

# Development Management Sub Committee

Wednesday 27 August 2014

**Application for Planning Permission 13/01342/FUL  
At Land At, Greendykes Road, Edinburgh  
Residential development comprising 145 private residential  
units, part of Greendykes Masterplan Site areas C and D  
associated with planning application reference  
12/01109/AMC.**

Item number	6.4
Report number	
Wards	A17 - Portobello/Craigmillar

## Summary

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The proposal complies with the development plan and the minor infringement of the appropriate non-statutory guidance, regarding direct access to gardens from ground floor flats, is justified in this case. The scale, design, materials and layout, with the use of a condition, are acceptable. The impact on infrastructure, with the use of a legal agreement, conditions and informatives, is also acceptable. There will be an acceptable level of amenity for future occupiers and the amenity of neighbouring properties will not be adversely affected. The buildings will be sustainable and there are no expected equalities or human rights issues.

## Links

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<a href="#">Policies and guidance for this application</a>	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE9, CITE10, CITE12, CITOS3, CITH1, CITH2, CITH3, CITH7, CITT4, CITT5, CITT6, CITCO2, NSG, NSGCDF, NSGD02, NSESBB, NSMDV,
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# Report

## **Application for Planning Permission 13/01342/FUL At Land At, Greendykes Road, Edinburgh Residential development comprising 145 private residential units, part of Greendykes Masterplan Site areas C and D associated with planning application reference 12/01109/AMC.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The 3.0 ha site is on former agricultural land in an area now being developed mainly for housing. It has previously been mined and rises slightly uphill away from Greendykes. The site lies between former mediaeval estates; Niddrie Marischal to the north east, Edmonstone to the south west and Craigmillar Castle to the north west.

The site forms part of the proposed larger residential development of the land to the south of Greendykes, Craigmillar. It is located on the southern and eastern edges of new Greendykes next to the proposed main route through the site connecting The Wisp with the public transport link to the Royal Infirmary of Edinburgh and then to Craigmillar. The new road is under construction and will run along the southern boundary of the application site and then turn northwards to run along its western boundary.

#### **2.2 Site History**

The following is relevant history:

22 July 2010 - Consent was granted in principle for up to 1000 residential units on land at Greendykes (application reference: 07/01644/OUT);

23 August 2010 - Permission granted for restoration of Niddrie Burn, involving excavation of river corridor + associated engineering works at land adjacent To Greendykes Road Edinburgh (application reference: 08/02474/FUL);

2 April 2012 - Permission granted for a modification of the Planning Obligation (application reference: 13/00420/OBL);

26 October 2012 - Permission approved for residential development including detailed site layout plan showing position of buildings, roads, footpaths, parking areas, cycle parking, walls, fences, landscaping, details of existing and finished floor levels, flood

attenuation details (matters listed in conditions 3, 5 (i), (iii), (v) of planning consent 07/01644/OUT) on land to the north and east of the site (application reference: 12/01109/AMC);

1 February 2013 - Permission granted for engineering works, re-grading of land and landscaping to facilitate new residential development associated with planning application reference 12/01109/AMC on land at Greendykes Road Edinburgh (application reference: 12/03189/FUL);

21 February 2013 - Permission granted for residential development (Affordable Housing - 122 Units) (Amended to 126 units) on land at Greendykes Road Edinburgh Greendykes Masterplan Area AH2 (application reference: 12/03665/AMC);

3 April 2013 - Proposal of Application Notice approved for residential development and ancillary uses and formation of community parkland at South East Wedge Development Site Old Dalkeith Road Edinburgh (application reference:13/00928/PAN);

2 May 2013 - Proposal of Application Notice approved for proposed residential development (circa 146 units) and vehicular access to The Wisp at land 213 metres southwest of 22 The Wisp Edinburgh (application reference: 12/01330/PAN);

8 August 2013 - Committee approved the Revised Craigmillar Urban Design Framework;

22 August 2013 - Permission granted for the formation of new vehicular access road, footpath, cyclepath and associated landscaping to facilitate residential development associated with planning (application reference: 12/03190/FUL); and

7 November 2013 - Permission granted for approval of matters specified in conditions of application 07/01644/OUT in respect of condition 1a finalising layout, elevations and landscaping treatments at site E in Greendykes south/new Greendykes (application reference:13/01151/AMC).

## **Main report**

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

The proposal is for 145 residential units in the form of 115 houses and 30 flats.

A mixture of 1 and 2 bedroom flats and 2, 3 and 4 bedroom houses is proposed. There will be 30 two bedroom houses, 51 three bedroom houses and 34 four bedroom houses. Fourteen one bedroom flats and 16 two bedroom flats will be built. An assortment of two storey terraced, semi-detached and detached housing and three storey blocks of flats is proposed. Some will face onto the proposed boulevard and will be opposite the proposed residential development on the west side of the boulevard.

A road will run north-south across the middle of the site, with a road in a loose L shape along the north and east of the site linking into the boulevard. A road will also run east-west through the site.

The flats will be positioned along the western edge of the site, fronting the new boulevard road. There will be communal garden areas to the rear of the flats with the parking courts also being to the rear. Two rows of two storey terraced housing will sit between the blocks of flats.

Terraced and semi-detached houses are proposed along the southern part of the site fronting the boulevard. Detached houses will mainly be constructed on the eastern edge and along the east-west route in the northern part of the site. Two squares, one on each side of the north-south internal road, are proposed. There will be terraced, semi-detached and detached houses in the squares.

The houses will all have front and back gardens and the flats will have communal open space. There will also be some small public open space and landscape areas scattered through the site.

Materials used will be brick for the elevations and tiles for the roofs. A mixture of red and buff brick will be used.

Most of the houses will have integral or adjoined garages with some detached garages. There will also be parking courtyards for the flats and for the some of the houses. 190 parking spaces are proposed across the site and parking areas will be landscaped.

### Scheme 2

Minor changes are proposed to the design features, landscaping and boundary treatments in Scheme 2. More windows on gables and more trees and softer landscaping are proposed. A link to the adjacent parkland has been added to the proposals.

The following supporting information has been submitted and is available to view on the Council's Planning and Building Standards Online Services:

- Design Statement;
- Landscape Maintenance and Management Plan;
- Ecological Appraisal (with plan);
- S1 Sustainability Form; and
- Pre-application Consultation Report.

## **3.2 Determining Issues**

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 principle of development in this location is acceptable;
- b) the proposed scale, design, materials and layout are acceptable
- c) the proposal will have any impact on infrastructure?
- d) the proposal will provide an acceptable level of amenity for future occupiers;
- e) the proposal will have an adverse impact on the amenity of neighbours;
- f) the proposal meets sustainability criteria;
- g) there are any other material considerations;
- h) the proposal has any equalities or human rights impacts; and
- i) the public comments have been taken into account.

a) Principle

The application site is identified in the Edinburgh City Local Plan as housing proposal (HSG5) and as an area for housing development in the Revised Craigmillar Urban Design Framework. The site is also identified for housing in the Second Proposed Edinburgh Local Development Plan (HSG 18).

The site is adjacent to the area covered by planning permissions 07/01644/OUT and 12/01109/AMC (Greendykes Masterplan). It was not included in the red line area of these permissions; however, it was shown in the drawings and supporting documents submitted for the Masterplan demonstrating that it was envisaged as forming part of the larger new Greendykes housing development area.

The letter of representation received raises the issue of using brownfield land rather than building on the Green Belt. The land at Greendykes was identified as being acceptable for development in the Edinburgh City Local Plan and its predecessor South East Edinburgh Local Plan. Whilst it is acknowledged that brownfield sites within Edinburgh have a role to play in delivering land for housing supply, the principle of removing land from the Green Belt in this area for housing is established in the development plan.

The principle of the proposal is acceptable.

b) Scale, design, materials and layout

The proposed development is similar to that to be built on the neighbouring site to the west (Ref: 13/01151/AMC) and shown in the approved Greendykes Masterplan. The layout, house types, massing and materials are compatible with the vision set out in the masterplan and with the adjacent consented development. The design principles for the neighbouring site were established in the masterplan (Ref: 12/01109/AMC) and the current proposal reflects the ethos of the masterplan. The proposal will sit comfortably within the extension of Greendykes for housing.

The flats will face onto the proposed boulevard giving a strong edge to the proposed main road through the site and leading to The Wisp and Craigmillar. They will face the flats on the opposite site and together will result in emphasising the main boulevard, forming a traditional street layout along this new route. The houses along the outside edges will also face onto the main public roads and some onto the green space to the east of the site. The proposal will provide a gradual change in density from a built up area to open countryside.

The roads within the site will be set out in a hierarchical order, as reflected in the Revised Craigmillar Urban Design Framework and in the Greendykes masterplan. The street layout will allow permeability through Greendykes to and from Craigmillar, Edinburgh and Midlothian, and, therefore, will promote connectivity through the site which complies with the local plan. The proposed layout is compatible with that proposed generally in new Greendykes and will enable a seamless joining of each site in a co-ordinated manner across Greendykes.

The Revised Craigmillar Urban Design Framework (2013) emphasises the role of high quality design for the area. Given its importance in contributing to the built environment on the edge of the City, the expectation is for high quality development incorporating good design, architecture and using quality materials.

It is proposed to construct "bespoke" designed housing and flats on the edges of the site. The applicant has also introduced some improved detailing, such as windows in gables at street corners. This is a departure from the applicant's standard product and reflects the advice in the Revised Craigmillar Urban Design Framework and Edinburgh Design Guidance for good quality design.

The style and materials are similar to the approved residential development in the adjacent site and are compatible with what has been used and what is proposed for the wider Greendykes residential development. There is a simple palette of materials which will emphasise the bespoke architectural design whilst providing uniformity of materials. This will contribute to creating a sense of place for the streets and the blocks and fits in with the aspirations of the Revised Craigmillar Urban Design Framework. The materials are acceptable.

The flats will have access to communal areas and will be near open space/parkland. It is generally preferable to have direct access from ground floor flats to garden ground but in the context of being near open space, the minor infringement of the Edinburgh Design Guidance is acceptable.

The proposed landscaping strategy is similar to that in the Greendykes Masterplan and in the neighbouring site to the west, and has been enhanced in Scheme 2. Boundary treatment is important as it will contribute to the landscape setting of the proposed development. Scheme 2 has introduced softer landscaping and robust boundary treatments such as walls and railings. The boundary treatment now accords with the guidance given in the Revised Craigmillar Urban Design Framework and is appropriate for the site. These improvements will achieve a high quality landscape. This is important to provide a setting for the proposed housing on the edge of the Green Belt location and on a site which rises away from the existing urban area of Craigmillar.

Therefore, a condition is recommended to ensure appropriate landscaping will be delivered.

The proposed scale, design, materials and general layout are acceptable and meet the requirements of the Revised Craigmillar Urban Design Framework. The minor infringement of the Framework, regarding direct access to garden areas from ground floor flats, is justified in this instance due to the provision of communal garden and proximity to the countryside and open space.

The proposal, with the use of a condition, will be of an appropriate scale, design, materials and layout regarding the establishment of the landscaping.

### c) Impact on Infrastructure

#### Transport

Transport infrastructure has been provided as part of other planning permissions. The public transport link between Craigmillar and the Royal Infirmary of Edinburgh has now been delivered and the new access from the area to The Wisp is under construction.

Transport Planning has advised that it has no objections subject to recommending conditions or informatives relating to access, structural approval, public utility provision, swept path analysis, adoptable area details and driveway details.

#### Schools (Children and Families)

Regarding education provision, the site is within the catchment areas of St John Vianney RC Primary School and Holyrood RC High School. There is currently spare capacity within these schools and, if necessary, management controls will be applied to give priority to baptised Roman Catholics.

In terms of non-denominational school provision, the site is not currently covered by school catchment boundaries. The primary school catchments that are closest to the development site are Castleview and Niddrie Mill which are both feeder schools for Castlebrae High School.

The site forms part of an existing housing proposal in the Edinburgh City Local Plan (HSG5). Outline planning permission was granted in December 2008 for housing on the majority of the local plan proposal site (07/01644/OUT) subject to a legal agreement requiring a contribution of £1,070,000 to improve secondary school provision in south-east Edinburgh.

A new approach to developer contributions is being introduced through the Second Proposed Edinburgh Local Development Plan, the accompanying Second Proposed Action Programme and non-statutory guidance on Developer Contributions and Affordable Housing. This approach requires housing proposals coming forward within the identified Castlebrae Contribution Zone to make an appropriate contribution to potential education actions. Work is ongoing in relation to identifying the preferred actions and associated costs. The outcome of this work is not yet available.

As this application relates to an existing housing proposal in the Edinburgh City Local Plan, an exception to the new policy approach can be justified in the period until this further work is complete. Based on the outgoing developer contributions policy, the required contribution for the proposed 115 houses and 30 flats will be £307,535. Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009. An informative is recommended requiring a legal agreement to secure the education contribution.

Education provision is acceptable subject to a suitable legal agreement.

#### Affordable Housing

Affordable housing has already been secured by legal agreement and will be delivered across two different plots in Greendykes. Therefore, there is no requirement for this current application to include affordable housing.

#### Drainage (SEPA)

SEPA has advised that it has no objection to the application and expects the City of Edinburgh Council to undertake responsibilities as the Flood Prevention Authority. An informative is recommended to remind the applicant of SEPA's requirements and regulatory advice.

#### Flood Prevention

The Council's Flood Prevention Officer has advised that the additional information provided regarding surface water management, drainage and flood risk is acceptable.

#### Scottish Water

Scottish Water has advised that it may be necessary for the developer to carry out or fund works to the local water and the waste networks. Mitigation measures may be required. An informative is recommended in order to remind the applicant to discuss the development's water infrastructure needs directly with Scottish water.

#### d) Amenity for future occupiers

Environmental Assessment has advised that the site requires to be made safe for its intended use in terms of site contaminants or ground gas issues affecting the site. Therefore, a condition shall be attached to the permission regarding the requirement for the developer to remediate the land to an appropriate standard prior to development.

The application site is under the flight path of helicopters accessing the helipad at the Royal Infirmary of Edinburgh (RIE). Therefore, Environmental Assessment recommends the use of a condition to protect the residential properties from helicopter noise. The Council as Planning Authority does not have the power to effectively enforce a condition of this nature. However, an informative is proposed advising the applicant that a scheme designed to the standards suggested, should be put in place.

The overall green space within the site will be 36% which complies with local plan policy. The houses will have private gardens and the flats will have communal/semi-private gardens. The proposed development is near green space, such as Edmonstone Policies and the proposed Meadows between the west of Greendykes and the hospital. There is also Hunter's Hall Park and the Jack Kane Centre with play areas and football pitches to the north east of the site. The Niddrie Burn river/ green corridor is also close by. All of these are within walking distance of the site.

The proposed residential units will have to meet current building standards and, therefore, a sufficient amount of internal living space shall be provided.

The proposal will provide an acceptable level of amenity for future occupiers.

#### e) Neighbouring amenity

The proposals will not adversely affect the amenity of neighbours. It will not cause overlooking or overshadowing of the closest neighbouring properties.

#### f) Sustainability

The proposed development will contain low and zero carbon equipment through boiler specification, zone controls, weather compensator and heating specification.

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

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water Conservation	10	10
Section 3: Surface Water Run Off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total Points	80	80

The proposal meets the essential requirements of the Edinburgh Design Guidance.

It is also proposed to incorporate desirable requirement such as meters to allow for future energy technology, water saving devices, e.g. dual flushing toilets, SUDs system, A-rated PVC-U and timber from a local source.

The proposal meets sustainability criteria.

#### g) Other Material Considerations

##### Coal Mining

The Coal Authority has advised that it does not object to the application subject to a condition to ensure that further site investigations are carried out, as there are likely to be shallow mine workings. It recommends further intrusive site investigation works, along with the stabilisation of the mine entries within the application boundary, and that

these works should be undertaken prior to development. Therefore, a condition requiring further intrusive site investigation is recommended.

### Archaeology

The City's Archaeologist has advised that the site is of archaeological significance and that mitigation measures will be required.

A programme of archaeological works will be required prior to development and will be expected to demonstrate phased, detailed mitigation strategies and a programme of public/community engagement undertaken if important discoveries are made. Therefore, a condition is recommended to ensure that archaeological remains are protected, excavated or appropriately recorded.

### Wildlife and biodiversity

The letter of representation received stated that protected species (bats) had been using the mine shafts. Mine shafts would be a potential hibernation site for bats. The applicant has provided information demonstrating that on this particular Greendykes site there are no recorded mine shaft entries. Therefore, no further habitat or species surveys are required for this application.

Informatives relating to the discovery of protected species and birds nest are recommended to remind the developer of its responsibility in dealing with such incidents.

### Rights of Ways/Scotways

Scotways has advised that there is an asserted right of way (LC90) and a vindicated right of way (LC91) through the larger area of land associated with the application reference 12/01109/AMC. Both LC91 linking Greendykes to the Royal Infirmary of Edinburgh and LC90 linking Greendykes to The Wisp are outwith the application site. Therefore, the proposal will not adversely affect the right of way through the site.

The letter of representation was concerned that an area for walkers was going to be built over. The proposed housing will enable walkers to have access through the site and into the countryside and proposed new parkland between the new houses and the hospital, and also along the new road/boulevard.

### h) Equalities and Human Rights

It is not expected that the proposal will have any impact on equalities or human rights. The houses and ground floor flats will be level access and affordable housing has been provided as part of the wider Greendykes residential development.

### i) Public comments

### **Material matters**

The letter of representation opposed the construction of the development on a green area and suggested building on other brownfield sites in Edinburgh.

This is addressed in assessment 3.3 (a). The letter also raised the issues of mining, flooding, wildlife and walkers. These are addressed in sections 3.3 (c) and (g).

### **Community Council comments**

The Community Council has not commented on this application.

### **Non material matters**

Stability and movement of buildings outwith the application site is not a material planning consideration. Any stability or movement caused by the construction works would be a civil matter and planning has no locus in this issue. The comment regarding the large area of water left after the Niddrie Burn works has been raised with the appropriate Council officer.

### **CONCLUSION**

The proposal complies with the development plan and the infringement of the appropriate non-statutory guidance, regarding direct access to gardens from ground floor flats, is justified in this case. The scale, design, materials and layout, with the use of a condition, are acceptable. The impact on infrastructure, with the use of a legal agreement, conditions and informatives, is also acceptable. There will be an acceptable level of amenity for future occupiers and the amenity of neighbouring properties will not be adversely affected. The proposal will be sustainable and there are no expected equalities or human rights issues.

There are no other material considerations which outweigh this conclusion.

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

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

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

2. Further coal mining investigation and stabilisation works outlined in the Report on Site Investigations (August 2012) to be undertaken prior to commencement of development. In the event that further site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

#### Informative

A scheme for protecting all bedrooms and living rooms of the residential development against helicopter traffic noise should be put in place. The scheme shall be designed in accordance with BS8233:1999 "Sound Insulation and Noise Reduction for Buildings - Code of Practice" to attain the following internal noise levels:

- Bedrooms - 30dB LAeq, T and 45dB LAfmax
- Living Rooms - 30dB LAeq, D
- T - Night-time 8 hours between 2300-0700
- D - Day-time 16 hours between 0700-2300

The scheme should be implemented in full, prior to the use being taken up.

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. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

#### Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to ensure the most efficient and effective rehabilitation of the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.

5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

## **Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded, that provides for a contribution of £307,535.00 for education infrastructure.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. Any new Surface Water Outlets (SWO) should be constructed as per SEPA's "Good Practice Guide - Intakes and Outfalls" WAT-SG-28. Details of regulatory requirements and good practice advice for the applicant can be found on our website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx).
6. The applicant is required to submit a Development Impact Assessment form to Scottish Water ([www.scottishwater.co.uk](http://www.scottishwater.co.uk)).
7. If any protected species, such as bats, are encountered during development the work on site should stop and Scottish Natural Heritage contacted.
8. 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 applicant should note that as part of the road construction consent:
  - (a) structural approvals may be required;
  - (b) public utility provision should be located so as not to obstruct access by pedestrians, vehicles and emergency service vehicles;
  - (c) swept path analysis will be required to demonstrate sufficient space for refuse vehicles etc. to turn;
  - (d) the extent of adoptable roads to be identified and agreed by the Head of Transport, including footways, footpaths, accesses, cycle tracks, verges and service strips along with details of lighting, drainage, signs and markings, SUDs, materials, structures, layout, design and specification and other works.

It is expected that the roads will be submitted for adoption by the Council in due course.

2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
4. Any gate or gates must open inwards onto the property;
5. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.

The applicant should note that Quality Audits, as set out in Designing Streets, were development for all individual development layouts under planning application 13/01151/AMC.

Note:

1. The applicant should be aware that new road names will be required for this development and they should discuss this with the Council's Street Naming and Numbering Team at an early opportunity.

## **Financial impact**

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

A legal agreement will be required to secure additional school provision.

## **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:**

This 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

One letter of representation was received raising the following issues:

- Principle of development
- green area should be left;

build on other brown sites in Edinburgh;

Mining area

- movement of building could make existing houses unstable;

Flooding

- area prone to flooding; could flood existing houses;
- large area of water left after Niddrie Burn works;

Wildlife

- bats and badgers use mine shafts; and

Connections/access

rare area for walkers.

## Background reading / external references

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

### Statutory Development

#### Plan Provision

The application site forms part of a housing site in HSG 5 of Edinburgh City Local Plan. It is also adjacent to the Green Belt and near a Transport Safeguard.

#### Date registered

18 April 2013

#### Drawing numbers/Scheme

01, 02A, 04-36, 37A, 38-42,

Scheme 2

## David R. Leslie

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

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

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

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

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

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

**Non-statutory guidelines** 'The Craigmillar Urban Design Framework' sets out a vision and principles for development of the Craigmillar area.

**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 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 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

# Appendix 1

## **Application for Planning Permission 13/01342/FUL At Land At, Greendykes Road, Edinburgh Residential development comprising 145 private residential units, part of Greendykes Masterplan Site areas C and D associated with planning application reference 12/01109/AMC.**

### **Consultations**

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#### **Environmental Assessment comment**

*The application proposes 145 residential properties on open land as part of the consented Greendykes development. As part of that development, residential properties are consented to the north and west with the site accessed off the Wisp to the east. An industrial building housing mini-coaches and existing residential properties are situated to the north-east of the site. The Royal Infirmary of Edinburgh (RIE) is situated due west.*

*The site requires to be made safe for its intended end use in terms of any site contaminants or ground gas issues affecting the site. Therefore, a condition is recommended which requires the developer to remediate the land to an appropriate standard prior to development.*

*The Royal Infirmary of Edinburgh (RIE) and associated helipad is situated to the west of the site. At present the area of land to the east of the hospital which includes this development plot, and which is presently devoid of housing, is utilised by helicopters to fly over as a route to and from the hospital. Emergency helicopters tend to fly over such under developed routes in an attempt to reduce the noise impacts from helicopters upon the occupants of sensitive properties. The existing hospital helipad does not have the capability to allow flights during the night and all day time flights presently depart towards and arrive from the east. In effect, the application site is immediately below an existing helicopter route which will increase in day time and night time use in the future when a new RIE helipad is built and when the application properties are occupied. Therefore, Environmental Assessment will recommend a condition requiring a noise impact assessment be carried out and which outlines mitigation measures designed to protect the future occupants from helicopter noise.*

*Therefore, Environmental Assessment has no objections to this proposed development subject to the following condition:*

1. *Prior to the commencement of construction works on site:*

*A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

*Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

*Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.*

2. *No development shall take place until a scheme for protecting all bedrooms and living rooms of the residential development against helicopter traffic noise has been submitted and approved by the Council as Planning Authority. The scheme will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' to attain the following internal noise levels:*

- *Bedrooms - 30dB LAeq, T and 45dB LAfmax*
- *Living Rooms - 30 dB LAeq, D*
- *T - Night-time 8 hours between 2300 - 0700*
- *D - Daytime 16 hours between 0700 - 2300*

*The agreed scheme must be implemented in full, prior to the use being taken up.*

*Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5802.*

*Addendum*

*As stated above, Environmental Assessment has no objections to the approval of the application subject to the recommended conditions being attached to any consent.*

*NB. However, should all of the above conditions not be applied to any consent, Environmental Assessment will require to review the recommendation. In such event, it is imperative that this is notified immediately to the Environmental Assessment case officer.*

**The Coal Authority**

*We have reviewed the proposals and confirm that the application site falls within the defined Coal Mining Development Referral Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.*

*Whilst it does not appear that the applicant has submitted a Coal Mining Risk Assessment in support of this particular planning application, it is noted that coal mining information was submitted in support of planning application 12/01109/AMC. In responding to the current planning application, The Coal Authority has therefore taken account of the coal mining information that was submitted in support of planning application 12/01109/AMC.*

*The Report on Site Investigations (dated August 2012) which was submitted with planning application 12/01109/AMC correctly identifies that there are two recorded mine entries within the application site, and that there is potential for unrecorded coal mining to have taken place at shallow depth within parts of the site. The report notes that initial intrusive site investigation works have taken place to better understand coal mining conditions. However, it concludes that a further programme of probing works is required to confirm the absence of shallow mine workings and that the stabilisation of the two mine entries within the application boundary will be required prior to development.*

#### *The Coal Authority Recommendation to the LPA*

*The Coal Authority concurs with the recommendations of the Report on Site Investigations (dated August 2012) that was submitted in support of planning application (12/01109/AMC); that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works, along with the stabilisation of the mine entries within the application boundary, should be undertaken prior to development.*

*The Coal Authority has taken account of the above information in responding to the current planning application and therefore recommends that the LPA impose a Planning Condition, should planning permission be granted for the current development proposal, to require the further coal mining investigation and stabilisation works outlined in the Report on Site Investigations (August 2012) to be undertaken prior to commencement of development.*

*The condition should also ensure that, in the event that the further site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.*

*The Coal Authority does not object to the proposed development subject to the imposition of the above condition.*

#### **ScotWays comment**

*The National Catalogue of Rights of Way does not show any rights of way over the site indicated in red on the Residential Areas C&D: Site Location Plan. However, asserted right of way LC90 and vindicated right of way LC91 lie nearby; both these rights of way appear to pass through the larger area of land associated with application reference 12/01109/AMC (as mentioned in the application description).*

*A map is enclosed showing right of way LC90 highlighted in green and right of way LC91 highlighted in pink. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria but have not been recorded as they have not yet come to our notice.*

*As it is not clear from the plans available on the Council's planning website exactly how the rights of way are to be treated as part of this or the related application (12/01109/AMC), the Society requests further detail on the plans for public access at this location. The Society further asks that rights of way LC90 and LC91 remain open and clear from obstruction before, during and after construction of the proposed development, if consented.*

*You may be aware that there may now be general access rights over any area of land under the terms of the Land Reform (Scotland) Act 2003. It is also worth bearing in mind the Core Paths Plans, prepared by the council's access team as part of their duties under this Act.*

*Neither the Society nor its individual officers carries professional indemnity insurance and in these circumstances any advice that we give, while given in good faith, is always given without recourse.*

### **Archaeology comment**

*Further to your consultation request we would like to make the following comments and recommendations in respect to this application for residential development comprising 145 private residential units, part of Greendykes Masterplan Site areas C & D associated with planning application 12/01109/AMC.*

*We refer you to our 2012 comments in response to application 12/01109/AMC which outlined the archaeological significance of the site and mitigation requirements. As such this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*It is a requirement that a programme of archaeological works be undertaken prior to development on this site in order that any archaeological remains encountered are fully excavated and recorded where preservation in situ is not possible. In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site linked to a programme of metal detecting. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains during subsequent phases of development. Furthermore if important discoveries are made during these works (as was demonstrated by the Niddrie Burn works) a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) will be required to be undertaken, the final scope to be agreed with CECAS.*

*In terms of this required archaeological mitigation this has yet to be undertaken. Accordingly it is essential that the following updated condition is attached to this consent to ensure that undertaking of this programme of archaeological works.*

*'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

### **Children and Families comment**

*We refer to your memo dated 16 May 2013 requesting comments on educational provision for the above noted planning application. My comments are based on a residential development of 145 dwellings*

*This site is located within the catchment areas of:*

- *St John Vianney RC Primary School; and*
- *Holy Rood RC High School.*

*With regard to non-denominational primary and secondary school provision the development site is currently not covered by school catchment boundaries. As the area was previously rural, catchment boundaries were not defined for an area of land that stretched to the Council boundary.*

*The primary school catchments that are closest to the development site are Castleview and Niddrie Mill and both schools are feeder schools for Castlebrae High School.*

*In respect of developer contributions agreed for the main Greendykes site under planning application 07/01644/OUT, a contribution of £1,070,000 is payable in instalments on completion of dwellings to improve secondary school provision in south-east Edinburgh.*

*It is also likely the cumulative impact of new development in south-east Edinburgh will mean that additional non-denominational primary school provision will be required to cater for all the approved and proposed developments in the area. Standard developer contribution rates will be sought from this development for works to improve primary school provision in south-east Edinburgh.*

*The current standard rates are £2,567 per house and £411 per flat and payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.*

## **Affordable Housing comment**

*We are able to confirm that the affordable housing arising from this application has been secured by Section 75 agreement, and will be delivered across two different plots within the New Greendykes Masterplan, known as AH1 and AH2. We can confirm that the first housing to begin construction within this wider masterplan was in fact the affordable housing on plot AH1. We may therefore be fully confident that the affordable housing portion has been secured and is already being delivered.*

## **Transport comment**

*Transport has no objection to the proposed application subject to the following being included as conditions or informatives as appropriate:*

- 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 applicant should note that as part of the road construction consent:
  - (a) structural approvals may be required;*
  - (b) public utility provision should be located so as not to obstruct access by pedestrians, vehicles and emergency service vehicles;*
  - (c) swept path analysis will be required to demonstrate sufficient space for refuse vehicles etc. to turn;*
  - (d) the extent of adoptable roads to be identified and agreed by the Head of Transport, including footways, footpaths, accesses, cycle tracks, verges and service strips along with details of lighting, drainage, signs and markings, SUDs, materials, structures, layout, design and specification and other works. It is expected that the roads will be submitted for adoption by the Council in due course.**
- 2. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 4. Any gate or gates must open inwards onto the property;*
- 5. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.*

*The applicant should note that Quality Audits, as set out in Designing Streets, were requested for all individual development layouts under planning application 13/01151/AMC.*

Note:

1. *The applicant should be aware that new road names will be required for this development and they should discuss this with the Council's Street Naming and Numbering Team at an early opportunity.*

### **Flood Prevention comment**

*The Flood Prevention Unit has no further comment with regards to this application.*

### **Scottish Water comment**

*Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at [www.scottishwater.co.uk](http://www.scottishwater.co.uk).*

*Water Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*Wastewater Network - Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.*

*In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.*

*If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules*

*A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.*

*If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

## **SEPA comment**

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

### *Advice for the planning authority*

#### *1. Flood Risk*

*1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

### *Technical Report*

*1.2 The application site is located adjacent to the realigned Niddrie Burn.*

*1.3 No new information has been supplied to us by the applicants at this stage which relates to flood risk at the application site.*

*1.4 Previous information relating to the application 12/011109/AMC confirmed that it was proposed that the minimum finished ground levels adjacent to the Niddrie Burn would be 49.25 mAOD. We were satisfied that this would ensure that there would be no significant risk of floodwaters overtopping the banks of the Niddrie Burn and flowing onto the site. It is understood that this land raising may already have been undertaken and the Council may wish to satisfy itself of final ground levels.*

*1.5 It was also proposed that a ditch would be formed to intercept overland flows from slopes to the south which would convey the water to an existing surface water sewer within the site. In our response of 5 October 2012 we recommended in our planning response that the capacity and design of this ditch be modified. It is believed that the flood risk assessment carried out stated that should the inlet block then floodwaters would overtop it and flood a low lying area to the south-west of the site boundary. We advised that the flood prevention team in the Council should satisfy itself that floodwaters can be dealt with safely without posing a risk to any properties. We are unaware of any further information being made available since last year's consultation.*

*1.6 SEPA did not object to the proposed land raising and landscaping (12/011109/AMC - SEPA response dated 5 October 2012) on flood risk grounds. However we strongly advised that finished ground levels should slope away from buildings to direct surface waters away from buildings and discourage driveways which could potentially direct floodwater from roads towards buildings. This recommendation is still valid.*

### *Caveats & Additional Information for Applicant*

*1.7 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

1.8 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from [www.sepa.org.uk/planning/flood\\_risk.aspx](http://www.sepa.org.uk/planning/flood_risk.aspx).*

## 2. *Foul Drainage*

2.1 *Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard.*

## 3. *Surface Water Drainage*

3.1 *The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA. The receiving watercourse for the discharge will be the Kinness Burn, which discharges to St Andrews harbour and the adjacent East Sands bathing waters.*

3.2 *Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.*

3.3 *Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA.*

3.4 *It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.*

## 4. *The Niddrie Burn corridor*

4.1 *We have concerns that development along the reinstated Niddrie Burn corridor jeopardise the new, "natural" river channel. Taking flows out of the twin culverts which the burn used to flow through and reinstating a more natural watercourse represented a significant morphological improvement. We are concerned that developers will look to construct different surface water drainage outfalls on an ad-hoc basis, each representing between 2 - 10 metres of grey bank protection. We would ask that a coordinated approach to these is utilised wherever possible, particularly if developers are asking that the overarching Craigmillar Urban Design Framework is changed or altered in some way.*

## 5. *The Magdalene Burn*

5.1 *Residents in the local Wisp area have recently raised concerns about changes to the flow regime in the Magdalene Burn (the relatively small watercourse which is shown to the east of the 'Key Site Junction' shown on the map on page 4 of the site's 'Design Statement' as a result of enabling works immediately to the west of the burn.*

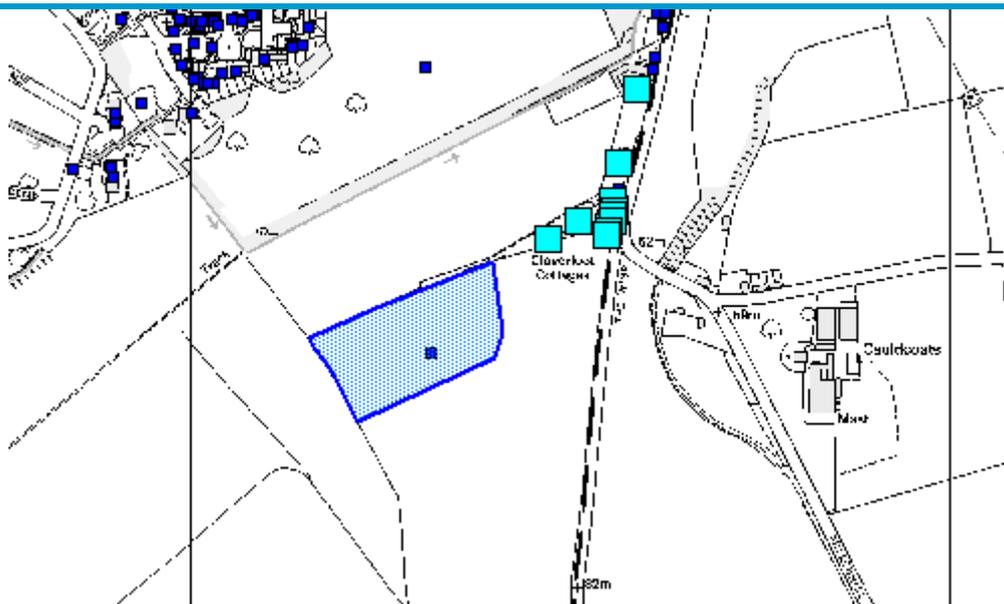
*This appears to have resulted in flows which previously discharged to the burn being re-directed to the new Niddrie Burn. Residents have concerns over a lack of dilution being available for septic tanks and over increased flood risk as a result of silt deposition due to reduced flows. We would highlight the benefits of SEPA/City of Edinburgh Council and developers working together to undertake an assessment of what flows could reasonably be expected in the Magdalene Burn, and ensure that site drainage be directed appropriately to ensure that any impact on flows is addressed.*

*Detailed advice for the applicant*

## 6. Surface Water Outflows (SWO)

6.1 Any new SWO's should be constructed as per SEPA's "Good Practice Guide - Intakes and Outfalls" WAT-SG-28.

## Location Plan



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**END**