

# Development Management Sub Committee

Wednesday 24 January 2018

## **Application for Approval of Matters Specified in Conditions 17/03774/AMC**

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

**Application for Approval of Matters Specified in Conditions in respect of Application no. 12/00996/PPP relating to Pennywell Phase 3. Residential development comprising 315 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development (as amended).**

<b>Item number</b>	4.6
<b>Report number</b>	
<b>Wards</b>	B01 - Almond

## **Summary**

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This proposal is to implement the third phase of a wider housing regeneration project which includes plans for 715 dwellings to be delivered over a 10 year period. Phase 1 has been completed while Phase 2 is under construction. This proposal seeks approval of the matters set out in condition 1 of planning permission in principle, application reference number 12/00996/PPP. It provides 315 units including a mix of houses and flats of one, two, three, four and five bedrooms. More than half of the units are affordable housing. It is a well designed and high quality modern development with suitable public spaces for the benefit of future occupiers and strong pedestrian links to parks and local services. The proposed development is acceptable in terms of amenity, access and parking.

Overall, it is acceptable in terms of the planning permission in principle, the Edinburgh Local Development Plan and relevant guidance. It is recommended that this application is approved.

## Links

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[Policies and guidance for this application](#)

LDES01, LDES02, LDES03, LDES06, LDES07, LDES08, LEN03, LEN20, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSG, NSP, NSGD02, NSESBB, NSDCAH,

# Report

## **Application for Approval of Matters Specified in Conditions 17/03774/AMC**

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

## **Application for Approval of Matters Specified in Conditions in respect of Application no. 12/00996/PPP relating to Pennywell Phase 3. Residential development comprising 315 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is located in the Pennywell and Muirhouse area of Edinburgh, which lies approximately 2.5 miles northwest of Edinburgh City Centre.

The site has an area of approximately 5.63 hectares. It is currently vacant and slopes down from the south to the north with Muirhouse Avenue set at a higher level overlooking the remainder of the site.

To the north are residential properties which are currently under construction. The site is bound on the north by Pennywell Gardens which has a number of existing mature trees within a central island. To the south are existing residential properties. Directly to the east are some existing residential properties, a library, an arts centre, and the Muirhouse shopping centre which is to be redeveloped. The North West Edinburgh Partnership Centre (NWEPC) providing GP and primary healthcare facilities is under construction to the east. Mainly two storey residential properties lie to the west.

Close to the north west corner of the site is the St Andrews Parich Church and Halls. This building was category C listed on 3 June 2011. (Listed building ref: LB51748).

To the north east of the site is Craicroyston Community High School. The local area surrounding the site is characterised by residential use with the majority being built during the post war era. Most of the housing is low density two storey with typical front and rear gardens and in-curtilage parking. There are also four-storey flats.

## **2.2 Site History**

1 June 2009 - a submission covering the phased demolition of 595 low rise residential units within the master plan site and on land to the north was approved (application number 09/01023/PND).

16 August 2012 - planning permission in principle was granted for a regeneration masterplan for Pennywell Muirhouse. This included residential development including affordable housing and housing for sale with associated parking/landscaping and public realm, North West Edinburgh Partnership Centre (NWEPC) with ancillary cafe, 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).

### **Other relevant applications:**

26 February 2014 - An application for approval of matters specified in conditions was granted for 193 units, landscaping and access on the site of the former Craigmoynton High School, west of Pennywell Road. This is referred to as Phase 1 of Pennywell/Muirhouse Regeneration (application number 13/05158/AMC).

28 August 2014 - application approved for the demolition of the existing dentist and office building and the erection of the Northwest Edinburgh Partnership Centre to the north/west of the site. (application number 14/02250/AMC). Construction works are underway.

12 August 2015 - application for Approval of Matters Specified in Conditions submitted in respect of application 13/01954/PPP comprising 177 residential units, landscaping and access at land north of Pennywell Gardens, east of Pennywell Medway and south of Muirhouse Parkway. This is referred to as Phase 2 of Pennywell/Muirhouse Regeneration (application number 15/01671/AMC).

14 June 2016 - planning permission granted for the demolition of St Paul's Church to the east 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 parking, access, open space and other associated development (application number 17/00314/PPP).

13 December 2017 - application for Approval of Matters Specified in Conditions submitted in respect of 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 and drink uses, landscaping, open space, access drainage and other associated development (application number 17/04190/AMC).

## **Main report**

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### **3.1 Description Of The Proposal**

The proposal seeks approval of the matters specified in condition 1 of planning permission in principle (PPP) reference number 12/00996/PPP for residential development at Pennywell/Muirhouse. The matters set out in condition 1 are:

- (a) Number, type, exact siting, design, external materials, and height of the units, including the design of all external features and glazing specifications (including acoustic capabilities), full details of the adjacent public realm and pedestrian routes, and details of the affordable housing provision;
- (b) Not relevant to this site;
- (c) Details of car parking, cycle parking, access, road layouts and alignment, classification of streets and servicing areas, footpaths and cycle routes;
- (d) Design and configuration of private and shared amenity areas including the details of all external materials and finishes and accompanying details;
- (e) Waste management and recycling facilities;
- (f) Sustainability details;
- (g) Full details of surface water and drainage arrangements in the form of a detailed SUDS strategy and details of overland flow;
- (h) Hard and soft landscaping details, including:
  - i) - An overall hierarchy of materials and soft landscaping features in the form of a detailed public realm strategy;
  - ii) - Walls, fences, gates and any other boundary treatments;
  - iii) - The location of new trees, shrubs and hedges;
  - iv) - A schedule of plants to comprise species, plant size and proposed number/density;
  - v) - Details of phasing and delivery of those works in relation to the various developments;
  - vi) - Existing and proposed services such as cables, pipelines, substations;
  - vii) - Other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment;
- (j) Existing and finished ground levels in relation to Ordnance Datum.

Information has also been submitted to demonstrate how the proposal accords with other relevant conditions of the 12/00996/PPP. These are:-

#### Condition 3 (as relevant to this site)

Prior to the commencement of the first development listed in condition 1 parts (a) and (b) the design, phasing and timing and the subsequent delivery of the following transport upgrading measures to be agreed in writing with the Head of Planning, thereafter the upgrading measures to be completed in accordance with the approved details:

- i) The provision of a pedestrian/cycle puffin crossing adjacent to the existing shopping centre on Pennywell Road linking to West Pilton Rise (relevant to all phases of development);
- ii) The associated re-positioning and upgrading of the two existing bus stops on Pennywell Road with three bay Cairngorm standard glazed roof Commutaports shelters with anti-graffiti coated polycarbonate glazing or equivalent alternative with accompanying real time information signs (relevant to all phases of development);
- iv) The location and provision of up to a maximum of four car club vehicles and associated parking spaces within the development (relevant to all phases of development).

#### Condition 4

The detailed SUDS strategy required under approval of matters condition 1(g) shall be based on the outline Drainage Strategy and Flood Risk Assessment prepared by URS dated March 2012, CIRIA guidance or any alternative or amended strategy that may be prepared following the preparation of a detailed design for the NWEPC. For the individual development areas, further site specific details shall be provided relating to the layout, design, siting of that development in context with the overall SUDS strategy. Following approval all work shall be carried out in accordance with the approved SUDS strategy.

#### Condition 7

- i) Prior to the commencement of construction works on site, the following must be carried out to the satisfaction of the Head of Planning and Building Standards:
  - a) Site survey;
  - b) Detailed schedule of any required remedial and/or protective measures;
- ii) Remedial and/or protective measures to be implemented in accordance with the approved schedule.

## The Proposal

The proposal is part of a wider regeneration project which includes plans for 715 dwellings to be delivered over a 10 year period. Phase 1 has been completed while Phase 2 is undergoing construction and expected to be completed in 2018. This proposal is for the third phase of residential development of the Pennywell area. It comprises the development of 315 houses with associated car parking provision, pedestrian/vehicular access, open space, drainage infrastructure and associated landscaping.

The 315 units provide private and affordable housing. There are 134 private housing units. These include 14 one bedroom units, 64 two bedroom units, 33 three bedroom units, and 23 four bedroom units.

There will be 181 (57%) affordable units. The affordable units will comprise 48 one bedroom units, 70 two bedroom units, 51 three bedroom units, ten four bedroomed units, and two five bedroom units.

The housing consists of two storey semi-detached and terraced housing, and seven flatted blocks of between three and four storeys in height.

The density of the development using the method set out in the Edinburgh Design Guidance is 56 dwellings per hectare.

The development will be delivered in seven phases.

Materials for the two storey housing are a mix of dark brown/red and buff facing brick on the external external walls. Dark grey zinc cladding panels will be provided on selected elevations. Concrete roof tiles are dark grey and windows and doors are dark grey composite frames. Driveways will be concrete flag and block paving.

Materials for the external walls of the flats will be a mix of dark brown/red and buff facing brick. Roofs are dark grey concrete tiles and doors and windows will comprise dark grey composite frames.

Vehicular access to the site is provided at seven different points. Three from the north off Pennywell Gardens, one from the west off Muirhouse Loan, one from the south off Muirhouse Avenue North and two newly formed accesses from the west off Muirhouse Crescent.

Parking is generally provided off-street in driveways for houses. In total 293 parking spaces are proposed. This total includes 114 driveway/spaces for all terraced and semi detached properties, 122 spaces to serve the flats and 57 visitor parking. Within this total, there are 16 accessible parking bays including visitor parking, two car club spaces and two on-street electric vehicle charging points. Cycle parking is provided to the rear of the houses and within the flatted blocks at one space per unit.

There are a number of areas of proposed public open space. A civic square is located within the centre of the site and a public park is located in the southern part of the site. These areas extend to over 2,000 square metres. Pockets of public open space are also located throughout the site to provide recreational space. Private garden space is provided for both houses and flats.

### Scheme 1

The proposals were amended to make some minor changes to house and flat types, location of bin stores, external materials, detailed parking arrangements and landscaping.

Supporting information has been submitted and is available to view on the Council's Planning and Building Standards Online Services. The following documents have been provided:

- Planning Statement
- Design and Access Statement
- Noise Impact Assessment
- Arboricultural Report
- Air Quality Assessment
- Flood Risk Assessment and Drainage Strategy
- A Sustainability Statement

### **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

The principle of residential development on this site has been established in planning permission 12/00996/PPP which relates to a wider site of 11.43 hectares. Proposals for the wider site include non-residential uses. However, this AMC application is restricted to the western part of the wider site covering 5.63 hectares where residential uses only were proposed in the PPP.

Through the PPP, a number of master plan drawings were approved with further improvements and confirmation of details to be sought at AMC stage. The PPP decision includes an informative which states that "a degree of flexibility will be allowed for and expected in the final design solution".

Section 7 of the Design and Access Statement explains how the design development of the site has evolved since the preparation of the master plan. This explains that some refinements were needed to reflect changes to the proposals to the east for the local centre and new student accommodation, more detailed information on site levels and retention of a community park. Although not required at AMC stage, the applicant held a community engagement event in June 2017 attended by over 60 people. The Planning Statement submitted with the application states that the proposals have taken account of points raised by attendees.

This application accords with the planning permission in principle in that it is based on the approved master plan but as envisaged, it includes some refinements.

b) Acceptability of the Details

**Condition 1 (a) Number, type, exact siting, design, external materials and height of units, including design of all external features and glazing specifications (including acoustic capabilities), full details of the adjacent public realm and pedestrian routes, and details of the affordable housing provision**

Number of houses

The masterplan approved at PPP stage proposed 287 units. This application is for 315 dwellings which will help to meet housing need in accordance with policy Hou 1 in the Edinburgh Local Development Plan (LDP). The density of the site is 56 dwellings per hectare. The scale and density of the housing accords with the wider masterplan and complements the existing area.

The number of houses is acceptable.

Type, mix and affordable housing provision

There are 134 private dwellings made up of 71 flats and 63 houses. There are 181 affordable dwellings made up of 104 flats and 77 houses. Across the site, 38% of the dwellings are family housing which meets the minimum level of 20% as required in the Edinburgh Design Guidance.

Of the total 315 dwellings, 181 are affordable which equals 57%. LDP policy Hou 6 requires 25% affordable housing provision. The proposal complies with policy Hou 6. The applicant will deliver the affordable housing on behalf of the Council and therefore a legal agreement is not required in this instance.

All units meet the minimum internal space standards as stated in the Edinburgh Design Guidance. In terms of housing mix, the proposal complies with LDP policy Hou 3.

Housing type and mix are acceptable.

### Siting, Height and Design

The overall design strategy is based on connectivity and legibility, the relationship between buildings and the public realm, a hierarchy of spaces that are accessible, safe and well used and the use of materials and planting to reinforce character and function. Taking account of the existing road structure and buildings, a series of streets are formed which help to define an appropriate block structure for the new housing and flats, encouraging a permeable layout. The density of development decreases moving south, reducing massing generally from flatted blocks to two-storey housing. This promotes a series of interconnected 'neighbourhood streets'.

The proposal incorporates three and four storey flats at key gateways into the site and along the northern boundary defining a strong edge to the development. Building heights step down to two storey within the site and towards the southern boundary. The design of the development in terms of architecture and proportions of streets and spaces creates a sense of character and identity consistent with the other phases of regeneration in Pennywell/Muirhouse. The use of a mixture of red/brown and buff facing brick blends in well with the external materials used in the previous phases and is appropriate. A condition is attached requesting approval of material samples before construction commences.

The proposed layout has been designed to maximise daylight and sunlight to existing and proposed properties. For existing dwellings, the proposal fully complies with the requirements for daylight to existing buildings and sunlight to existing gardens as set out in the Edinburgh Design Guidance. For proposed dwellings, although a minor relaxation would be required to two properties on the no sky line method, both these properties comply with the Vertical Skyline Component Assessment. The proposals therefore comply with the standards set out in the Edinburgh Design Guidance.

In terms of glazing specifications, the Noise Impact Assessment submitted with the application states that the use of standard double glazing will ensure there are not significant detrimental impacts in terms of noise generation associated with traffic, commercial plant and the adjacent uses. Environmental Protection confirm that no further noise mitigation measures are required.

The proposal will result in high quality, well designed residential environment and accords with LDP policies Des 1, Des 4, Des 5 and Des 7. The siting, height, design, materials and glazing specifications are acceptable.

## Adjacent public realm and pedestrian routes

The 'adjacent public realm' discussed in this condition is the subject of a separate application in respect of the redevelopment of the Pennywell Muirhouse Centre. This proposal has been designed to create attractive pedestrian linkages between new and existing housing and this community hub. The proposed Civic Square located in the centre of the site and the proposed public park towards the south of the site extend to over 2,000 square metres in area. Pockets of public open space have also been located throughout the site which will deliver additional recreation space.

The public realm and pedestrian routes are acceptable.

In summary subject to an additional condition on material samples, the matters specified in condition 1 (a) can be approved for this application site.

## **Condition 1 (c) Car parking, cycle parking, access, road layouts and alignment, classification of streets and servicing areas, footpaths and cycle routes**

### Car parking

Parking provision is to be 293 spaces, including 114 in-curtilage spaces for houses and 179 on-street spaces for flats and visitor parking. The Council's 2017 parking standards suggests up to one space per dwelling should be provided. Given access to local shops and services, the public transport links and the general downward pressure on parking provision, the proposed 293 spaces for 315 units is acceptable.

Two on-street electric vehicle charging points will be provided which is less than the standards set out in the Edinburgh Design Guidance. An informative is attached which encourages installation to be increased throughout the development.

All 18 wheelchair accessible dwellings have accessible parking which complies with Council standards.

The car parking provision is in line with current Council parking standards and is acceptable.

### Cycle parking

Cycle parking is integrated into the flats and there is cycle provision made within the rear gardens of each house. The cycling provision meets the requirements of the Parking Standards.

Cycle parking is acceptable.

### Access, road layouts and streets

The proposed layout provides a number of secondary roads to connect with the existing road network. The road network has an established street hierarchy and a pedestrian network that connects with the wider area. All the access points from the main roads into the housing development are acceptable.

The streets have been designed and detailed to provide a high quality and robust public realm.

Access, road layouts and streets are acceptable.

### Footpaths and cycle routes

The proposed layout incorporating shared road space promotes safe and easy movement for cyclists and pedestrians. Footpaths/cycle routes are provided to maximise permeability and to create strong connections with surrounding housing and public parks. There is a strong east west route from the civic square to the local centre. There is also a link connecting the public park in the southern section of the site and the local centre.

Footpaths and cycle routes are acceptable.

The matters specified in condition 1 (c) can be approved for this application site.

### **Condition 1 d) Private and Shared Amenity areas**

In terms of private gardens, provision has been made for each house with garden depths generally 9 metres and comprising rear 1.8 metre high timber fences and 1.2 metre high timber side fences. Each flatted block has a level of communal private ground which exceeds the minimum size requirement of 10 square metres per unit as stated in LDP policy Hou 3. Boundary treatments comprise a mix of 1.1 metre high hedges and shrubs/herbaceous planting to enclose gardens with 1.2m high vertical bar railings for private gardens associated with the flatted blocks.

In terms of sunlight to new gardens, communal gardens to all flatted blocks achieve the standard set out in the Edinburgh Design Guidance. The layout of the private houses is constrained by the existing street network and there is a strong east-west axis. This has resulted in some of the north facing gardens just falling short of having the full three hours of sunlight to more than the 50% of the garden area. However, they all have 9 metre garden depth and the housing layout generally has adapted to the level differences across the site. An exception to the guidance is justified in this instance.

A public park (900 square metres) and civic square (1100 square metres) are provided in central locations. These shared public open spaces extend to over 2000 square metres and will provide a high quality recreational space. Materials used within the amenity areas are acceptable.

The design of amenity areas is acceptable. A minor exception in terms of sunlight to some private gardens is justified.

The matters specified in condition 1 (d) can be approved for this application site.

### **Condition 1 e) Waste Management and Recycling**

Individual refuse and recycling storage areas are provided for each house, accessible from respective rear lanes to each garden. For flatted blocks, internal refuse and recycling storage areas are provided. Block F is the only block which will have an external bin storage area. All calculations for waste and recycling provision have been based on CEC's Waste Management Guidance.

Waste Services have confirmed that all the information provided in relation to waste provision is acceptable.

The matters specified in condition 1 (e) can be approved for this application site.

### **Condition 1 f) Sustainability**

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards, will be constructed on brownfield land and will meet a 30% carbon reduction.

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:

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
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
<b>Total points</b>	<b>80</b>	<b>80</b>

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.

The matters specified for condition 1 (f) can be approved for this application site.

### **Condition 1 g) Surface Water and Drainage**

The Council's Flooding Team has confirmed that it has assessed all the information submitted by the applicant relating to flood risk. It is satisfied that the applicant has met the requirements set by the Council with regards to flood risk assessment and surface water management.

The information provided accords with the requirements of condition 4 in relation to SUDs.

The matters specified in condition 1 (g) can be approved for this application site.

### **Condition 1 h) Hard and soft landscaping details**

The applicant has submitted detailed landscape drawings for soft landscaping proposals. These include the location of all new trees, shrubs and hedges and a schedule identifying the mix, height and species type of the planting. The civic square includes use of interactive equipment and picnic benches in open spaces. Landscaping throughout the site differentiates between private and public space. All boundary treatments are specified and will be limited for the communal areas to allow for openness and permeability. A range of tree species are located across the site. Hedges are located between house plots at the front and will grow to be one metre in height. Phasing and delivery of landscaping associated with the proposed development would be directly related to the phasing plan. An existing utilities pack has been submitted by the applicant which identifies the existing services and all landscaping plans have taken cognisance of these features and proposed utilities. Information has been provided on factoring arrangements for the ongoing maintenance of the landscaping.

The hard and soft landscaping details included within the associated drawings are acceptable.

The matters specified in condition 1 (h) can be approved for this application site.

### **Condition 1 j) Existing and finished ground levels in relation to Ordnance Datum**

Details of the existing and finished levels to a fixed point Above Ordnance Datum (AOD) are shown on the existing plan and site layout. These drawings show levels in relation to existing or proposed features including roads, footpaths, parking spaces, public/private gardens, retaining walls etc. Finished floor levels are also included on the site layout plan. These are all acceptable.

The matters specified in condition 1 (j) can be approved for this application site.

### **c) Other material considerations**

#### **Other Transport Matters**

The applicant has submitted information in relation to the relevant parts of Condition 3 on this site on the following transport matters:-

- Pedestrian/cycle puffin crossing on Pennywell Road;
- Re-positioning and upgrading of the two existing bus stops on Pennywell Road;
- The location and provision of up to a maximum of four car club vehicles and associated parking spaces within the development.

Drawings have been submitted showing the details of the above. In terms of phasing, timing and delivery of the pedestrian/cycle crossing and bus stop relocation options on Pennywell Road, it is proposed that works will be undertaken in separate phases, as applicable, prior to the completion of the proposed development, pending complete de-dualling of Pennywell Road, if required.

Two electric vehicle charging points and two city car club spaces will be provided within the site to the east of Blocks E and F. This is considered to be proportionate to the scale of the proposed development against respective requirements for the town centre and the partnership centre development components.

This application accords with the parts of condition 3 which are relevant to this site.

### **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 7. 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.

#### 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

One material representation was received. It was not an objection but made the following comments:

- Relationship with adjacent developments - addressed in sections 3.3 a) and b). The proposal has been refined since the master plan to take account of current developments.
- Inadequate road and parking capacity on Muirhouse Avenue - addressed in section 3.3b).
- Request for a pedestrian crossing and more car parking spaces on Muirhouse Avenue - there is no justification to require these as part of this application.

A late representation was received under this application number. However, the comments appear to relate to a different application.

## Conclusion

This proposal is to implement the third phase of a wider housing regeneration project which includes plans for 715 dwellings to be delivered over a 10 year period. Phase 1 has been completed while Phase 2 is under construction. This proposal seeks approval of the matters set out in condition 1 of planning permission in principle, application reference number 12/00996/PPP. It provides 315 units including a mix of houses and flats of one, two, three, four and five bedrooms. More than half of the units are affordable housing. It is a well designed and high quality modern development with suitable public spaces for the benefit of future occupiers and strong pedestrian links to parks and local services. The proposed development is acceptable in terms of amenity, access and parking.

Overall, it is acceptable in terms of the planning permission in principle, the Edinburgh Local Development Plan and relevant guidance.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. Sample/s of the proposed materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.

#### Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.

#### 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 12/00996/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 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 7 of 12/00996/PPP in relation to site investigation for this site is not discharged through the approval. Environmental Protection are considering the submitted information and its acceptability or otherwise will be confirmed in due course.

5. The applicant is encouraged to install additional electric vehicle charging points throughout the development.
6. The sum of £2,000 will be required to promote a suitable order to control on-street disabled spaces.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

Urban Union will deliver the affordable housing on behalf of the Council and therefore a section 75 is not required.

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

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

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

Neighbour notification was carried out on the 18 August 2017. One representation was received within the statutory time period. A second representation was submitted late and raised a non-material matter.

An assessment of the material consideration raised is included within the main report in the Assessment section.

## **Background reading/external references**

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- 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.

### **Date registered**

11 August 2017

### **Drawing numbers/Scheme**

01, 02, 03, 04B, 05, 06A-10A, 12A-49A, 50B-54B, 55,56, 57B,, 58B-61B, 62, 63B, 64,65,66A, 67, 69-77,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer

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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

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

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

**Non-statutory guidelines** 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 17/03774/AMC**

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

**Application for Approval of Matters Specified in Conditions in respect of Application no. 12/00996/PPP relating to Pennywell Phase 3. Residential development comprising 315 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development (as amended).**

### **Consultations**

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#### **Affordable Housing response – dated 13 August 2017**

##### 1. Introduction

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

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

\* The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

\* This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

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

##### 2. Affordable Housing Provision

This application is for 315 residential homes. 181 affordable homes will be delivered (57%) exceeding the affordable housing requirement. A representative mix of homes and flats will be provided as part of wider masterplan to provide 750 homes in the Pennywell area (12/00996/PPP). Urban Union will deliver the affordable housing on behalf of the Council and therefore a section 75 is not required.

Parking will be unallocated providing a reasonable balance between private and social residents. In terms of accessibility, the homes are situated within close proximity of regular public transport links and are located next to local amenities in Pennywell.

### 3. Summary development

The application satisfies and exceeds the AHP requirement. A Section 75 is not necessary as the Council will manage the homes.

#### **Archaeology response – dated 18 August 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 in respect of application 12/00996/PPP relating to Pennywell Phase 3 residential development comprising 351 dwellings with associated landscaping, open space, access, drainage infrastructure and other associated development.

The site remained open undeveloped until the construction of housing in the post-war period. Given the significant impact of this modern development and its subsequent demolition on this site, it is considered unlikely that significant archaeological remains will have survived in situ.

Accordingly I have concluded that there are no archaeological implications regarding this application.

#### **SEPA response – dated 7 September 2017**

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

##### 1. Surface water drainage

1.1 We have reviewed the Flood risk assessment and Drainage strategy (dated August 2017) provided with the application and Section 6 outlines the proposals for surface water drainage. This details that the drainage will discharge to the Scottish Water storm water sewers (i.e. surface water drains) and as such surface water treatment is required. The Simple Index Approach (SIA) Tool has been used to determine the types of sustainable drainage systems (SUDS) (filter drains and pervious paving) which should be used for this development. On the basis of the information provided in the Strategy we are satisfied with the proposal.

1.2 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, where appropriate, the views of the local authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.

## 2. Air quality

2.1 It is vital when considering development likely to generate additional levels of traffic that the planning authority assesses potential air quality issues, and in particular the cumulative impact of such developments. With 315 homes proposed, the residential development has the potential to generate traffic. Moreover, considering the proximity of the Craigroyston Community High School to the east of the site, there is the potential for air quality issues to arise during peak traffic times. Particular attention should therefore be paid to ensuring the 1-hr mean nitrogen dioxide objective level is not exceeded. Although not within a designated Air Quality Management Area (AQMA), the Council should be satisfied that receptors are not being introduced into an area with poor air quality.

2.2 The Air Quality Assessment (dated July 2017) submitted with the planning application offers no reference to the undertaking of atmospheric dispersion modelling and relies on the consultants "professional judgement" and Defra pollutant background maps as the principle means of assessment on air quality. Therefore, the Council may want to consider requesting the developer to undertake atmospheric modelling and ambient air quality monitoring to establish representative pollutant background levels.

Regulatory advice for the applicant

## 3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

3.3 You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

3.4 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office

## **Edinburgh Access Panel response – dated 26 September 2017**

I'm a retired architect on the Access Panel, trying to advise 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. I realise that the Comment period has passed and you're no doubt well on with the Decision phase, but nevertheless an important point should be made.

Eighteen wheelchair-accessible flats/houses are indicated on the drawings, but it seems from the plans that only ten accessible parking bays are available.

The panel believes that the ratio should be at least 1:1, with in addition consideration for visiting wheelchair-users.

We have some comments on the accessible flat/house internal layouts, but are aware that these are not strictly planning matters

## **Environmental Protection response – dated 2 November 2017**

The proposals are for 315 dwellings, as well as existing and proposed community facilities including Old Kirk & Muirhouse church, Block 4 cafe, library, office space, arts centre and North West Edinburgh Partnership Centre (NWEPC) healthcare facility. To the East is the NWEPC and Block 4 (Café, Library & office space), to the North-west is the Old Kirk & Muirhouse church, and to the West and South are existing residential dwellings.

### **Air Quality**

The assessment of road traffic impacts on nearby sensitive properties, and on future residents of the proposed development itself, have been assessed qualitatively based upon the difference between existing and proposed car parking spaces on site, traffic flows on local roads, background pollutant concentrations and local measured concentrations.

The proposed development will be built on land previously used for residential properties; these properties have been demolished to allow the new development to proceed. The previous development consisted of 348 residential units, with approximately 170 dedicated car parking spaces. The proposed development will consist of 315 residential units with the provision of approximately 288 dedicated car parking spaces. This increase of approximately 118 car parking spaces may potentially result in some increase in traffic generation between the previous and proposed uses. It has been noted that the total number of residential units will decrease and as a result of the proposed development, the total annual trip generation associated with the previous 348 units is likely to have been comparable to, if not greater than, that of the proposed 315 units. If an assessment had been made based solely upon the provision of dedicated car parking provisions, the increase in spaces is still unlikely to generate significant increases in traffic. It is noted that Scottish Environment Protection Agency have advised that a full air quality impact assessment should have been carried out in

support of the application. Environmental Protection are of the opinion that no modelling is required due to relatively low net gain in car parking numbers, the location of the site, the existing planning permission in principal (12/00996/PPP) and the applicant's commitment to introducing various local air quality mitigation measures.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points. This was published after the date the PPP application was consented.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- \* Dedicated parking spaces with charging facilities.
- \* Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology Environmental Protection recommends that at least one EV charging outlet should be of the following standard serving the non-residential car spaces:

70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Furthermore, for individual dwellings with a driveway or garage, 7Kw chargers shall be installed in each dwelling.

Grants are also available for the installation of EV charge points from the Scottish Energy Saving Trust. More information can be found at:

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

The Scottish Government in the 'Government's Programme for Scotland 2017-18 has a new ambition on ultra-low emission vehicles, including electric cars and vans, with a target to phase out the need for petrol and diesel vehicles by 2032. This is underpinned by a range of actions to expand the charging network, support innovative approaches and encourage the public sector to lead the way, with developers incorporating charging points in new developments.

Therefore, Environmental Protection would not object to this application in regard to local air quality subject to conditions on EV Infrastructure being included as a condition or legal agreement.

## Noise

The applicant has provided a supporting noise impact assessment. Measurements of the noise environment in the vicinity of the church and NWEPC have been made during the daytime period. The assessment has indicated that there is potential for occasional NWEPC delivery noise to result in adverse impact to the North-eastern facade of the proposed development given the close proximity, however allowing for open windows the internal acoustic amenity is expected to meet the required criteria as stipulated by Environmental Protection.

There is not anticipated to be any significant noise impact from the Old Kirk & Muirhouse church or Block 4 café indoor or outdoor areas. Therefore no specific noise mitigation measures are required.

## Odour

If the applicant proposes Use Class 3 or full commercial cooking in any of the proposed premises then ventilation is likely to be required to adequately deal with kitchen effluvia from these premises and ensure that they reach an appropriate height. Therefore, the siting of such premises will require to be fully assessed to ensure that odours from food operations do not impact upon residential amenity.

## Contaminated Land

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 offers no objection subject to the following conditions.

1. Prior to the use being taken up, one rapid electric vehicle charging point, capable of 70 -50kW (100 Amp) DC with 43kW (63 Amp) AC output shall be installed as per the 'Proposed Parking Plan – Drawing number (PL) 005 dated August /2017
2. Prior to the use being taken up, 7Kw electric vehicle charging point, shall be installed in the private driveways for all residential properties.
3. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

i) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

### **Transport Planning response – dated 22 December 2017**

No objections to the application subject to the following being included as conditions or informatives as appropriate. The Decision letter of 16 August 2012 relating to planning application 12/0996/PPP is relevant:

1. 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 and layout. 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. For the avoidance of doubt, the road layout, materials, lighting, drainage, elements of soft landscaping, etc. is not approved at this stage and will only be formally approved through the road construction consent and associated quality audit;

2. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;

3. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

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

5. 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;

6. Electric vehicle charging points – it is understood that 2 on-street electric charging points will be introduced. The applicant should note that responsibility for the maintenance of on-street electric vehicle charging points has yet to be identified. Whilst this matter is expected to be clarified in the near future, the introduction of such on-street spaces should be agreed with the roads authority prior to works being carried out;

7. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Chief Planning Officer;

8. Doors or gates must not open outwards onto an adoptable area.

Notes:

a. The applicant is reminded that contributions of £2,000 are required for the following orders:

\* a suitable order to redetermine sections of footway and carriageway as necessary for the development;

\* a suitable order to stop up sections of road as necessary for the development. No development to commence until the stopping up order has been promoted and concluded along with any redetermination orders and traffic regulation orders which may be required to facilitate the development;

\* a suitable order to introduce waiting and loading restrictions as necessary;

\* a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council;

b. The application has been assessed under the Council's 2009 parking standards.

2009 Parking Standards – Zone 4:

Type	No. units	Spaces/unit	Car spaces Total
Affordable			
2 room flat	14	0.1	1.4
3 room flat	57	0.25	14.25
2 room house	10	0.1	1
3 room house	10	0.25	2.5
4 + room house	57	0.5	28.5
Sub-total	148	-	47.65
Private			
2 room flat	38	1	38
3 room flat	60	1	60
4+room flat	6	1.5	9
3 room house	7	1.5	10.5
4+room house	56	2	112
Sub-total	167	-	229.5
Total	315	-	277

Additional 63 visitor parking spaces to be provided (at 0.2 spaces per unit) giving a provision of 340 spaces. However, given access to local shops and services, the public transport links and the general downward pressure on parking provision, the proposed 293 spaces for 315 units is considered acceptable (including 110 off-street spaces for houses).

The following are considered acceptable:

\* Cycle parking is provided to the rear of houses and within blocks at 1 space per unit;

\* Disabled parking provision is required at 5%, i.e. 16 spaces. A total of 18 spaces are to be provided adjacent to each accessible unit;

\* Two on-street electric vehicle charging points will be introduced;

\* Up to four car club spaces are to be provided. A contribution of £1,500 per order and £5,500 per vehicle is required;

c. For information, the Council's 2017 parking standards are:

\* up to 1 car space per unit giving a maximum provision of 315 spaces;

\* approximately 649 cycle spaces;

\* 13 motorcycle spaces;

\* Disabled spaces at 8% of capacity, i.e. 26 out of 324 provision;

\* Electric charging points at 1 in 6 of provision, i.e. 54 out of 324 provision.

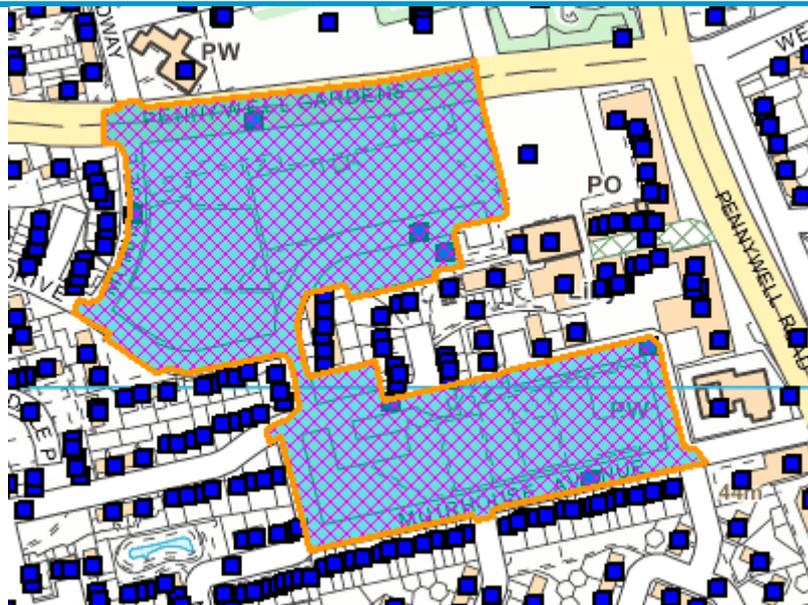
d. The draft residential travel dated 27 July 2017 is considered acceptable. Further work to the plan will be required as the development is occupied.

### **Waste response – dated 5 January 2018**

I can confirm all the information I have received is acceptable and the waste strategy has been agreed for phase 3 at Pennywell/ Muirhouse project.

### **Location Plan**

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**END**