

Development Management Sub-Committee Report

Wednesday 7 December 2022

**Application for Approval of Matters Specified in Conds
Regeneration Masterplan Pennywell Muirhouse, Pennywell Road,
Edinburgh.**

**Proposal: Proposed development of a brownfield site for the
provision of 94 No. new residential units for private sale including
vehicular access, site wide drainage and landscaping (As Amended).**

**Item – Committee Decision
Application Number – 21/06738/AMC
Ward – B01 - Almond**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as twelve objections to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposals are in accordance with the Development Plan and sufficient information has been provided to deal with the relevant approval matters as set in condition 1 of planning permission in principle 13/01954/PPP.

The proposed layout differs from that originally envisaged within the masterplan. However, constraints on the site have been put forward for some alterations and the general approach of providing an urban permitter block to the outer edges to the site is accepted. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

SECTION A – Application Background

Site Description

The site, referred to as Site 9, covers approximately 2.3 hectares and forms part of the Pennywell/Muirhouse masterplan area.

It is currently vacant land but is shown as open space within Local Development Plan Proposals Map and was previously in use as school playing fields.

To the north of the site is Craigroyston Primary School and a contemporary housing development. To the east of the site is the Oaklands School and beyond this is a previous phase of the residential masterplan (site 10). The site is bound by Ferry Road to the south and Muirhouse Green to the west. A railing runs along the southern and western boundaries.

The local area surrounding the site is characterised by residential housing, predominately low density two storey housing with informal greenspace. To the south are three storey tenement blocks.

The site is currently accessed from the west at Muirhouse Green.

Description of the Proposal

The proposal seeks to deal with a number of the approval matters specified in condition 1 of Planning Permission in Principle (13/01954/PPP).

Condition 1 of 13/01954/PPP states that, "Prior to the commencement of works on site, 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.

The relevant approval matters are set out below:

- (a) Siting, design and height of development, including design of all external features and glazing specifications (including acoustic capabilities)
- (b) Design and configuration of public and open spaces, all external materials and finishes
- (c) The number and location of car parking spaces including provision for City Car Club parking, access, road layouts and alignment, the classification of streets, servicing areas
- (e) The precise number and location of all the residential units to be developed within the site and including the location of the affordable housing units
- (f) Waste management and recycling facilities
- (g) Sustainability details
- (h) Footpaths and cycle routes

- (i) Surface water and drainage arrangements including overland flow details
- (j) Hard and soft landscaping details, including:
 - (i) Walls, fences, gates and any other boundary treatments;
 - (ii) 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, and play equipment;
 - (vii) Details of phasing of these works.
- (k) Details of bat boxes and swift bricks to be installed as part of the development
- (l) Existing and finished ground levels in relation to Ordnance Datum.

The proposal is for 94 houses for private sale. The mix of units is 9 x two bedroom houses, 25 x three bedroom houses, 20 x four bedroom houses (dual-pitch roofs) and 40 x four bedroom houses (mono-pitch roofs).

The dwellings are arranged into a series of small terraces. The three storey mono-pitched roofed townhouses front onto the external edges of the site along Ferry Road and Muirhouse Green. The main materials proposed are red facing brick, grey concrete roof tiles with black windows, gutters and downpipes.

The one vehicular access is taken from the west from Muirhouse Green and this leads into the site with the terraces arranged around the main central road with two car parking courts at either side of the site.

There is a square area at the northern part of the site which incorporates hard and soft landscaping with areas for seating and cycle parking. This feeds into an open area at the north of the site which is proposed to contain areas for surface water attenuation. This area of open space also includes a path link through to the adjacent masterplan site to the west. Open space is also created on the southern side of the site adjacent to Ferry Road. The northern and southern landscaped areas are to contain features for natural play.

A total of 94 car parking spaces are proposed, 67 are to be in curtilage with 27 spaces split across two courtyard areas.

Previous Scheme:

The previous scheme contained 99 units and were all two storey pitched roof houses set out in a series of terraces. Internal road areas have been rationalised, including the those around the central square and the building line moved closer to address Ferry Road.

Supporting Information

- Design and Access Statement (Revised);
- S1 Sustainability Statement and
- Flood Risk Assessment and Drainage Strategy

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

Relevant Site History

13/01954/PPP
Regeneration Masterplan Pennywell Muirhouse
Pennywell Road
Edinburgh

Renewal of Planning Permission in Principle (refs 10/01273/PPP + 12/00357/PPP) for development of affordable housing + housing for sale with associated landscape + public realm.

Granted
18 September 2013

13/05158/AMC
Regeneration Masterplan Pennywell Muirhouse
Pennywell Road
Edinburgh

Approval of matters specified in Conditions of application 13/01954/PPP - residential development comprising 193 units, landscaping and access.

Approved
4 March 2014

Other Relevant Site History

On land to the north of the site:

01/01604/FUL
7-9 Muirhouse Place West
Edinburgh
EH4 4PX

(7-9 Muirhouse Place West) Replacement Primary School and associated access, parking and open space
Granted

3 October 2001

07/03980/OUT
67, 67B Muirhouse Avenue
Edinburgh
EH4 4AE

Outline permission for residential development.
Granted
15 June 2012

12/02674/AMC
Site 104 Metres Southwest Of 65
Muirhouse Avenue
Edinburgh

Reserved Matters application on outline consent to erect a new residential development consisting of 202 units of terraced townhouses, flatted blocks and associated site infrastructure
Approved
6 February 2013

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology Officer

Environmental Protection

Waste Services

Scottish Water

Housing Management and Development (Affordable Housing)

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 30 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 15

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the Development Plan and condition 1 of 13/01954/PPP:

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

- LDP Design policies Des 1 - Des 8.
- LDP Environment policies Env 9, Env 21 and Env 22.
- LDP Housing policies Hou 2, Hou 3, Hou 4 and Hou 6.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

The non-statutory Edinburgh Design Guidance (EDG) is a material consideration that is relevant when considering these policies. The Pennywell & Muirhouse Design Guide is also of relevance to the proposal.

Condition 1a - Siting, design and height of development

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

Informative 2 of the PPP sets out that although the overall master plan drawing is approved, further improvements to the master plan shall be sought at the approval of matters specified in condition stage. The informative states that the accompanying drawings relating to building heights, circulation and parking, refuse, hard and soft landscape, boundary treatment, drainage and sustainable urban drainage systems, major utilities routes, and swept path analysis are not approved and are considered for the purposes of information and guidance at this stage.

Layout:

LDP Policies Des 4 (Development Design - Impact on Setting) and Des 7 (Layout Design) set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The masterplan provided a hierarchy of development, as illustrated in the Pennywell and Muirhouse Design Guide, with higher flatted blocks located adjacent to Ferry Road. The intention of this approach was to provide three and four storey properties that create prominent buildings and frontage to the main roads to help identify the new neighbourhood. Two storey terraced housing is then located in the interior of the sites.

The main differences from the masterplan are the omission of a vehicular access directly from Ferry Road with now only one access from Muirhouse Green proposed, the change in format of the of the buildings proposed (i.e., change from flatted properties to terraced housing) and also the omission of planting shown around parts of the periphery of the site.

The application has been altered from the scheme originally submitted to provide an improved frontage onto Ferry Road and the house types altered to provide a higher mono-pitched roof which gives a greater sense of street enclosure to Ferry Road. This resembles the masterplan approach of higher buildings fronting onto the road.

Since the masterplan was conceived further analysis has been undertaken and the Scottish Water main trunk running adjacent to Ferry Road results in a no-build area meaning the buildings need to be set further back from the road. It also limits the scope for tree planting over this area, though the area is to be greened. The proposed development does improve the character of this part of Ferry Road and the landscaping, alongside the removal parts of the old railings (alongside selective replacement) will improve the pedestrian environment.

The proposed layout urbanises the Muirhouse Green frontage more than envisaged within the masterplan with the mono-pitched town houses continuing round from the Ferry Road elevation and allow for pedestrian and vehicular access. The Muirhouse Green part of the site was originally shown as predominately surface car parking and tree planting. The new urban form, albeit different to that in the masterplan, provides a stronger frontage on the street. Generally, the Edinburgh Design Guidance (EDG) encourages the use of frontages to maximise activity on the street.

Internally within the site the proposed pitched roof terraced housing is set around the main access road, and it addresses the new streets accordingly. Gable ends contain windows on the end plots to provide some additional passive surveillance. The general design approach, although differing from the masterplan layout takes into account the constraints of the site and generally follows the approach taken with the other sites in the masterplan area.

Design and Materials:

The Pennywell & Muirhouse Design Guide sets out that there is to be a consistent approach to design including an integrated architectural strategy. This includes the use of a common palette of materials which is to provide a distinct identity for the development within the masterplan area. The guide states the bricks are to be from a red palette.

The proposed mix of pitched and mono-pitched roof house types, the general design with windows with a vertical emphasis and simple detailing match in with the design of the earlier phases of development. The use of redbrick as a primary material continues the identity of the wider masterplan area.

The proposed materials and detailing comply with Policy Des 4 (Development Design - Impact on Setting).

Amenity:

LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

The inclusion of nine-metre-long rear gardens results in generous separation distances internally within the site.

The EDG does not set out recommended privacy distances, indicating instead that the pattern of development within an area will help define appropriate distances between buildings and consequentially privacy distances. At the north of the site there is a distance of approximately 21 metres from the rear of the proposed dwellings to the existing dwellings on Macgill Drive and at the eastern section at Oliver Close the buildings are orientated with a gable end next to the application site. There is a change in levels between the site and the houses to the north, but the distances are acceptable.

The distance from the existing dwellings on Muirhouse Green to the proposed dwellings is approximately 25 metres. This is an acceptable distance.

The density and height of the proposals alongside the general layout do not raise areas of concern in relation to daylighting and overshadowing.

A Noise Impact Assessment (NIA) was provided in relation to condition 5 of application 13/01954/PPP in support of 13/05158/AMC. This information covered site 9. This indicated that traffic noise would need to be addressed at this site and recommended improved glazing. The properties proposed in this AMC are no closer to the road than those shown at the masterplan level, so the glazing specification advised in the original NIA is still relevant. Environmental Protection has advised that this should be installed prior to occupation and has recommended a condition.

The proposal does not raise any overriding concerns in relation to amenity and complies with LDP Policy Des 5.

Condition 1b - Design and configuration of public and open spaces

LDP Policy Hou 3 (Private Green Space in Housing Development) states planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents. Adequate rear gardens are provided for the individual houses and as there are no flats there is no requirement for communal shared open space.

The main areas of open space within the site are the northern area, the central square and the landscaped area adjacent to Ferry Road combined these total approximately 5,250 sqm. With a total site area of 2.3 hectares this equates to approximately 23% of the site area and complies with Policy Hou 3.

The area of open space to the north (approx. 2,000 sqm in size) is similar to that as shown in the masterplan and sits adjacent to the wooded area on the adjacent site whilst providing the link to the eastern area. This is intended to be an informal greenspace with planting and informal recreation and play.

The central square is described as a focal and orientation point of the development and consists of a mix of hard and soft landscaping. Trees and planting are proposed to create a sense of enclosure with benches proposed within the area.

The main entrance point from Muirhouse Green proposes a feature pine tree and an area of woodland tree planting which will help define the entrance to the site. The southern area along Ferry Road will improve the current streetscape.

This matter is adequately dealt with.

Condition 1c - Car and cycle parking, access, road layouts and alignment and condition d - electric charging points

Transport information was submitted at the PPP stage. This indicated that the capacity of the junctions on Muirhouse Green was not an issue, but the masterplan design of two access points, one from Muirhouse Green and one from Ferry Road, was included to 'spread the load'.

This proposal contains one vehicular access point at the west from Muirhouse Green. The proposal no longer contains a second access point direct from Ferry Road which was intended to serve half the site. The applicant has indicated that this is not progressed due to traffic management and it views the proposal as an improvement by reducing the number of access points to Ferry Road. The level of car parking is also much lower than that anticipated at the masterplan level.

The general layout provides a network of routes through the site. There is a main vehicular route that runs through the central part of the site and leads to the areas of courtyard parking. The revised proposals avoid the circular route around the site and additional hardstanding which was previously proposed. Bus stops are available in close proximity to the site on Ferry Road.

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the Council's approach to car and cycle parking stating that both should comply with the standards set out in the guidance. In addition, LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) expects the layout and design of parking to be located near to entrances of buildings, minimised visual impact and not compromise pedestrian safety.

The PPP did not approve car parking levels but indicatively provided 64 in-curtilage spaces and 81 on street spaces (145 in total) for the anticipated 88 units.

The current parking standards allow for one space per unit. The proposals contain 94 spaces, one for each dwelling. The majority of the car parking is in curtilage with the exception of 29 spaces which are largely split across two courtyards areas.

The Pennywell & Muirhouse Design Guide states that throughout the masterplan areas there are various approaches to incorporating the required amount of parking - both on and off street. Proposals should aim to design all parking areas to be as attractive as possible and ensure pedestrian safety.

The parking levels meet with the Council's standards and are in discrete locations that will be overlooked by windows in the gable ends of the adjacent proposed dwellings. Planting is proposed at the ends of the parking areas. The proposed plans show a site less dominated by car parking than that shown at the masterplan level. In-curtilage parking is generally grouped pairs to provide room for planting and hedging. The in-curtilage spaces have been designed to facilitate the installation of EV charge points. Provision will be made to enable charging of electric vehicles at the courtyard areas.

As the dwelling houses all have secure private garden spaces that future occupants will be able to use the area for future cycle storage as they see fit.

Cycle parking is proposed in the small square area of open space eight Sheffield stands shown.

The proposals comply with LDP Policies Tra 2, Tra 3 and Tra 4.

Condition 1 e - Number and location of all the residential units

The residential use has been established through the PPP.

The indicative proposals submitted at the PPP stage showed 88 units split into 42 houses (39 x 3 bedroom and 3 x 4 bedroom) and 46 flats (4 x one bedroom, 28 x two bedroom and 14 x three bedroom). The PPP also intended there to be a 50/50 split between the affordable and private market housing across the wider masterplan area.

The PPP did not condition unit numbers and left it as an approval matter. The PPP committee report indicated that dependent on design matters there may be some scope for limited increases in the number of units. A modest increase of six units to 94 is acceptable.

Affordable housing has been delivered on the other sites within the masterplan area. Housing Management and Development (Affordable Housing) has commented on the application and its response notes that this application is part of a wider planning consent for 784 homes which includes 364 affordable homes, 46% of the total. As the affordable housing provision across the masterplan exceeds the 25% LDP policy requirement, the affordable housing requirement is met as it is provided across the wider planning consent. Therefore, the requirements of policy Hou 6 (Affordable Housing) has been met through the PPP.

In terms of housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. All houses are proposed on the site and these compliment the wider mix of houses and flats within the masterplan area. The floorspaces of the proposed dwellings meets the minimum floorspace standards set out in the EDG.

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area. The density of the proposal is 41 dwellings per hectare (dph). This figure is in line with density measurement of 40 dph anticipated in the PPP.

The number of units, general mix and density are acceptable and complies with policy Hou 2, Hou 4 and Hou 6. The location of the units has been considered previously in the design section associated with condition 1a).

Condition 1f - Waste management

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

The proposals have been designed in line with the Council's Waste Services guidance and there has been an ongoing dialogue between Waste Services and the applicant. Swept path analysis has been provided to demonstrate that adequate refuse vehicle access can be made. Waste Services has confirmed that they are content with the proposals.

The proposals comply with the requirements of this condition.

Condition 1g - Sustainability measures

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals.

The applicant has submitted the sustainability form in support of the application. The standards are to be met through the provision of air source heat pumps and photovoltaic panels. Environmental Protection support the air source heat pumps and PV solar panels which reduces reliance on gas as an energy source and is supported by this team. The proposal has been assessed against Part B of the standards. The proposal meets the essential criteria with additional desirable measures including the use sustainable timber.

The proposal meets the current standards set out in the sustainability form.

Condition 1h - Footpath and cycle routes

LDP Policy Des 7 (Layout Design) requires an integrated approach to the layout of developments. New primary streets will have accompanying pavements. There is good permeability through and around the site with connections to Ferry Road, Muirhouse Green and Cleghorn Road.

The proposal includes a three-metre-wide shared pedestrian and cycle path linking through to site 10 to the east. This is a route shown in the masterplan. This is acceptable and brings the path through to the small public square area within the site and onwards through to Muirhouse Green.

There is no link proposed from the site to the north to link through to the Oliver Close. This has not been included due to the technical difficulties with the change in levels.

The applicant met with the Police Architectural Liaison Officer as part of the process of developing the scheme. The ALO did not raise any significant concerns with the basic layout. Noting that the rear lanes in this development are not excessive, tending to be relatively short and straight with clear lines of sight.

The proposed footpaths and cycle routes are acceptable.

Condition 1i - Surface water management

Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impede the flow of flood water or prejudice existing or planning flood defence systems.

A Flood Risk Assessment and Drainage Strategy has been submitted. This follows the drainage strategy that was considered at the PPP stage which considered the urbanised nature of the setting of the area precluded the use of ponds and therefore the strategy comprised below ground attenuation. Following this strategy, the underground attenuation is proposed at the northern part of the site.

Flood Prevention has considered the submitted information and accept it subject to confirmation that Scottish Water will confirm the maintenance of the underground attenuation. Scottish Water tend not to do this until an applicant has concluded the technical approval process post-planning. An informative has been added.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and wastewater capacity. It also notes that the proposal has the potential to impact on Scottish Water assets, which refers to the trunk water main adjacent to Ferry Road.

Overall, the proposal complies with Policy Env 21.

Condition 1j - Hard and soft landscaping details

Policies Des 7 (Layout Design) and Des 8 (Public Realm and Landscape Design) support a high quality and integrated approach to the layout of spaces, soft and hard landscape proposals such as boundaries and planting around new development, and require a suitable scheme of maintenance to be in place.

The Design and Access Statement includes a section on landscape design and maintenance. The general approach to open space has been considered earlier in the assessment.

The roadways are proposed as permeable block paving, with footways to be paved in a complementary block.

Street trees are proposed at key locations with the development and along the edges of the roads to soften the gable ends of the building. Along the Ferry Road elevations trees are proposed in the small front gardens. Hedge planting is shown between the front gardens and within the central square area. There are also various ground covering shrubs and amenity grass proposed throughout the development.

A range of boundary treatments are proposed including hedging, brick walls and timber fencing of various heights dependent on its location within the development.

No formal play space is proposed in the development, but there are features and areas suitable for natural play. Features such as boulders, balancing logs and stepping stones have been incorporated into the plans. Both within the northern area of open space and along the open space adjacent to Ferry Road.

Lighting is to match that of the previous phases.

Overall, the design and quantity open space, the landscaping and proposed boundaries adequately deal with the relevant reserved matters and will form a positive aspect of the development.

Condition 1k - Bat boxes and swift bricks

This information has not been provided and further detail will be required to deal with this approval matter.

Condition 11 - Existing and finished ground levels

This information has been provided as part of the proposals.

Archaeology

The Archaeology Officer raises no concerns with the proposal.

Conclusion in relation to the Development Plan

The proposals are in accordance with the Development Plan and sufficient information has been provided to deal with the relevant approval matters as set in condition 1 of planning permission in principle 13/01954/PPP.

The proposed layout differs from that originally envisaged within the masterplan. However, constraints on the site have been put forward for some alterations and the general approach of providing an urban permitter block to the outer edges to the site is accepted. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements.

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

The following material planning considerations have been identified:

SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

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

The Planning Committee considered the objections received to City Plan 2030 on 30th November 2022. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 and consideration has been given to human rights.

A comment has been made in relation to creating a pedestrian/cycle path through to the development from Cleghorn Road and the potential harm this may cause to a protected characteristic. The comments have been taken into account, but in this instance do not override the requirement to include the path which has been a longstanding ambition of the masterplan dating back to when planning permission in principle was granted for the site.

Public representations

The first scheme attracted thirteen representations. Ten objections, two general representations and one in support. A summary of the representations is provided below:

material considerations - objections

Principle

- original plans proposed 50/50 split of affordable and private residential units. Numbers proposed within this AMC unbalance this and more affordable homes should be provided
- mix of development differs from PPP masterplan with no flats and more larger bedroom units - assessed under condition 1e.

Design - assessed under condition 1a

- proposals are extremely revised from the PPP masterplan proposals.
- lack of presence onto Ferry Road.
- lack of green boundary bordering the development as shown in PPP masterplan.
- limited landscape features, proposed plans are stark.
- The existing railing at the boundary with Ferry Road makes the development feel caged in and uninviting, it is shown to be retained on the drawings, it should be removed so the area feels more welcoming.
- impacts due to changes in ground levels on neighbouring properties (plots 1 -10)

Amenity - assessed under condition 1a

- privacy distances.
- lack of open space, including play space. Less open space than PPP masterplan.
- impacts on sunlight to existing neighbouring gardens.

Transport - assessed under condition 1c, 1d and 1h

- lack of vehicular access. Should be an access point from Ferry Road as per the masterplan.
- insufficient car parking, potential for overspill, no visitor parking.
- application form states 107 car parking spaces, but only 99 spaces shown on plans.
- traffic safety concerns including route to school.

- proposed houses have parking spaces direct from Muirhouse Green which will have safety impacts for pedestrian access.
- traffic congestion in the area
- lack of adequate public transport links.
- footpath link through east of site to site 10 should be removed due to safety, crime and antisocial behaviour concerns.
- unclear if footpath link to site 10 is proposed
- cycle path was an integral part of linking site 9 and 10 together and does not appear to have been addressed.
- pedestrian access from Ferry Road required
- analysis of current road and pedestrian usage should be undertaken
- pelican crossing on Pennywell Road not implemented - standalone condition, not an approval matter.

Other

- flooding and drainage issues across the site and area - assessed under section 1i.
- not all houses neighbour notified, and landlords of rental properties not notified - neighbour notification only applies to properties within 20m of the application boundary.
- a new/upgrade of the pitches at Millennium Park (is this Muirhouse Park) was also to be completed prior to Site 9 being developed - this is a matter on the PPP permission.

material considerations - support

- support the development - noted
- general support for use of site for a housing - noted, use established under PPP.

non-material

- construction stage matters.
- current phases should be finished before this development starts.
- profits of developer.

An additional three comments have been received on the revised proposal raising the matter below.

material considerations - objections

Layout - assessed in condition 1a

- many elements of the masterplan have not been carried through into this proposal.
- the masterplan did not show houses fronting onto Muirhouse Green, instead contained a tree barrier.
- streetlighting not shown on plans - style of streetlighting to match previous phase, exact location to be picked up in RCC process.
- if flats shown fronting onto Ferry Road in the masterplan are not feasible due to trunk sewer, then why are town houses in the same location feasible.
- green Telephone exchange on Muirhouse Green has not been shown on the plans - applicant indicates it would be relocated prior to construction.
- Ferry Road elevation should be continuous.

Design - assessed in condition 1a

- the three storey townhouses not in keeping with area.
- the previous scheme proposed grey bricks, red bricks now proposed are not in keeping with the area. Proposals should reflect materials already used in other phases.
- no flats have been included
- 50/50 share of housing units (private and council) across the wider area now not met.
- lack of mix of unit sizes
- houses are too small in floor area.
- density of the site too high, especially when compared with surrounding area.

Privacy and overshadowing - assessed in condition 1a.

- townhouses overlook directly onto the houses on Muirhouse Green.
- overlooking of Macgill Drive and Oliver Close including differences in height.
- revised sunpath analysis required.

Greenspace

- lack of public space and play areas - open space assessed under section 1b.
- trees - site is currently large scrubland. Millennium planting outwith the site boundary.
- lack of trees within the proposals - assessed under condition 1j.

Transport Matters - assessed under condition 1c, 1d and 1h

- two access points to the site was agreed in principle at the PPP stage, all vehicle access is now from Muirhouse Green.
- access point to connecting to the adjacent site to the north not included.
- insufficient parking compared to ample parking within the masterplan
- parking straight onto Muirhouse Green requires pavement widening.
- no visitor parking.
- no car club spaces.
- no EV charging spaces.
- communal parking not sufficiently overlooked as per EDG.
- toucan crossing should be delivered as per PPP.
- cycle Pathway and footpath - the original plans stated that the cycle pathway be 4 metres wide to accommodate cyclists and pedestrians and not 3 metres as stated within the new revised plans and as this runs from Cleghorn Road to Muirhouse Green the plans will need to be adjusted accommodate the additional 1m wider - 3 metres is sufficient width.
- proposal does not meet Secure by Design and PAN 77 requirements have not been followed through. These include public footpaths should not run to the rear of the property, avoiding narrow paths, location of seating etc.
- multiple access points raising security concerns.

Noise

- No Noise Impact Assessment carried out - assessed under condition 1a. NIA a condition of 13/01954/PPP and the submission for Site 10 included information on site 9.

Other

- lack of consultation - neighbour notification carried out - no requirement for an AMC to undertake public consultation.
- Air quality - not an approval matter and Environmental Protection recommend a condition in relation to EV charging points.

non-material

- construction stage matters relating to other sites.
- intentions of developer
- potential alternative uses for the site.
- green belt protection.

Conclusion in relation to identified material considerations

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

Overall conclusion

The proposals are in accordance with the Development Plan and sufficient information has been provided to deal with the relevant approval matters as set in condition 1 of planning permission in principle 13/01954/PPP.

The proposed layout differs from that originally envisaged within the masterplan. However, constraints on the site have been put forward for some alterations and the general approach of providing an urban perimeter block to the outer edges to the site is accepted. The design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following :-

Conditions :-

1. The development 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 ten years from the date of the planning permission in principle (13/01954/PPP), whichever is the later.

2. The noise mitigation measures recommended within New Acoustics Road Traffic Noise Survey "RESIDENTIAL DEVELOPMENTS - PENNYWELL AND NORTH SIGHTHILL, EDINBURGH" and dated 30th January 2012 should be installed prior to occupation of the development.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
5. All houses with driveways and all car parking spaces specified as 'e' on the approved drawing AL (00)002 F shall have access to 7kW electric charging vehicle outlets as a minimum.

Reasons: -

1. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
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.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that future residents will have access to appropriate electric vehicle infrastructure, in the interests of air quality.

Informatives

It should be noted that:

1. 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.
2. 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.
3. The developer should make contact with Waste Services at waste@edinburgh.gov.uk 12 weeks prior to requiring bins.

4. Noise from proposed air source heat pumps should meet a maximum of NR25 noise levels within the nearest residential property (with the window slightly open for ventilation purposes)
5. Confirmation is required that Scottish Water will accept the maintenance of the underground attenuation.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 22 December 2021

Drawing Numbers/Scheme

01, 02, 03C, 04A-12A, 13-17, 18A, 20A, 24A26A, 27A, 29A, 34A, 35B-38B, 39C, 40A, 41A42-55, 56B, 57, 58, 59A.

Scheme 2

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

Contact: Kenneth Bowes, Senior Planning officer
E-mail: kenneth.bowes@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Archaeology Officer

COMMENT: No objection. The site was identified as being of archaeological potential and evaluated prior to 2010 as part of CEC's master planning for the area. The results indicated that the site had been significantly affected by 20th century development and no significant remains were uncovered.

DATE: 11 January 2022

NAME: Environmental Protection

COMMENT: No objection. Recommend conditions in relation to noise and electric vehicle charging.

DATE: 1 January 2022

NAME: Waste Services

COMMENT: Proposals check out. The developer is to make contact 12 weeks prior to needing bins.

DATE: 31 October 2022

NAME: Scottish Water

COMMENT: No objection. The full response contains a number of points for the applicant to be made aware of including information in relation water capacity, waste water capacity, assets within the proximity of the site and surface water connections.

DATE: 11 January 2022

NAME: Housing Management and Development (Affordable Housing)

COMMENT: This application is part of a wider planning consent for 784 homes which will include 364 affordable homes, 46% of the total. As the affordable housing provision across the masterplan exceeds the 25% requirement, the affordable housing requirement for this applicant is met as it is provided across the wider planning consent 13/01954/PPP.

DATE: 23 February 2022

NAME: Flood Prevention

COMMENT: We typically do not accept underground surface water attenuation. However, appreciate there are other site constraints that the applicant has to consider, and above ground SuDS measures are not always feasible. Applicant needs to confirm Scottish Water will accept maintenance responsibility.

DATE: 24 November 2022

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

Location Plan



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