

# Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 1 March 2023**

**Application for Planning Permission in Principle  
Land South Of 26 Cleikiminrig, Edinburgh,**

**Proposal: Residential development with associated landscaping, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works.**

**Item – Committee Decision  
Application Number – 22/03291/PPP  
Ward – B17 - Portobello/Craigmillar**

## **Report Returning to Committee**

This application was approved at the Development Management Sub-Committee on 23 November 2022 subject to a Legal Agreement to secure affordable housing and a developer contribution towards transport, education, health care and open space provision as well as planning conditions and informatives.

The legal agreement and outstanding matters are close to being agreed.

The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023, and therefore it is now part of the development plan against which these development proposals should be assessed.

## **Recommendations**

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

## **SECTION A – Assessment**

### National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policy 1, 2, 3, 6, 9a, 13, 14, 15, 16, 18, and 20 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure.

Policy 1 of the 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. It is to be applied together with the other policies in NPF4.

## Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land and take into account biodiversity value of the land. The development proposal is for the reuse of previously vacant and derelict contaminated land is considered in line with this policy. Therefore, the proposal is still acceptable in principle and the biodiversity value is discussed further below.

## Local Living, Quality Homes and Infrastructure

Policy 14 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on previously developed now vacant and contaminated land, in close proximity to a retail and neighbourhood centre and public transport links. The proposal would decontaminate and regenerate the area bringing it into residential use with a maximum number of units capped at 260. It would improve the quality of this area. It is considered that it would contribute to the creation of place and a 20 min neighbourhood and therefore contribute to local living and comply with policy 15.

In line with Policy 16 b) a Statement of Community Benefit will be required at the detailed AMC stage to highlight the provision of affordable homes, local infrastructure, facilities and services and improvements to the residential amenity of the surrounding area. These issues are dealt with in general at the PPP stage where 25% affordable housing and a number of education, transport, health, and green space infrastructure and/or contributions have already been agreed.

Policy 16 f) sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It is considered that this site is consistent with the spatial strategy within the Local Development Plan as it delivers new housing within the urban area and therefore acceptable. The applicant would also be expected to provide a timescale for build-out, as well as the Statement of Community Benefit, which could be secured by amending condition 3.

The infrastructure requirements comply with Policy 18 and have been secured through the conclusion of the Section 75 legal agreement.

## Biodiversity and blue/green infrastructure

The planning permission in principle includes conditions requiring tree surveys and further ecology assessment with mitigation measures during construction and operation of the development proposals. It is noted that the proposals will also involve changing the existing levels across the site, removing colliery spoil, and introducing an environmental capping layer.

Flood Planning would like to better understand how these proposals will impact flood risk and overland drainage flow paths at future stages of development. As a result, a flood risk assessment and drainage strategy will be required for the next stages of detailed design as secured by condition.

The Madelene Burn runs along the southern boundary of the site, and the applicant was previously encouraged to take the opportunity to de-culvert it to enhance further visual amenity, biodiversity, assist with SuDs drainage and flooding.

Assessing this proposal against NPF4 policies 1, 3, 9a, highlights opportunities to enhance the biodiversity value of brownfield land which has been naturalised should be taken into account. Policy 1 requires resilience to climate change and gives weight to considering the nature crises. Policy 3 requires development proposals to contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Policy 14 also advocates for sustainable places ensuring climate resilience and integrating nature positive, biodiversity solutions. Policy 20 supports the incorporation or enhancement of blue/green infrastructure as an integral design element responding to local circumstances. Policy 22 requires development proposals to manage all rain and surface water through SUDS which should form part of and integrate with the proposed and existing blue green infrastructure and highlights that creating, expanding, or enhancing opportunities for natural flood risk management including blue/green infrastructure will be supported.

The NPF4 policies outlined above provide justification for requiring the applicant to fully assess and implement the de-culverting of the Madelene Burn within the site and integrating it into their detailed SUDS and flooding proposals. This would aid additional flood risk management, SUDS management and realise biodiversity enhancements.

Therefore condition 3 is amended to require the applicant to include an updated Flood Risk Assessment of the detailed design, including an updated drainage and surface water management strategy with details of proposed SuDs features, to show how future remediation/development will affect overland drainage flows; how surface water will be dealt with, including further assessment and implementation of de-culverting the watercourse within the site, and highlighting how the layout, finished floor levels, landscaping and SuDS have been designed in relation to Flood Risk.

An informative is also added to remind the applicant that these proposals would require an assessment of the existing on and off-site culvert in terms of hydraulic representation and whether there is potential flooding from it as part of the detailed design and that the location of drainage features should be located out with any floodplains to provide the required volumetric capacity during storm events. Suds features should be located above ground as this site is to be considered effectively as greenfield for the purposes of planning submission drainage design.

#### Conclusion in relation to NPF4 part of the Development Plan

Assessment against the NPF4 policies has required amendments to condition 3 to include the requirement to provide a statement of community benefit and build out information at the detailed design stage. The stronger NPF4 policies on flooding, SUDS, climate resilience and biodiversity provide justification for amending condition 3 to the require that the applicant assess and implement the de-culverting of the watercourse on site as part of the detailed design stage proposals. In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4.

Amended Condition 3 in its entirety now reads:

The development in question will not begin until the following matters have been approved by the Council as planning authority; the submission shall be in the form of a detailed layout covering points (a) - (n) below.

The following supporting information shall also form part of any submission:

- a statement of community benefit and build out information.
- an updated Air Quality Impact Assessment including mitigation measures for both construction and operation of the proposed development.
- an updated Ecology Assessment with mitigation measures during construction and operation and including a Bat Species Protection Plan, Badger Protection Plan, Reptile Species Protection Plan, and an Invasive Non-Native Species Management Plan should be produced, and mitigation measures outlined including a timescale and their implementation.
- an updated light pollution Assessment.
- an updated Noise Assessment, including commercial noise and vibration noise from the overhead power lines.
- an updated Transport Statement and Quality Audit, based on the transport infrastructure proposed including the general traffic route through the site and parking levels proposed with mitigation measures for both the construction and operation of the proposed development.
- an updated Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability, and energy efficiency.
- an Affordable Housing Statement setting out how 25% affordable housing will be provided on site including delivery, tenure, and location.
- an updated Landscape and Visual Impact statement - based on the finished floor levels and proposed trees to be retained/planted and the winter worst case scenarios views and to include the impact on both City and Local views.
- an updated tree survey including a plan showing all trees - whether they are to be retained, retained with pruning (extent of tree work to be detailed) or removed; Tree Survey Plan & Schedule; Tree Constraints Plan also indicating Root Protection Areas; Tree Protection Plan and Arboricultural Method Statement.
- an updated Flood Risk Assessment of the detailed design, including an updated drainage and surface water management strategy with details of proposed SuDs features, to show how future remediation/development will affect overland drainage flows; how surface water will be dealt with, including further assessment and implementation of de-culverting the watercourse within the site, and highlighting how the layout, finished floor levels, landscaping and SuDS have been designed in relation to Flood Risk.

- details of adoption, management and maintenance of the landscaping, SUDS, open space; and any other flood prevention or drainage measures.
  - an updated waste management strategy; and.
  - an updated Construction Environmental Management Plan including a timescale and implementation plan, must also be produced incorporating the mitigation measures for the construction phase in relation to all the studies identified above as well as those submitted for the planning permission in principle application number 22/03291/PPP
- (a) a site development layout showing built development, footpath, cycle, and road access and connections, including open space provision, play area provision, SUDS drainage and landscaping.
  - (b) details of the layout, siting, design, form, density, height, tenure, and the number and mix of units, including the design of all external features and materials and appearance of all buildings and glazing specifications (including acoustic capabilities) and ground floor levels in relation to Ordnance Datum.
  - (c) the design and configuration of public realm and open spaces, all external materials, and finishes.
  - (d) cycle parking and car parking levels and justification including, city car club parking spaces, disabled spaces and at electric charging points and spaces in line with Council standards.
  - (e) access, road layouts and alignment, including a direct traffic route between Newcraighall Road and The Wisp as set out in Table 9 of the Local Development Plan (Ref.T15) as part of a wider active travel and traffic management scheme; it is expected that this route will require to be 7.3m wide to accommodate general traffic, including buses and heavy goods vehicles, and will include a priority junction with The Wisp, and the location of which is to be agreed with Planning and Transport as well as a Stage 2 Quality Audit, the classification of streets, and servicing areas;
  - (f) the provision of footpaths and cycle routes, including:
    - (i) a suitable cycle and pedestrian links to be provided to link the development southwards to the Midlothian Council area and northwards towards Newcraighall Road (Proposal Tra 7 in table 9 of the Local Development Plan).
    - (ii) a suitable pedestrian and cycle crossing on The Wisp to link the proposed development to Hunter's Hall Park.
    - (iii) improved pedestrian and cycle routes to link the development northwards along The Wisp to its junction with Niddrie Mains Road, particularly to promote cycle and pedestrian links to schools; and

- (iv) proposed pedestrian, cycle and wheelchair routes within the site and the signage of pedestrian and cycle access links, and the details, including timescale for implementation, of the above points (f) (i) to (iii), the location of which is to be agreed with Planning and Transport.
- (g) waste management and recycling facilities.
- (h) confirmation from the coal authority that the mining requirements as set out in condition 4 to be undertaken prior to the submission of any AMC have been complied with.
- (i) confirmation from Environment Site investigation/decontamination arrangements as set out in condition 5 to be undertaken prior to the submission of any AMC have been complied with.
- (j) surface water and drainage arrangements including management, maintenance, ownership, and adoption.
- (k) existing and finished site and ground levels in relation to Ordnance Datum.
- (l) any further noise, or light mitigation measures arising from the updated studies, including details, materials, and finishes.
- (m) full details of sustainability measures; and
- (n) full details of the landscape proposals include fully detailed plans of the design and configuration of all public open space all external materials and hard and soft landscaping details.

This shall include:

- (i) Walls, fences, gates, and any other boundary treatments.
- (ii) The location of new trees, shrubs, and hedges.
- (iii) A schedule of plants to comprise species, plant size and proposed number/density.
- (iv) Programme of completion and subsequent maintenance and management of any flooding mitigation measures including SUDS drainage, and open space areas.
- (v) Existing and proposed services such as cables, pipelines, substations.
- (vi) Other artefacts and structures such as street furniture, including lighting columns and fittings.

### Other Material Considerations

There are no new material considerations arising from those previously considered on 23 November by this Committee. It is therefore recommended that the application is granted.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

Or [Council Papers online](#)

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