

# Development Management Sub-Committee Report

Wednesday 25 January 2023

## Application for Approval of Matters Specified in Conds Land At Greendykes North Site, Greendykes Road, Edinburgh

**Proposal:** This proposal is to complete the last phases of the Greendykes North Masterplan - Phases K, L and M. It is a mixture of social and mid-market rent properties. There are 28 2 storey terraced houses and 112 flats, in 4 storey tenement style blocks. The courtyards are designed with landscaped SUDs basins in accordance with Vision for Water Management in the City of Edinburgh. The site is to achieve Net Zero Carbon in line with CoEC's Design Guide and employs a variety of green energy strategies.

**Item – Committee Decision**  
**Application Number – 22/04955/AMC**  
**Ward – B17 - Portobello/Craigmillar**

### Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. 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 the relevant approval of matters specified in conditions of planning permission 05/01358/OUT.

The proposed layout conforms with that of the masterplan. The design, scale, height and density are appropriate for the location and the layout will be compatible with and connect well to existing streets. There will be an acceptable level of amenity achieved and the impact on neighbouring amenity is acceptable. Street layouts and the levels of car and cycle parking are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements, with the use of conditions. There are no flooding or archaeology issues. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

## SECTION A – Application Background

### Site Description

The application site is on the north eastern side of the western section of Greendykes Road and is currently vacant/derelict land. To the north, east and south of the site there is housing and to the west is open space/parkland. The wider surrounding area is predominantly housing and there are other uses such as schools, hospital and places of worship nearby. The application site forms part of a wider regeneration of the area and is the last plot to be redeveloped in Greendykes North development area.

Further north is Niddrie Mains Road, the main thoroughfare running through Craigmillar, where there is a concentration of shops and community facilities. A frequent bus service links Craigmillar to the city and Musselburgh.

Two Scheduled Monuments are located near the application site; Craigmillar Castle (reference: SM 90129; designated 21/10/1994), including its gardens, and Niddrie Standing Stone (SM 13589; designated 25/8/2015).

The site forms part of the regeneration area for Craigmillar.

### Description Of The Proposal

Approval of matters specified in condition 2 of planning permission in principle 05/01358/OUT) is sought.

Condition 2 of 05/01358/OUT states that, "Details of the under-noted reserved matters shall be submitted and approved by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping and car parking) and detailed plans, sections and elevations of the buildings and all other structures."

The reserved matters are:

(a) Number and details of residential units to be developed, including affordable housing provision.

(b) Detailed urban design frameworks showing how each application conforms to the Craigmillar UDF and the Greendykes North Design Guide.

(c) Design and height of development, including design of all external features, detailed design and configuration of public and open spaces, all external materials and finishes, including their colour.

(d) Finalised details of the car parking, cycling and pedestrian routes as specified within the 'Homezone' concept as identified and approved within the Greendykes North Design Guide and to the satisfaction of Head of Transport.

(e) Waste management and recycling facilities.

(f) Hard and soft landscaping details, which shall include:

- i) Existing and finished ground levels in relation to Ordnance Datum.
  - ii) Layout and design, including walls, fences, gates and any other boundary treatments;
  - (iii) The location of new trees, shrubs and hedges
  - (iv) A schedule of plants to comprise species, plant size and proposed number/density;
  - (v) Programme of completion and subsequent maintenance;
  - (vi) Existing and proposed services such as cables, pipelines, substations;
  - (vii) Other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment.
- (h) A detailed strategy covering the design, timing, phasing and management of the SUDS arrangements in relation to the approved drainage scheme for this outline and ultimately how it connects to a regional pond or wetland as put forward in the Craigmillar Urban Design Framework.
- (i) Details of suitable measures such as a porous parking, roadside filter drains or swales shall be provided ultimately connecting to a regional pond or wetland as put forward in the Craigmillar Urban Design Framework.
- (j) Number of accesses to be reserved.

The proposal is for 140 residential units along with associated roads, parking, footpaths and hard and soft landscaping. The site will be laid out in a grid block pattern with a central street and with rear communal courtyard space. It will complete the last phases of the Greendykes North Masterplan with a mixture of social and mid-market rent properties.

There will be 112 flats in four storey tenement style blocks and 28 two storey terraced dwellinghouses. They will range from one bedroom to three bedrooms. The flats will have flat roofs and the houses will have pitched roofs. Materials will be grey, buff and red brick, fibre cement roof tiles, metal window frames, metal entrance canopies and metal railings.

Cycle parking will be provided giving 236 cycle parking spaces in Sheffield Stands consisting of 188 cycle parking spaces and 48 cargo bike parking spaces. Seventy on street vehicle parking spaces including eight accessible parking spaces will be provided in the form of parallel, end on and centre street positions. Electric Vehicle Charging points are proposed for every 6 parking spaces.

Solar panels will be integrated into the roofscape and SUDS will be incorporated into the rear communal ground landscaping.

Water pump and sub station buildings are also proposed.

## Scheme 2

Revised drawings amended the block numbers and updated the drainage drawings.

## Supporting Information

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Landscape and Planting Schedules
- Site Investigation Report
- Daylighting and Sunlight Analysis Report

### Relevant Site History

05/01358/OUT

Land At Greendykes North  
Greendykes Road  
Edinburgh  
EH16 4HQ

Residential development and public open space at approx 80 units per ha on 9.5 ha of land enclosed by Greendykes Avenue and Greendykes Road (outline application) and submitted housing design guide.

Granted

1 October 2015

06/03921/FUL

Greendykes Avenue, Greendykes Road + Greendykes Terrace  
Edinburgh  
EH16 4HQ

Redevelopment of brownfield land, roads and pavements to provide new roads, pavements, shared surface and landscape infrastructure

Granted

31 January 2007

08/03553/FUL

Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Proposed residential development, comprising 38 dwelling flats and 9 townhouses for sale and 8 dwelling flats and 2 townhouses for rent

Granted

20 September 2011

08/03553/VARY

Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Variation to planning consent 08/03553/FUL (proposed residential development)

VARIED

1 February 2012

15/04791/AMC

Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Application for approval of matters specified in conditions of application (05/01358/out) for residential development of 158 new homes

Approved  
16 May 2016

16/00110/AMC  
Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Approval of matters specified in condition 2 (h) of planning permission 05/01358/OUT relating to a detailed SUDS strategy.

Approved  
8 August 2016

16/04427/AMC  
Land At Greendykes North Site  
Greendykes Road  
Edinburgh

The proposal of 75 dwellings in Greendykes Area G as identified in masterplan approval reference 05/01358/OUT. We wish to discharge Condition 2 of the PPP reference 05/01358/OUT. As amended

Approved  
12 December 2016

17/00895/AMC  
Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Detailed design landscape proposals for the Greendykes North Park, forming part of the Greendykes North Masterplan area, satisfying CONDITION (F).

Approved  
15 May 2017

16/04427/VARY  
Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Non Material Variation to consent 16/04427/AMC.

VARIED  
7 November 2017

16/04427/VAR2  
Land At Greendykes North Site  
Greendykes Road  
Edinburgh

Change of hard landscaping materials for Greendykes Site G.  
VARIED  
19 November 2018

16/00973/FUL  
Land At Greendykes South Site  
Greendykes Road  
Edinburgh

Full planning permission for development of public open space incorporating the regional SUDS facility serving future residential developments at Greendykes North and Greendykes South and other associated works.  
Granted  
26 July 2016

16/00973/VARY  
Land At Greendykes South Site  
Greendykes Road  
Edinburgh

Non-material variation to planning permission 16/00973/FUL to amend the layout plan and associated on street parking.  
VARIED  
24 May 2018

### **Other Relevant Site History**

08/02474/FUL  
Land adjacent to Greendykes Road  
Edinburgh  
Restoration of Niddrie Burn involving excavation of river corridor + associated engineering works.  
Granted  
23.08.2010.

15/03821/FUL + 15/03821/VARY  
Land 80 metres south east of 12 Almond Court  
Greendykes Road  
Edinburgh  
Proposed residential development of 149 houses and flats on a partly brownfield site, including roads, car parking, landscaping and a centralised direct heating system.  
Granted 19.05.2017  
(Varied 20.12.2018)

16/03848/PPP  
Land at Greendykes South Site  
Greendykes Road  
Edinburgh  
Proposed residential development, potential retail/commercial uses, open spaces and associated infrastructure.  
Granted  
23.12.2016.

18/01004/AMC

Land at Greendykes South

Greendykes Road

Edinburgh

Approval of matters specified in conditions (ref: 16/03848/PPP) as per condition three (matters specified in conition/detailed design) and condition six (phasing plan) (as amended).

Approved

17.09.2018.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

The Coal Authority

Waste and Cleansing

Archaeology

Roads Authority (Transport)

Flood Planning

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 17 October 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 6

## **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?**

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 2, Des 4, Des 5, Des 6, Des 7, Des 8.
- LDP Environment policies Env 8, Env 9, Env 21.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6.
- LDP Transport policies Tra 1, Tra 2, Tra 3, Tra 4.

The non-statutory Edinburgh Design Guidance and Revised Craigmillar Urban Design Framework are material considerations that are relevant when considering the above policies.

To address compliance with the Development Plan and the terms of the planning permission in principle, it must be considered whether:

- the proposal complies with the terms of the planning permission in principle;
- the scale, design, mix and layout of the proposal is acceptable;
- the proposal does not have an unreasonable impact on neighbouring amenity and offers appropriate amenity for future occupants;
- access, road and parking arrangements are acceptable; and
- there are any other development plan considerations.

### **Compliance with the planning permission in principle/outline**

The proposal accords with the planning permission in principle (05/01358/OUT) for residential development and will have a density of 70 units per hectare, which is just under the "approximately 80 units per ha" of the outline permission. The proposed layout in block form reflects the indicated layout in the planning permission in principle (05/01358/OUT) and will link in with the other plots of the PPP development site which have already been constructed in a similar layout. The proposed layout will also co-ordinate with existing street layout and spatial pattern of the surrounding area.

The development plan has changed since the PPP was submitted and granted planning permission. However, the redevelopment of Greendykes North has been well established in the previous development plan and the LDP (2016). The proposal complies with LDP policy Hou 1 (Housing Development).



### *Condition 2 - (a)*

Condition 2 part (a) requires the number and details of residential units to be developed, including affordable housing provision.

140 residential units will be provided in the form of 112 flats and 28 houses:

Flats:-

56 x 1 bedroom 2 person with 4 main door flats  
7 X 2 bedroom 3 person with 1 main door flat  
28 X 2 bedroom 4 person  
21 X 3 bedroom 5 person

Of these flats 14 will be wheelchair accessible including one main door flat.

Houses:-

15 x 3 bedroom 4 person  
13 x 3 bedroom 5 person

More than 20% of the homes will be 3 bedroom or more to cater for families and 10% of the social rented properties will be provisioned for those who are physically disabled or wheelchair users.

All of the residential units will be provided by City of Edinburgh Council and will be a mixture of social and mid-market rent properties. It is proposed that the likely split will be 78 homes for social rent and 62 homes for mid-market rent.

The proposal gives an appropriate mix of housing types and sizes which adds to that already found in the area. As such it complies with LDP policy Hou 2 (Housing Mix).

Condition 2 part (a) will be complied with.

### *Condition 2 - part (b)*

Condition 2 part (b) requires detailed urban design frameworks showing how each application conforms to the Craigmillar and the Greendykes North Design Guide.

The Design and Access Statement shows how the design has been developed in context with existing surrounding developments which conform with the Craigmillar Urban Design Framework and the Greendykes North Design Guide. The Craigmillar Urban Design Framework set out the overview for regeneration including street hierarchies and design codes. The Greendykes North Design Guide developed the Framework in more detail and aimed to knit Greendykes into Craigmillar to create a dense, cohesive and sustainable new quarter of Craigmillar. This included creating a network of road, cycle and pedestrian routes linking through streets to, for example, parks. The Guide aims to establish a strong sense of place based on a cohesive and consistent spatial framework. It was set out in the masterplan and PPP application).

The information submitted for the proposal demonstrates that its layout, connectivity and street hierarchy is in line with both the Craigmillar Urban Design Framework and the Greendykes North Design Guide. It also shows that the proposed spatial pattern will achieve a dense, cohesive and sustainable place and that the design of the buildings is in keeping with both the Framework and Design Guide. The proposal will link well to existing adjacent developments and streets and, therefore, complies with LDP policy Des 2 (Co-ordinated Development). The density is similar to that of neighbouring residential areas and is characteristic of the surrounding area. It complies with LDP policy Hou 4 (Housing Density).

The proposal will be compatible with the context of the surrounding area and, therefore, the Craigmillar Urban Design Framework and the Greendykes North Design Guide.

The proposal accords with Condition 2 (b).

#### *Condition 2 (c)*

Condition 2 (c) requires details of the design and height of development, including design of all external features, detailed design and configuration of public and open spaces, all external materials and finishes, including their colour.

The four storey blocks around the edge of the site and the two storey terraces within the site, reflect the design code in term of heights and associated location set out in the Craigmillar Urban Design Framework and the Greendykes North Design Guide. The proposed buildings will maintain the block grid layout reflecting the spatial structure of the other, completed, sites within Greendykes North. Incorporation of communal open space within the internal courtyards also reflects the design characteristics of the surrounding streets and area. The mix of flat and pitched roofs used for flatted blocks and houses, respectively, is compatible with the pattern of roofs in relation to building heights in the area. Materials proposed will sit comfortably within the streetscape and with the variety of other materials, with much brick, and their colour found within the area.

Landscaping around the edge of the buildings, in the form of front gardens, in the rear courtyards and scattered around the parking bays will provide the soft setting and space environment for the proposed buildings.

The buildings will be sustainable and be constructed to the most recent Building Standard regulations. The aim of the provider, CEC, is for net zero carbon and there will be, for example, solar roof panels.

These components will contribute to the cohesion of the Greendykes North and to creating a sense of place. Therefore, the proposal complies with LDP policies Des 1 (Design Quality and Context), Des 4 (Development Design - Impact on Setting), Des 6 (Sustainable Buildings), Des 7 (Layout) and Des 8 (Public Realm and Landscape Design).

The proposal accords with condition 2 (c).

*Condition 2 (d)*

Condition 2 (d) requires finalised details of the car parking, cycling and pedestrian routes as specified within the 'Homezone' concept as identified and approved within the Greendykes North Design Guide and to the satisfaction of Head of Transport.

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

The Roads Authority (Transport) has advised that it has no objection subject to appropriate conditions and informatives relating to on-street cycle parking, accesses and road construction consent; underground water storage/attenuation; Quality Audit; Travel Plan; new road names; parking spaces adjacent to the carriageway; canopy or similar structure overhanging the footway; and maintenance schedule for the SUDS infrastructure.

The proposed 70 car parking spaces, including 8 accessible spaces, are considered acceptable. Current Council standards would potentially permit up to 140 spaces. The proposed 236 cycle parking spaces are considered acceptable, subject to being located in secure and under cover locations. Sheffield Stands proposed are acceptable.

Sufficient numbers of cycle parking including parking for cargo bicycles will be provided. However, the on-street location of cycle parking must be provided in secure and under cover locations and as currently proposed is not considered acceptable. Therefore, an appropriate condition is recommended.

The numbers of vehicle and cycle parking will contribute to sustainability and climate change mitigation by encouraging the use of more sustainable modes of transport and discouraging vehicle travel and car journeys.

The applicant has advised that there will be an electric vehicle charging point for every six parking spaces. A drawing is required showing details of the locations etc of the proposed electric vehicle charging points. A condition is recommended should permission be granted.

The street layouts will tie into the existing streets with vehicle parking being laid out in a similar way. There will be a mix of centre street, end on and parallel parking bays. The overall design layout is acceptable in planning terms as it complies with the planning permission in principle and development plan policies. The Roads Authority has advised that the proposed layout is not approved at this stage. The exact details of the new roads including the layout will be consented through the Road Construction Consent and changes made in relation to the RCC may require amendments to the planning permission.

The proposal complies with LDP policies Tra 2 - Tra 4, with the use of conditions relating to cycle parking and electric vehicle parking.

Condition 2 (d), with the use of conditions, is complied with.

### *Condition 2 (e)*

Condition 2 (e) requires waste management and recycling facilities.

A Waste Strategy has been agreed with Waste and Cleansing. Bin stores integrated into the design will accommodate the required amount of refuse and recycling bins.

The proposal accords with condition 2 (e).

### *Condition 2 (f)*

Condition (f) requires hard and soft landscaping details, which shall include:

- i. Existing and finished ground levels in relation to Ordnance Datum.
- ii. Layout and design, including walls, fences, gates and any other boundary treatments;
- iii. The location of new trees, shrubs and hedges
- iv. A schedule of plants to comprise species, plant size and proposed number/density;
- v. Programme of completion and subsequent maintenance;
- vi. Existing and proposed services such as cables, pipelines, substations;
- vii. Other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment.

The proposed palette for the hard landscaping will be compatible with the existing hard will landscaping in the surrounding area and sit well within the streetscape. Its variety will set out different purposes for the various hard standing, such as setts for formal pavements and gravel for informal paths.

Soft landscaping will be provided for the gardens, rear communal areas and interspersed in amongst the parking bays. Tree planting will be included and a condition is recommended to ensure that the tree pits are suitable to support healthy tree growth which is important for the landscape structure and environmental amenity of the area. In the rear courtyards, the soft landscaping will incorporate SUDs and, due to the gradients and levels, this will add interest to the courtyards. Conditions are recommended to ensure that the planting is suitable and becomes established. As the proposal is a City of Edinburgh Council housing project, the Council will be responsible for ensuring landscaping is maintained.

Boundary treatments are acceptable and will provide robust and appropriate edges between spaces and buildings.

It is recommended that, should planning permission be granted, that conditions are used requiring details of the tree pits and landscaping.

Street furniture, such as benches, are proposed. Play facilities for the masterplan area have been provided through a previous AMC permission and, thus, are not required to be provided for this AMC application. The proposed substation and plant building are essential to facilitate the development. They have been positioned in the rear courtyards and, although stand-alone buildings, have been incorporated into the landscaping design.

The proposal complies with LDP policy Des 8 (Public Realm and Landscape Design). The design and materials are appropriate for their intended purpose and in relation to the character of the area. The planting of trees will provide a setting for buildings, boundaries and roadsides. A robust landscape structure will be created.

The proposal is in accordance with condition 2 (f), with the use of conditions.

#### *Condition 2 (h)*

Condition 2 (h) requires a detailed strategy covering the design, timing, phasing and management of the SUDS arrangements in relation to the approved drainage scheme for this outline and ultimately how it connects to a regional pond or wetland as put forward in the Craigmillar Urban Design Framework.

The drainage strategy for the Greendykes North Site (application 05/01358/OUT) was approved under two separate but related applications (application numbers 16/00973/FUL and 16/00110/AMC). LDP Policy Env 21 (Flood Protection) states that planning will not be granted for development that would increase flood risk or be at risk of flooding.

The Flood Authority has advised that the detailed drainage information, including additional information, submitted for this AMC application (22/04955/AMC) is acceptable and can proceed to determination with no further comments from CEC Flood Prevention.

Note: the information submitted also demonstrates that the application complies with condition 10 of the planning in principle (... not develop any areas of land that currently lie below the 1:200 year flood level (48.587m AOD) until after the Niddrie Burn has been realigned, and the new 1:200 year flood level confirmed to be below existing site levels.) and Flood Planning has confirmed this.

The proposal complies with LDP policy Env 21 (Flood Protection).

The proposal is in accordance with condition 2 (h).

#### *Condition 2 (i)*

Condition 2 (i) requires details of suitable measures such as porous parking bays, roadside filter drains or swales shall be provided ultimately connecting to a regional pond or wetland as put forward in the Craigmillar Urban Design Framework.

The proposed hard and soft landscaping together with the proposed drainage strategy and use of SUDs has demonstrated that the site will be suitably drained. This has been assessed in Condition 2 (f) and (h) and it was concluded that the site will be suitably drained in connection with the SUDs strategy for Greendykes North.

The proposal is in accordance with condition 2 (i).

### *Condition 2 (j)*

Condition (j) requires the number of accesses to be reserved.

The number of accesses has been considered in assessing the design and the road layout. The number of accesses proposed will tie into existing road network and is acceptable.

Condition 2 (j) will be complied with.

### *Summary of AMC condition compliance*

The proposal conforms with the planning permission in principle and accords with the design, housing, transport and flooding policies of the LDP.

### Scale, design, mix and layout

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.

The scale, form and design has been considered above and concluded that it complies with the planning permission in principle and the relevant LDP design policies.

### Amenity - neighbouring properties and future occupiers

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 Edinburgh Design Guidance states that the pattern of development within an area will help define appropriate distances between buildings and consequentially privacy distances.

### *Neighbouring Amenity*

The front windows will look onto public streets and will be opposite existing windows which also look onto public streets. Therefore, there will be no loss of privacy. It is acknowledged that existing windows overlook the current vacant site; however, the site has been designated as a housing site in the development plan and secured planning permission in principle for housing. Thus, the vacant site situation and, subsequently, the lack of windows opposite has been temporary.

An analysis of all the neighbouring properties around the perimeter of the site was undertaken using the BRE 2022 and Vertical Sky Component (VSC). This showed that the majority of the existing dwellings around the perimeter of the new development achieve the required daylight criteria, measured in Vertical Sky Component (VSC) set out within the Edinburgh Design Guidance and BR209. Almost all of the neighbouring windows would not be impacted in terms of daylighting. However, the 48 southeast windows of the block on the corner of Greendykes Road and Tudsbery Avenue fail the VSC criteria. The analysis found that all 48 of those windows currently fail the VSC

criteria, without the new development in place. This is due to the impact of the balconies / overhangs that are located immediately above each window. The VSC analysis shows that there is significant reduction in daylight to 12 of these 48 windows, located on ground floor, first floor and second floor levels when the new development is included, causing a >20% reduction in daylight to these windows. Average Daylight Factor (ADF) modelling has been carried out on the rooms that contain these failing windows in accordance with the Edinburgh Design Guidance to further assess daylight and to ascertain if the existing block did achieve compliance prior to the inclusion of the new development. The analysis shows that all rooms, excluding one, failed the ADF criteria prior to the inclusion of the development and, therefore, still fail when the new development is included. One room did pass the ADF criteria prior to the inclusion of the development and still passes when the new development is included.

The daylighting analysis shows that the proposed development will not exacerbate any loss of daylighting to neighbouring properties.

The impact on sunlight to neighbouring properties is within acceptable limits as set out in the Edinburgh Design Guidance.

It is expected that the noise associated with the proposal will be that normally associated with residential living. Should noise disturbance or anti-social behaviour occur, this is the responsibility of other legislation and services.

#### *Future occupiers*

The Edinburgh Design guidance sets out the minimum floor sizes required in residential developments. All of the proposed residential units meet the size standards. Daylighting and sunlight information submitted, which used the BRE 2022 for analysis, show that sufficient daylight will be received into the flats and houses and that levels of sunlight to gardens is acceptable.

The Daylight Analysis undertaken demonstrates that the proposed dwellings achieve the required daylight criteria, measured in Vertical Sky Component (VSC), set out within the Edinburgh Design Guide and the BRE.

Each house will have private outdoor amenity space and the flats will have access to communal gardens. All dwelling units will also have access to a rear communal courtyard consisting of grass and other soft landscaping. LDP policy Hou 3 (Private Green Space in Housing Development) requires a minimum standard of 10 square metres per flat and a minimum of 20% of the total site area to be useable green space. The proposal meets these policy requirements. In addition, the site is next to a local park with play facilities and Hawkhill Wood and is also within walking distance of nearby Hunter's Hall Park.

Condition 3 of 05/01358/OUT requires a site investigation and if necessary remedial measures. This is to enable consideration of the risks to human health and the wider environment are at acceptable levels. The condition has not been purified for the entire Greendykes North development site and, therefore, it is recommended that the condition be applied to this AMC application. This is to ensure that the site is safe to develop for residential use.

The Coal Authority has advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards and recommends an informative be included with any subsequent planning permission.

#### *Access, roads and parking*

LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

Consideration of the access, roads and parking arrangements has been assessed above in terms of Condition 2 (d). It was concluded that the proposal would comply with Tra 2- Tra 4 with the use of a condition.

#### *Archaeology*

LDP Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) aim to prevent damage or destroying of archaeological remains.

Condition 9 of 05/01358/OUT requires 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.

The City Archaeologist has advised that archaeological work as part of the 2006/7 initial applications, confirmed that although occurring within an area of archaeological potential, 20th century developments have had a significant impact upon the chances of significant remains surviving on site. Given this and taking into consideration that no significant remains have been recorded/discovered on this site since then, it is confirmed that there are no, known, archaeological constraints upon this scheme.

Therefore, the proposal complies with LDP policies Env 8 and Env 9 and condition 9 of 05/01358/OUT has satisfactorily been addressed.

#### *Natural Environment*

Policy Env 15 (Sites of Local Importance) aims to protect and prevent adverse impacts on the flora, fauna, landscape or geological features of a Local Nature Reserve Site.

Policy Env 16 (Species Protection) aims to protect and prevent adverse impact on species protected under European or UK law.

Opposite the site's western edge is a Local Nature Reserve and park. The application site is not in a Site of Importance as defined in the LDP. A letter of objection has raised the matter of the impact of illumination from the proposed development on the habitat of animals, including bats. Previous development has been on the application site and its current vacant status has been temporary. Street lighting exists on Greendykes Road and there is some illumination from other buildings opposite the park. There are no protected species living on the application site. In these circumstances, the proposal will not detrimentally impact on the habitats in the nature reserve and, park nor on the species which live there.



## **Conclusion in relation to the Development Plan**

The proposals are in accordance with the Development Plan and the relevant approval of matters specified in conditions of planning permission 05/01358/OUT.

The proposed layout conforms with that of the masterplan. The design, scale, height and density are appropriate for the location and the layout will be compatible with and connect well to existing streets. There will be an acceptable level of amenity achieved and the impact on neighbouring amenity is acceptable. Street layouts and the levels of car and cycle parking are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements, with the use of conditions. There are no flooding, archaeology issues or natural environment issues. There are no material considerations which outweigh the proposal's accordance with the Development Plan.

### **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. The development will re-use brownfield land and make efficient use of the land. It will help deliver accessible housing and supports climate change mitigation. The communal rear courtyards will improve health and wellbeing by offering opportunities for social interaction and physical activities.

#### Emerging policy context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it remains a material consideration. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The application addresses this through:

- Provision of SUDS, soft landscaping, porous hard landscaping, solar panels and a net zero carbon design.

The proposed development is considered to broadly comply with the provisions of NPF 4 and there is not considered to be any significant issues of conflict.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. 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. No impacts have been identified.

Fourteen flats will be wheelchair accessible and homes will be provided for social rent. The effect of the development on emotion and health resulting from reduce sunlight was raised in the objections. The impact on sunlight was assessed in section b) and found to be acceptable.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

### Public representations

A summary of the representations is provided below:

#### *material considerations*

- loss of privacy. Addressed in section a).
- loss of sunlight. addressed in sections a) and b).
- increased noise. Addressed in section a).
- landscaping. Addressed in section a).
- traffic increase. Addressed in section a).
- lack of parking. Addressed in section a).
- lack of electric vehicle charging points. Addressed in section a).
- emotion and health impact. Addressed in section b).
- impact on habitat in park. Addressed in section a).

#### *non-material considerations*

- suggest a park is developed on the site. *The planning authority can only consider the application submitted.*
- construction work.
- security.
- valour.
- volume of existing traffic.
- state of existing roads and improvement of existing roads. *This is the responsibility of the Roads Authority.*
- existing parking and unsafe parking on existing roads. *This is the responsibility of driver and/or the Roads Authority and/or Police Scotland.*
- inadequate parking of previous developments.

- anti-social and criminal behaviours.
- lack of employment and social opportunity.
- impact on Police resources.
- ratio of mid-market, private rent and ownership.
- information provided by housebuilder regarding future development of neighbouring sites.

### **Conclusion in relation to identified material considerations**

There are no material considerations that indicate the application should be refused. The material considerations support the presumption to grant planning permission.

### **Overall conclusion**

The proposals are in accordance with the Development Plan and the relevant approval of matters specified in conditions of planning permission 05/01358/OUT.

The proposed layout conforms with that of the masterplan. The design, scale, height and density are appropriate for the location and the layout will be compatible with and connect well to existing streets. There will be an acceptable level of amenity achieved and the impact on neighbouring amenity is acceptable. Street layouts and the levels of car and cycle parking are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements, with the use of conditions. There are no flooding or archaeology issues. 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 05/01358/OUT) whichever is the later.

2. 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.

3. Notwithstanding the approved drawings, the tree pits for the new trees are not consented and a drawing detailing appropriate tree pits (at least 1.2m dia x 900mm deep, including topsoil BS 3882 Multipurpose Classification, Grade 2-6mm to be used, aeration) shall be submitted to and approved in writing by the planning authority.

4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development. Replacements for any dead, dying, missing, disease, damaged/vandalized plants should be carried out on an annual basis for at least a 5-yr period following completion.

6. Prior to the commencement of development a drawing showing the details of the Electric Vehicle Charging Points (location, etc) shall be submitted to and approved in writing by the planning authority. EV charging points shall be installed and be operational prior to occupation of the related residential units in agreement with the planning authority.

7. Notwithstanding the submitted drawings, the on-street location of cycle parking is not approved. A drawing detailing the on-street cycle parking provision in secure and under cover locations shall be provided to and approved by the planning authority in writing prior to the commencement of development. Cycle parking provision shall be installed and be operational prior to occupation of the related residential units in agreement with the planning authority.

## **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 ensure the most efficient and effective rehabilitation of the site.

3. In order to ensure trees grow and survive to contribute to landscaping plan.

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

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

6. In order to provide infrastructure for sustainable vehicles and contribute to climate change mitigation.

7. In order to provide secure cycle storage and comply with the Edinburgh Design Guidance.

## **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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

4. All accesses must be open for use by the public in terms of the statutory definition of "road" and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. For the avoidance of doubt, the proposed layout is not approved at this stage.

5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.

6. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

7. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

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

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

10. Any canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984. It is unclear from the submitted drawings whether the proposed building canopies comply with this requirement.

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

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 3 October 2022**

### **Drawing Numbers/Scheme**

01,02,03A,04A,05-91,92A,93,94A,95-111.

Scheme 2

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

Contact: Jackie McInnes, Planning officer  
E-mail:jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

### **Summary of Consultation Responses**

NAME: The Coal Authority

COMMENT: The application site is located within the defined Low Risk Area. It will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

DATE: 14 November 2022

NAME: Waste and Cleansing

COMMENT: As this is to be a residential development waste and cleansing services would be expected to be the service provider for the collection of any household domestic and recycling waste (Only).

Waste Strategy agreed.

DATE: 1 December 2022

NAME: Archaeology

COMMENT: There are no, known, archaeological constraints upon this scheme.

DATE: 17 October 2022

NAME: Roads Authority (Transport)

COMMENT: No objection subject to appropriate conditions and informatives relating to:-

1. On-street cycle parking;
2. Accesses and road construction consent;
3. Underground water storage / attenuation;
4. Quality Audit;
5. A Travel Plan;
6. New road names;
7. Parking spaces adjacent to the carriageway;
8. Canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway);
9. Maintenance schedule for the SUDS infrastructure.

DATE: 10 January 2023

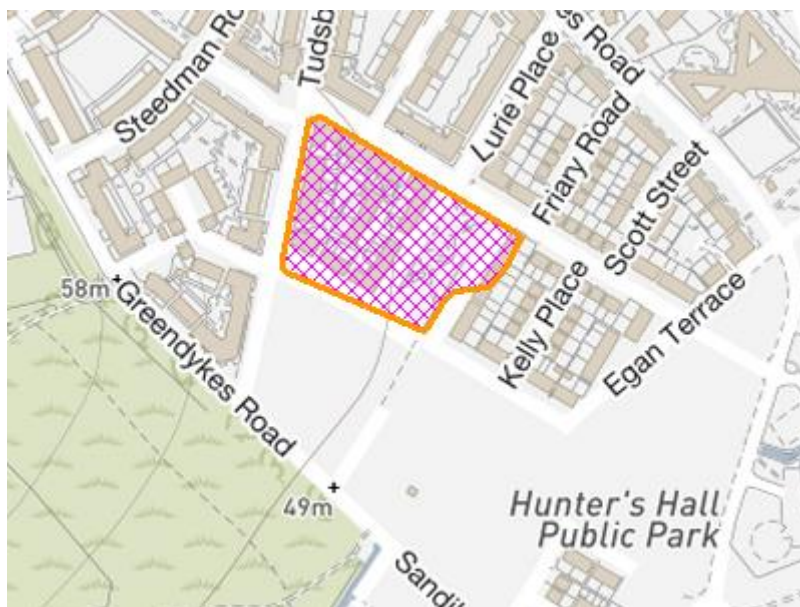
NAME: Flood Planning

COMMENT: The application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 16 November 2022

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

## Location Plan



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