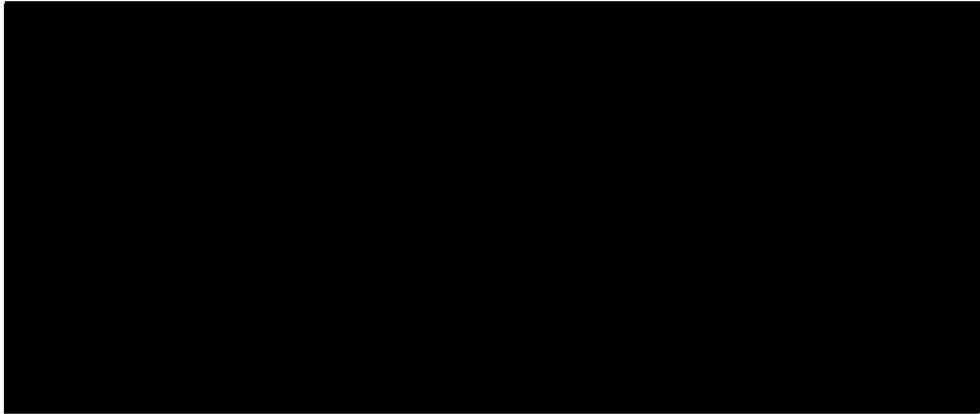
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Yours Sincerely



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City of Edinburgh Council

Date: 23.3.21

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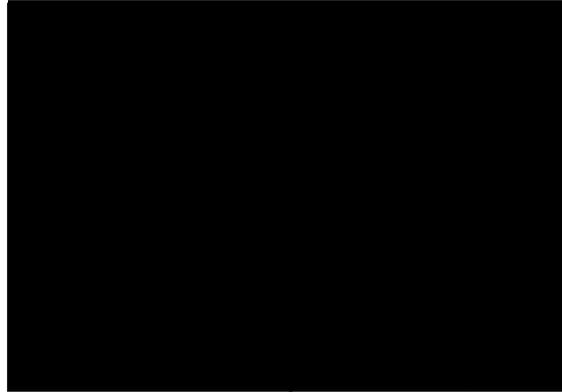
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Yours Sincerely

Signed:

Name

Address:



FAO: Clerk to the Local Review Body

City of Edinburgh Council

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We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed

Name

Address



FAO: Clerk to the Local Review Body

City of Edinburgh Council

Date: 20/3/21

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- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed

Name

Address



FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 17.3.21

Dear Sir/ Madam

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- There are no negative impacts of this proposal.

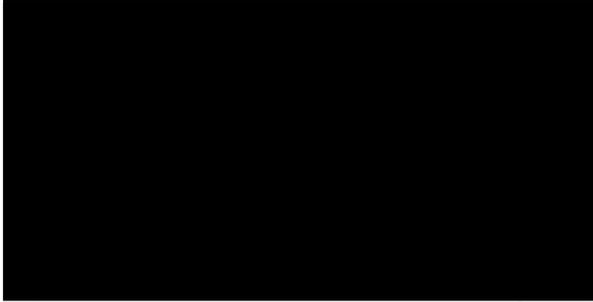
We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed:

Name

Address



FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 8 - 3 - 21

Dear Sir/ Madam

20/02101/FUL: A residential led development consisting of 48 flats over 2 buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh

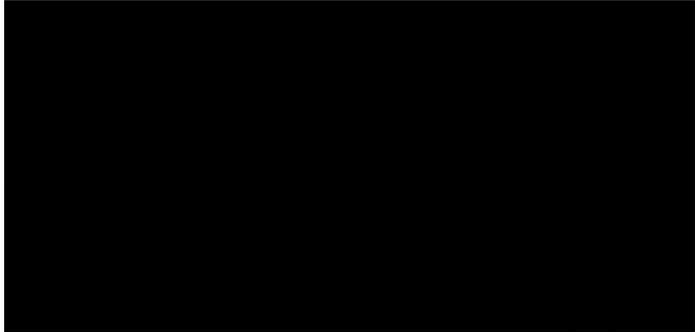
I write to express my support for the development proposed by Evantyr for the following reasons:

- The proposal will regenerate this eyesore of a derelict site.
- There is a need for this type of well designed accommodation in this area.
- This section of Willowbrae Road is a mixture of sizes, heights and types of accommodation – this will not be out of place at all.
- The council flats that surround the site are much higher than this proposal and are so poorly maintained. The spaces around them give the impression that this community has been left behind when it comes to public investment. To see a proposal like this will kick start a badly needed regeneration of this area.
- There are no negative impacts of this proposal.

We implore the Local Review Body to support the proposals.

Yours Sincerely

Signed:



FAO: Clerk to the Local Review Body  
City of Edinburgh Council

Date: 19.3.21

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