

Development Management Sub Committee

Wednesday 13 December 2017

Application for Approval of Matters Specified in Conditions 17/04190/AMC

At Regeneration Masterplan Pennywell Muirhouse,
Pennywell Road, Edinburgh

Approval of Matters Specified in Conditions of Application No. 17/00314/PPP relating to Phase 2 (Block 1) and Phase 3 (Block 3) of the Pennywell Muirhouse Civic Centre - Phased mixed use development comprising a total of 136 dwellings, shops and food & drink uses, landscaping, open space, access, drainage and other associated development.

Item number	4.10
Report number	
Wards	B01 - Almond

Summary

The proposal seeks approval of the matters set out in condition 1 of planning permission in principle, application reference number 17/00314/PPP in relation to Blocks 1 and 3. The proposal provides for 136 flats, 10 shop units and associated development. The principle of the uses is established on the site and the design, layout, height and proposed materials are acceptable. The proposed development is acceptable in terms of access and parking. The impact on the amenity of future occupiers and neighbours will be acceptable. Whilst there are some minor infringements on daylighting, these are acceptable in the context of the site and any issues in relation to delivery noise are to be expected in a local centre. The proposal is acceptable in terms of the PPP including conditions 6 and 7. The proposal is acceptable in all other respects, subject to suitable conditions.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN12, LEN20, LEN21, LEN22, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET05, LTRA02, LTRA03, LTRA04, NSG, NSP, NSGD02, NSESBB, NSDCAH,

Report

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Recommendations

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

Background

2.1 Site description

The site predominately covers the Muirhouse Shopping Centre and surrounding land/uses. It is bounded by Pennywell Road to the east, Muirhouse Avenue and Muirhouse Avenue North to the south, with Pennywell Gardens and Muirhouse Crescent to the north of the site.

The existing shopping centre fronts onto Pennywell Road and contains a number of local shops and services. There are 32 units and a vacant public house. Existing national occupiers include Greggs, William Hill, Ladbrokes and Lloyds Pharmacy. There is also a dentist, optician, charity shop, some independent retailers and two hot food outlets.

Rear service yards are accessed from Pennywell Gardens to the north and from Muirhouse Avenue North to the south. Existing car parking in the area is predominantly on Pennywell Road.

There are four separate four storey flatted residential blocks within the site. These sit above a mixture of ground floor commercial uses. Three of the blocks are located adjacent to the covered shopping arcade. Work is currently underway to remove the shopping arcade canopy.

The fourth flatted block is located at the southern end of the site, adjacent to the former St Paul's Church site, where student housing is currently under construction.

The wider site also currently contains a single storey library, council offices and the North Edinburgh Arts Centre. These are located to the west of the shopping centre.

Phase 2 of this Approval of Matters Specified in Conditions (AMC) application covers the northern parade of existing shops units. Phase 3 of this AMC application covers the southern part of the site.

The site is within a wider area of regeneration where a number of dwellings have been demolished to make way for new housing as part of the Council's 21st Century Homes programme. To the north of the site, the North West Edinburgh Partnership Centre is currently under construction. Further north is Craigroyston High School and to the east is a mixture of houses and flats.

2.2 Site History

17 December 1997 - planning permission granted for the erection of a mall enclosure, canopy and external works to Muirhouse Shopping Centre on Pennywell Road (application number 97/02101/FUL).

18 October 2000 - planning permission granted for the erection of an arts centre with licensed bar and associated landscaping works (planning application 00/00062/FUL).

16 August 2012 - planning permission in principle granted for the Pennywell and Muirhouse Central Area Masterplan, comprising residential development including affordable housing and housing for sale with associated parking/ landscaping and public realm, North West Edinburgh Partnership Centre (NWEPC) with ancillary café, parking/ landscaping and public realm, youth centre and Multi Use Games Area (MUGA), artists studios, associated demolitions and alterations to shopping centre and library/ arts centre (application number 12/00996/PPP).

28 August 2014 - permission approved for the demolition the existing dentist and office building and the erection of the Northwest Edinburgh Partnership Centre to the north/west of the site. This is to provide GP and Primary Care facilities with associated support and office accommodation on plot N5 of the masterplan as granted in permission 12/00996/PPP (application number 14/02250/AMC). Construction works are underway.

14 June 2016 - planning permission granted for the demolition of St Paul's Church to the south of the site and the erection of three student housing blocks (application number 15/05556/FUL).

6 July 2017 - planning permission in principle granted for a phased mixed-use development comprising, retail, cafes, restaurants, offices, residential (various), leisure, community facilities and other associated uses, altered access, road/drainage, infrastructure, landscaping and demolition of existing structures and other associated development. Also, detailed planning permission for Phase 1 comprising public realm improvements, SUDS, partial demolition of the existing shopping centre and construction of Block 2 comprising residential development (12 affordable dwellings), retail and commercial uses (Classes 1, 2 and 3) with car parking, access, open space and other associated development (application number 17/00314/PPP).

11 Aug 2017 - application for Approval of Matters Specified in Conditions submitted in respect of application number 12/00996/PPP relating to Pennywell Phase 3 to the east of the site for residential development comprising 315 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development (application number 17/03774/AMC). Not yet determined.

Main report

3.1 Description Of The Proposal

The proposal seeks to primarily deal with the matters specified in condition 1 of planning permission principle (PPP) reference number 17/00314/PPP for two phases of the proposed development. The condition states that:

In accordance with the PPP approved plans (01A, 02A, 03A, 19A, 25) and prior to the commencement of works on this part of the site as denoted on plan reference 01A, details of the under-noted matters shall be submitted and approved by the Planning Authority, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- a) *the number of residential units to be developed;*
- b) *the gross floor space and precise location of the uses, noting the role of the site as a local centre;*
- c) *siting, design and height of development, including design and appearance of all features including glazing specifications (including acoustic capabilities), ventilation measures, materials, public realm and other structures;*
- d) *a scheme protecting the occupiers of the residential units within each phase, or phases, from traffic and commercial noise (including uses proposed within the development);*
- e) *car and cycle parking, access, road layouts and alignment, classification of streets, servicing areas/details and electric charging points;*
- f) *waste management and recycling facilities;*
- g) *full details of sustainability measures in accordance with Edinburgh Design Guidance;*
- h) *full details of daylighting and overshadowing in accordance with Edinburgh Design Guidance;*
- i) *Hard and soft landscaping details, including:*
 - (i) *walls, fences, gates and any other boundary treatments;*
 - (ii) *details of any tree removal, tree protection measures and the location of new trees, shrubs and hedges;*

- (iii) *a schedule of plants to comprise species, plant size and proposed number/density;*
- (iv) *programme of completion and subsequent maintenance;*
- (v) *Existing and proposed services such as cables, pipelines, substations;*
- (vi) *Other artefacts and structures such as street furniture, including lighting columns and fittings;*
- (vii) *details of phasing of these works.*
- (viii) *existing and finished ground levels in relation to Ordnance Datum.*

Information has also been submitted to deal with the more general conditions on the 17/00314/PPP permission, insofar as they relate to these two phases. In summary, these are:

- 6) a phasing plan to accompany the AMC submission;
- 7) a detailed specification of materials; and
- 8) a site survey.

The proposal is for Block 1 (Phase 2) and Block 3 (Phase 3) of the proposed Pennywell Muirhouse Civic Centre redevelopment comprising the phased development of two mixed use blocks with a total of 136 dwellings and 1,363 sqm ground floor commercial uses including Class 1 (Shops) and Class 3 (Food and Drink) uses combined with landscaping, open space, access, parking, drainage and other associated development.

Block 1:

This is an L-shaped mixed use block located at the north of the site. It fronts onto Pennywell Road, with the northern block also providing frontage onto Pennywell Gardens. It is a mixture of three and four storeys with the three storey element bookended by the taller four storey elements.

There are 40 flatted properties on the upper levels comprising 16 x one bed flats and 24 x two bed flats. On the ground floor there are 7 commercial units covering a total of 1,062 sqm. The units are split into:

- Class 1 (Shops) - 735 sqm consisting of unit 1 (408 sqm), unit 2 (125 sqm) and units 4 and 6 (both 101 sqm).
- Class 3 (Food and Drink) - unit 7 (125 sqm).
- Class 1 or Class 3 - units 3 and 6 (both 101 sqm).

Communal open space for the flats is proposed to the rear of the building. Internal cycle storage is provided adjacent to the stair cores.

Block 3:

This is a C-shaped mixed use block located to the south of the site. The block is set around a landscaped courtyard area. It is four storeys in height along the Pennywell Road frontage, the remainder of the block is three storeys in height with the exception of one northern element dropping down to one storey.

It contains 96 flatted properties comprising 68 x one bed flats (including five accessible flats), 27 x two bed flats (including three accessible flats) and one three bed accessible flat.

There are also three commercial units in the north-eastern part of the block. These are two Class 1 uses (unit 1 is 101 sqm and unit 3 is 85 sqm) and one Class 1 or Class 3 use in unit 2 (115 sqm).

The general design takes a simple approach and matches that of the other areas that have, or are, being redeveloped in the area. There are large uniform windows and changes in height and roofing profiles.

The primary material proposed is a red/brown multi-toned facing brick. A lighter buff brick is also proposed in some areas, including at some ground floor level elements and bays on the principal elements. A black brick is also proposed on feature panels on some upper floors and on the shop fronts. A dark grey cement board is proposed on high level secondary elevations where three storey elements abut four storey sections. Grey aluminium/timber windows and doors are proposed.

Access is taken from Pennywell Road to the east, Pennywell Gardens to the north and Muirhouse Avenue North to the south.

Parking is largely proposed along Pennywell Road with some parking also proposed along Muirhouse Avenue North and Pennywell Gardens. Approval has previously been given for parking to the rear of Block 1. Twenty-one spaces are proposed in association with Block 1 and 38 spaces are associated with Block 3.

Supporting Statements

The following documents have been submitted in support of the application:

- Design and Access Statement;
- Planning Statement;
- Noise Impact Assessment;
- Site Investigation;
- Daylight and Sunlight Study;
- Materials Specification;
- Sustainability and Low Carbon Development Statement; and
- Sustainability Statement;

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

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the development complies with the planning permission in principle;
- b) the details of the development are acceptable;
- c) there are any other material issues;
- d) there will be any equalities or human rights impacts; and
- e) the representations have been addressed.

a) Compliance with the Planning Permission in Principle

Condition 1a) and 1b) - Number of residential units, location of uses and gross floor spaces

Planning permission 17/00314/PPP set out the principle for the redevelopment of the site, including the demolition of the existing shopping centre and flats. The principle of housing on the site was considered acceptable at the PPP stage. The indicative masterplan showed the general layout of Blocks 1 and 3 and how these related to the site context and the detailed approval for the public realm and Block 2. The proposal complies with this general layout and development form.

Housing:

The PPP assumed 154 units across the wider application site. Permission for twelve units in Block 2 has already been granted. This submission proposes 136 units. A total of 148 units is closely aligned with the PPP which sets no minimum or maximum limit. It also envisaged a further three houses on a later phase.

All the units are to be affordable. The 40 flats in Block 1 are to be mid-market rent (29.5%) and the 96 flats in Block 3 are to be social rent (70.5%). This is an acceptable split.

Policy Hou 2 Housing Mix in the Edinburgh Local Development Plan (LDP) expects a mix of house types and sizes where practical to meet a range of housing needs. The proposal contains 84 x one bedroom units, 51 x two bedroom units and only one three bedroom unit. This includes nine accessible units and 12 amenity units (i.e. wider flat entries/hallways, space to turn a wheelchair and additional shelving).

The design guidance expects that 20% of units across a site should be homes for growing families with at least three bedrooms.

This is a local centre where it is expected that flats will be the most appropriate type of housing. Over the wider Pennywell and Muirhouse Regeneration Area covered by planning permission in principle applications 10/01273/PPP and 12/00996/PPP, there are a total of 955 residential units (including the 148 (136 plus the 12 from Block 2) from this site) that either have permission or are proposed. Two hundred and sixty-four of these units have three bedrooms or more, approximately 28%.

If considering the more immediate area, the site to the west of the local centre currently has an application pending for 315 units (17/03774/AMC). This contains a number of two storey houses with 119 x three bedroom units. If approved and combined with the 148 units for the application site, this would result in 26% three bedroom properties.

Although this site itself does not provide many three bedroom units, in the context of the units being delivered in the wider area and the role of the site as a local centre, this level is appropriate.

The proposed units meet the minimum size standards set out in the Edinburgh Design Guidance.

Other Uses:

The proposal contains 10 shop units covering 1,363 sqm. There are three further units in Block 2 already approved.

It is proposed that 921 sqm (six units) are in Class 1 (Shops) use, 317 sqm (three units) are for either Class 1 or Class 3 (Food and Drink) use and 125 sqm (one unit) in Class 3 use. The three units in Block 2 covered 372 sqm and were for either Class 1, 2 or 3 use.

The provision of six shop units for exclusive class 1 use, a further four units for potential other uses (including three with the option for class 1 use), alongside the three units already approved is an acceptable number and mix for the area's role as a local centre.

The principle of development has already been established, the proposed mix of uses are acceptable and the application accords with the planning permission in principle.

b) Acceptability of the Details

Condition 1c) Layout and Design

Layout:

The siting of the blocks and the layout of the development reflects the PPP masterplan, which also established detailed approval for the public square at the centre of the site.

The Design and Access Statement sets out the design evolution of the site and shows how the proposals connect and co-ordinate with the PPP and the ongoing development in the wider area. There are pedestrian links through the wider site and the PPP application and approval of the public realm area will result in the site being opened up, with the removal of the existing narrow lanes and the alignment of the proposed blocks allowing increased passive surveillance.

Both the proposed blocks provide a strong frontage onto Pennywell Road and are located in a way to frame the central square area. The ground floor shop units define the street level and the entrance to the proposed new public square. The shop units link in with those already approved in Block 2 to provide a cohesive layout. Block 3 also provides a built edge to the southern side of the public realm to help enclose the square and provide overlooking.

Space has been provided in the rear courtyard areas to provide amenity areas for the residential parts of the scheme. Block 3 has been designed in a perimeter block style which aids in providing overlooking on all sides and helps to define the pedestrian access from the south.

The general layout is acceptable in terms of LDP Policy Des 7 Layout Design and aligns with the PPP.

Height:

A mixture of heights is proposed, rising up to four storeys. Four storey blocks currently exist on the site (to be demolished), with four storey blocks also recently completed further south of the site. To the east of the site, across Pennywell Road the predominant height is three storeys.

The mix in heights varies the built form, with the higher blocks located adjacent to Pennywell Road. The roofs are mostly flat, but have been articulated with small pitched elements in key areas. A single storey element has been introduced on the northern element of Block 3 to avoid overshadowing of the public realm. Finished floor levels have been provided to show the finished heights.

The height of the development is appropriate for the site.

Design and Materials:

The buildings will have a modern appearance. The design and form is simple, creating a unified and consistent architectural approach across the site. A limited palette of materials is used alongside ordered fenestration. The design and materials proposed link in with those used in the wider regeneration area. These are advocated in the Pennywell and Muirhouse Design Guide (2012) with the aim of creating a cohesive new neighbourhood in line with LDP Policy Des 4 Development Design.

A detailed schedule of materials has been provided as part of the application. This information satisfies Condition 7 and is therefore discharged in relation to Blocks 1 and 3.

Large glazed shop fronts are proposed with recessed panels for signage included to allow for consistency. The applicant has identified the units that could be used as Class 3. The drawings identify the corresponding roof top vents for ventilation purposes. A condition is recommended by Environmental Protection to ensure ventilation measures are carried out.

Public Realm:

The public realm for the area has previously been approved at the PPP stage that also contained details. Otherwise detailed information has been provided for road and paving areas. Information has been provided to show the location and details of kerbs lines, retaining walls and dropped kerbs. This information is sufficient for the planning stage, further details may be required for any Road Construction Consent.

In summary, the design and layout follows that anticipated in the PPP and provides important street frontage on Pennywell Road, whilst framing the public realm area. The design is simple in its execution and the materials proposed will harmonise with the ongoing regeneration in the wider area. The height is appropriate for the site and its role as a local centre.

This condition is therefore approved through this application.

Condition 1d) Noise

A Noise Impact Assessment (NIA) has been submitted and considers noise in relation to commercial noise, plant noise and delivery noise.

The commercial noise element relates to the proposed Class 3 uses and the NIA recommends a number of noise protection measures that should be put in place to protect residential amenity. Environmental Protection has requested that these details are conditioned. An informative has also been recommended in relation to plant noise.

In relation to noise from deliveries, the NIA recommends that glazing of habitable rooms overlooking delivery areas should have uprated acoustic facades capable of achieving acoustic insulation ratings of R_w 26dB or better. Environmental Protection has commented that any recommended internal noise levels should be achieved with an open window and that it would not be possible to achieve a 26dB noise reduction level. Environmental Protection also advises that deliveries and collections should be limited to 07:00 to 19:00 hours.

LDP Policy Des 5 Development Design - Amenity sets out, amongst other matters, that future occupiers should have acceptable levels of amenity in relation to noise. The accompanying text also notes that buildings should interact closely with the street.

The applicant has responded that the size of the units proposed in the development are relatively small, with deliveries likely to be limited in frequency, over a short time period and made by small vans. The scenario of residential units above local shops is found throughout Edinburgh without detriment to residents, whilst the option to close a window would help mitigate any noise.

Mixed use developments with residential uses above shops in a local centre is to be encouraged. Such a mix is an efficient use of land, sustainable and reduces reliance on transport if services are close to where people are. The layout of the proposed development is acceptable in the way it addressed Pennywell Road and the proposed central public realm area. Accordingly, some potential noise from deliveries, within a defined local centre and where future residents can close a window is acceptable in this instance.

Generally deliveries will be made from the public road and not in curtilage or through use of a separate service yard meaning it would be difficult to control or enforce delivery vehicles being parked outside commercial properties at specific times of the day.

Although, there are noise implications of the proposal this matter is approved, subject to a further condition to ensure mitigating measures are carried out.

Condition 1e) Access and Parking

Access and Servicing:

Access to the site remains as defined in the PPP application, which was accompanied by a Transport Statement. Block 1 is accessed, either from Pennywell Road to the east or from the rear through an access already approved as part of the details for Block 2.

Block 3 is also accessed from Pennywell Road on the east and via the existing Muirhouse Avenue North to the south and east.

The units are generally small in size and servicing will take place from the front of the units in the parking spaces proposed on Pennywell Road. A loading bay is proposed adjacent to the larger retail unit located at the northern end of Block 1 with access taken from Pennywell Gardens. This arrangement is acceptable.

Car parking:

The parking levels proposed are similar to those envisaged at the PPP stage, which proposed 129 spaces across the site to accommodate the proposed mix of uses. The overall parking strategy submitted with this application identifies 121 spaces. The spaces associated with this AMC application are 21 spaces for Block 1 and 38 spaces for Block 3, with the majority of the spaces provided as reorganised end-on car parking along Pennywell Road or to the rear of the blocks.

The 2009 parking standards in place when the application was submitted (and when the PPP was granted) allows a maximum of 74 spaces for the proposed uses in this AMC. The 136 residential units are allowed a minimum of 19 spaces plus up to 28 visitor spaces and between 13 and 27 spaces for the commercial space. The 59 spaces proposed are within these guidelines and given the locations role as a local centre, a provision at the lower end is supported.

The recently approved parking standards in the 2017 Edinburgh Design Guidance would allow for a maximum of 177 spaces, based on 136 spaces for the residential use and 41 spaces for the commercial elements. The 2017 guidance sets out that in all developments the level of parking proposed should be lower than, or equal to the maximum limits and lower provision will be justifiable in highly accessible locations. As set out in the PPP the site is in an accessible location with good public transport links. Lower car parking levels will encourage alternative methods to the private car.

The Access Panel has provided some comments in relation to the number and distribution of accessible parking spaces. The 2009 parking standards only seek 5% accessible parking spaces and the proposal complies with this. However, the applicant has provided two additional accessible spaces.

Cycle parking:

Secure cycle storage at 100% is proposed within the blocks, mostly internally within the development adjacent to the stair cores. One small external store is to be provided within the courtyard area of Block 3. Additionally cycle storage has also been proposed in the storage areas associated with the commercial units. The level of cycle parking proposed is at 100% rather than the 200% advocated in the 2009 parking standards, but there is potentially room within the courtyard areas for further cycle parking if required in the future.

In summary, the transport implications of the site are acceptable and this condition is approved through this application.

Condition 1f) Waste Management

A number of bin stores are located throughout the development, both to serve domestic and commercial purposes for the mix of uses. They have been designed to meet the minimum storage capacities. Swept path analysis was considered at the PPP stage and the proposals do not alter this.

Waste Services has provided general comments on the proposals and the applicant has clarified information in relation to matters such as pull distances.

This condition is therefore approved through this application.

Condition 1g) Sustainability

A sustainability statement has been submitted in support of the application Part A of the standards is met through the provision of enhanced building fabric and combined heat and power equipment.

The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections.

This condition is therefore approved through this application.

Condition 1h) Daylighting and Overshadowing

Daylight:

Daylighting information has been submitted to show that the development generally complies with the 'no skyline method' and that the proposed units will receive adequate levels of daylight.

There is an infringement for two rooms in the south of Block 3, adjacent to the student block currently under construction on the adjacent site. At the first floor level, sunlight will penetrate 48% of a room, rather than the required 50%. This is only minor infringement. One ground floor bedroom will only receive 24% penetration. This room has been given a larger window to help compensate. It is also only one bedroom in a three bedroom dual aspect unit, where all the other rooms have adequate daylighting. The flat also has access to its own private garden area.

Taken as whole development, these infringements are considered to be acceptable in the context of the site.

In terms of existing buildings adjacent to the site, both the existing flatted block on Muirhouse Avenue and the student housing currently under construction to the south of Block A have gable end conditions facing the site. Daylight to gables and side windows is not protected.

Overshadowing:

Shadow plans for the spring equinox have been provided to show the levels of sunlight reaching the garden spaces throughout the day. These demonstrate that the proposed spaces will receive more than three hours of sunlight during the day as advocated in the design guidance.

Overall, the proposal allows for sufficient daylight and sunlight levels to be achieved with only minor daylight infringements. This aspect of the proposal is acceptable.

This condition is therefore approved through this application.

Condition 1i) Landscaping Details

LDP Policy Hou 3 Private Green Space states out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be open space.

Block 1 should be provided with 400 sqm of open space. The rear courtyard areas provide for 340 sqm. However, the approved detailed plans for Block 2 also took open space into account and that area included an additional 80 sqm (out of the total 200sqm) for shared use.

Block 3 should be provided with 960 sqm of open space. The central courtyard area measures approximately 980 sqm, with the 21 ground floor units also benefiting from access to their own garden.

The levels of open space are appropriate for the proposal, with the already approved public realm area providing 2,700 sqm of open space.

Detailed plans have been submitted setting out hard and soft landscaping details and associated artefacts including boundary treatments. New street tree planting is proposed along Pennywell Road, between the car parking spaces and within the courtyard areas.

No details have been provided with regards to maintenance and this is recommended to be placed on the approval as a condition. A condition is already in place on the PPP permission in relation to implementation and replacement of plants and trees if they fail.

The proposed levels of open space and landscaping details are therefore approved with the exception of a maintenance schedule.

c) Other material considerations

Phasing:

Condition 6 requires each AMC submission to be accompanied by a phasing plan. Such a drawing has been provided to demonstrate how the site will be developed.

Archaeology:

There are no significant archaeological impacts associated with the application.

Contaminated Land:

A site investigation report has been submitted in support of the application as required under condition 8 of the planning permission in principle. This is currently being assessed by Environmental Protection. This condition can be discharged for the site once Environmental Protection has assessed its acceptability. An informative has been added.

Education:

Developer contributions towards education infrastructure have already been agreed through the planning permission in principle process and the memorandum of agreement with the applicant.

d) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No adverse impacts were identified. An Equality and Rights Impact Assessment is available to view on the Planning and Building Standards Online Services.

e) Matters raised in representations

No representations received.

Conclusion

The proposal seeks approval of the matters set out in condition 1 of planning permission in principle, application reference number 17/00314/PPP in relation to Blocks 1 and 3. The proposal provides for 136 flats, 10 shop units and associated development. The principle of the uses is established on the site and the design, layout, height and proposed materials are acceptable. The proposed development is acceptable in terms of access and parking. The impact on the amenity of future occupiers and neighbours will be acceptable. Whilst there are some minor infringements on daylighting, these are acceptable in the context of the site and any issues in relation to delivery noise are to be expected in a local centre. The proposal is acceptable in terms of the PPP including conditions 6 and 7. The proposal is acceptable in all other respects, subject to suitable conditions. There are no material considerations that outweigh this.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The following noise protection measures to the proposed class 3 use, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-7827-TWF1-RGM), dated 9 May 2017 and submitted with application number 17/00314/PPP:

Separating deck from commercial to residential uses

The separating floor must consist of at least the following materials from top down, 22mm chipboard, 19mm plank, 150 x 50 timbers on resilient foam, 120mm mineral fibre quilt (22 kg/m³), 60mm screed (80kg/m²), 200mm concrete slab(350kg/m²), 50mm mineral fibre batts, 100mm cavity and 12.5mm plasterboard. As detailed in section 3.2 of the noise impact assessment.

Wall Treatments

External wall linings as part of their fit-out shall include 50 mm ply product incorporating 50 mm mineral fibre quilt (22 kg/m³). The lining shall be provided by a 12.5 mm layer of plasterboard (min 8.5 kg/m²).

Flanking Treatments

The webs of the beams and columns shall be fitted with mineral fibre insulation batts and be boxed using two layers of 12.5 mm plasterboard,

The column encasement shall be installed full height prior to the acoustic ceiling.

Floor Treatment

A resilient final floor finish shall be installed to control any structure borne transmission.

shall be carried out in full and completed prior to the development of any respective class 3 uses being occupied.

2. Prior to the Class 3 uses being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawings no PL 102 and PL 304 dated 30 August 2017 should be implemented.
3. Prior to commencement of development, a landscape maintenance schedule shall be submitted and approved in writing by the Planning Authority.

Reasons:-

1. In order to protect the amenity of the occupiers of the development.
2. In order to protect the amenity of the occupiers of the development.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or five years from the date of planning permission in principle 14/00314/PPP, whichever is the later.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of each phase 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. For the avoidance of doubt, condition 8 of 17/00314/PPP in relation to site investigation for this site is not discharged through this approval. Environmental Protection are considering the submitted information and its acceptability or otherwise will be confirmed in due course.
5. Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Planning Authority. Details required:

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.

Any proposed energy plant must comply with the Clean Air Act
6. It is recommended that the applicant installs electric vehicle charging points throughout the development.
7. The applicant will be required to contribute the sum of £2,000 to promote a suitable order to control on-street disabled parking places (if required).

Financial impact

4.1 The financial impact has been assessed as follows:

A Memorandum of Agreement was put in place for Planning Permission in Principle and covers any issues in relation to contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the urban area as identified in the Local Development Plan. The site is also designated as a local centre.

Date registered

12 September 2017

Drawing numbers/Scheme

01-03,04A,05-10,11A,12A,13A,14-33,34A,35-36.,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning Officer

E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

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

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

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

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

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

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

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Ret 5 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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.

NSESBB Non-statutory guidelines Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Appendix 1

Application for Approval of Matters Specified in Conditions 17/04190/AMC

**At Regeneration Masterplan Pennywell Muirhouse,
Pennywell Road, Edinburgh**

Approval of Matters Specified in Conditions of Application No. 17/00314/PPP relating to Phase 2 (Block 1) and Phase 3 (Block 3) of the Pennywell Muirhouse Civic Centre - Phased mixed use development comprising a total of 136 dwellings, shops and food & drink uses, landscaping, open space, access, drainage and other associated development.

Consultations

Archaeology Officer response - dated 15 September 2017

Further to your consultation request I would like to make the following comments and recommendations concerning this application for approval of matters specified in conditions of application 17/00314/PPP, relating to Phase 2 (BLOCK 1) and Phase 3 (BLOCK 3) of the Pennywell Muirhouse Civic Centre

As stated in my earlier response, the site remained open undeveloped until the construction of the current shopping centre and associated buildings in the post-war period. Given the significant impact of this modern development on the site it is unlikely that significant archaeological remains will occur in situ.

Accordingly, it is considered that there are no significant archaeological impacts upon this scheme.

Communities and Families response - dated 15 September 2017

The impact of this development on education infrastructure was considered as part of the consideration of the application for planning permission in principle. Appropriate contributions to mitigate the impact of the development will be secured.

Edinburgh Access Panel response - dated 23 October 2017

I'm a retired architect on the Access Panel, advising the Panel on planning submissions in terms of access. Unfortunately we have only recently been able to arrange a system where we can all see appropriate submissions on a screen at our monthly meetings at Waverley Court.

One of those that we felt we should comment on was the above application, and we wish to make the following points:

Block 1 - Out of 23 available parking bays for shoppers, only one is designated 'accessible', at the end of the parking spaces and furthest from the shops. This is not consistent with good practice. We would expect at least three spaces, and distributed evenly along the row of retail units.

Block 3 - GF plan indicates 9 wheelchair flats; the bathroom layout is not good practice - see BS 8300 for layout. Entrance door should have an effective clear width of 800mm. Other room doors should have effective clear widths of 750mm minimum.

- 9 accessible parking spaces are indicated; disabled users are likely to have disabled visitors, so a visitors' space should be included.

We are aware that the internal layouts are strictly not planning matters, but hope that you can pass these comments on to the agents.

Environmental Protection response - dated 9 November 2017

This Approval of Matters Specified in Conditions application seeks to discharge Conditions 1, 6, 7, and 8 with regards to Phase 2 (Block 1) and Phase 3 (Block 3) of the consented application reference 17/00314/PPP of the Pennywell Muirhouse Civic Centre - Phased mixed-use development comprising a total of 136 dwellings with shops and food & drink uses located at ground level and additional car parking 121 vehicles.

The site is bounded to the east by residential properties facing Pennywell Road and Pennywell Gardens with Craicroyston Community High School further north. To the west lie a range of residential properties fronting Muirhouse Avenue North, Muirhouse Way and Muirhouse Park.

To the north-west and south west of the site lies a range of derelict and vacant land on Muirhouse Crescent and Muirhouse Avenue (identified for development as part of the Pennywell Phase 3 housing project). Residential properties on Muirhouse Avenue are located to the south of the site.

The applicant has provided supporting materials in order to discharge the conditions. A site investigation, noise impact assessment, details of flues and parking have also been submitted. Environmental Protection have reviewed the supporting materials and will require further details before Environmental Protection can support discharging of the conditions.

The applicant has confirmed what units may be used as use class three. The location of these units corresponds with the roof top plans show provisions for one flue in Phase 3 block 3 and four flues in phase 2 block 1. Environmental Protection are satisfied that only the units highlighted in the accommodation schedule are suitable for class three use.

The applicant has submitted a supporting noise impact assessment that has highlighted noise mitigation measures will be required to ensure amenity of the newly proposed residential properties will be protected. These measures can be recommended as conditions.

Noise generated by store deliveries has the potential to disturb residents overlooking the unloading area of the delivery vehicle. Restricting the deliveries to the daytime period will reduce the likelihood of disturbance. This can be recommended as a condition however it is not enough to ensure amenity is protected as some of the proposed residential units will still be exposed to excessive noise during the day times.

To control the noise impact associated with deliveries of goods to the commercial units the applicant has recommended that the glazing of habitable rooms overlooking delivery areas have uprated acoustic facades capable of achieving acoustic insulation ratings of Rw 26 dB or better. Environmental Protection require internal noise levels for commercial noise to be achieved with an open window. An open window can only achieve a maximum sound reduction level of 15dB. It will therefore not be possible to achieve 26dB noise reduction as proposed by the applicant.

Environmental Protection cannot support the discharging of this condition due to the poor level of amenity that will be afforded to the residential properties overlooking the delivery areas.

The applicant has not provided any details with regards the location of electric vehicle charging points.

Environmental Protection advise the applicant that any proposed energy plant must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. No details have been submitted regarding proposed energy.

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

Therefore, Environmental Protection cannot support the discharging of all the conditions until the issues above have been fully addressed. The previously recommended conditions and informative regard the 17/00314/PPP application are below for reference purposes only.

Conditions

Site in General

Prior to the commencement of construction works on site:

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

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 to the satisfaction of the Head of Planning.

Class 3 Café uses proposed as per PPP application

Development shall not commence until a scheme for protecting the occupiers of the proposed residential units hereby consented from operational noise has been submitted to and approved in writing by the Head of Planning; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning, before any part of the development is occupied.

The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point as agreed with the Planning Authority to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

The ventilation system shall be installed, tested and operational prior to the use hereby approved being taken up.

Deliveries and collections, including waste collections, will require to be agreed at the Approval of Matters in Conditions (AMC) stage.

Class 3 detailed application

The following noise protection measures to the proposed class 3 use, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-7827-TWF1-RGM), dated 9 May 2017:

Separating deck from commercial to residential uses

The separating floor must consist of at least the following materials from top down, 22mm chipboard, 19mm plank, 150 x 50 timbers on resilient foam, 120mm mineral fibre quilt (22 kg/m³), 60mm screed (80kg/m²), 200mm concrete slab(350kg/m²), 50mm mineral fibre batts, 100mm cavity and 12.5mm plasterboard. As detailed in section 3.2 of the noise impact assessment.

Wall Treatments

External wall linings as part of their fit-out shall include 50 mm ply product incorporating 50 mm mineral fibre quilt (22 kg/m³). The lining shall be provided by a 12.5 mm layer of plasterboard (min 8.5 kg/m²).

Flanking Treatments

The webs of the beams and columns shall be fitted with mineral fibre insulation batts and be boxed using two layers of 12.5 mm plasterboard,

The column encasement shall be installed full height prior to the acoustic ceiling.

Floor Treatment

A resilient final floor finish shall be installed to control any structure borne transmission.

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

Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no XXX dated XXX should be implemented.

Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.

Informative

Prior to occupation of the development, details demonstrating that noise from all plant complies with NR25 shall be submitted for written approval by the Head of Planning and Building Standards

Details required

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards.

Any proposed energy plant must comply with the Clean Air Act

Waste Services response - dated 27 September 2017

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

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

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only.

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

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

Compliance with Waste Strategy (Domestic Waste Only)

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

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

For high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Key points are:

- each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service;*
- the maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues;*
- provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.*

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

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream.

Open Spaces

We would like to understand who will be responsible for maintaining the open spaces within the development as full access to the site would be required.

With regards to the development at Pennywell Muirhouse I would like to confirm the safe access to bin stores for our collection vehicles, breakdown of number of properties per bin store and also walking distance for householders to the nearest bin store. I would strongly recommend early contact with myself to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is provided.

Roads Authority Issues - dated 21 November 2017

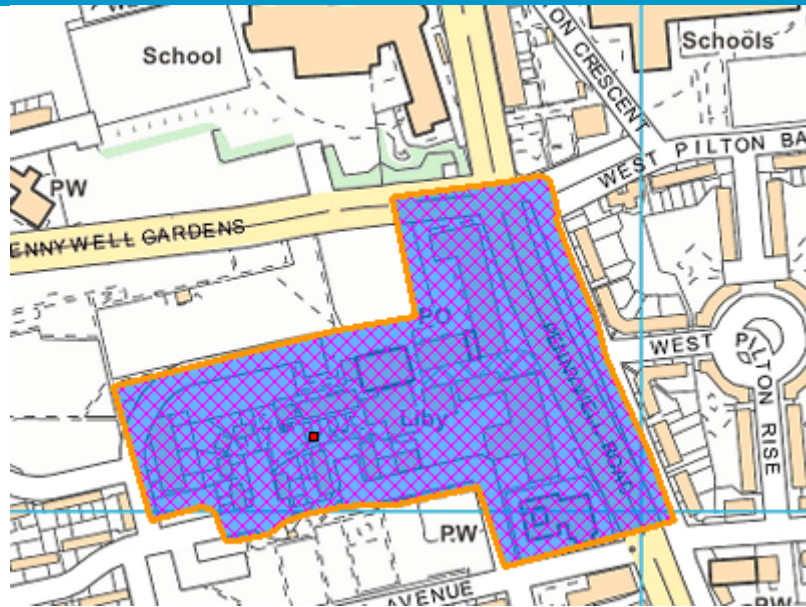
No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. 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, including off-street spaces. The applicant should therefore advise the Council if he wishes any off-street 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:

- o Parking has been assessed under the 2009 standards. The proposed 121 spaces includes provision for Block 2 (approved) and Block 4 (not yet approved). This is considered acceptable for the overall development which includes the current development of 136 residential units and 1,062m² retail / food units;
- o The standards require a minimum of 19 spaces plus up to 28 visitor spaces. Parking provision for the 1,062m² retail / food is required at between 13 and 27 spaces;
- o Cycle parking for the residential element is provided at 1 space per unit with additional off-street provision for the retail / food units;
- o Specific motorcycle parking spaces are proposed throughout the development;
- o It should be noted that the 2017 standards permit up to 1 space per unit, giving a maximum provision of 136 spaces. A further maximum provision of 41 spaces is permitted for the 1,062m² retail / food units, giving a maximum total of 177 spaces.

Location Plan



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