

Development Management Sub Committee

Wednesday 24 September 2014

**Application for Planning Permission 14/01820/FUL
At Niddrie Mill Primary School, 267 Niddrie Mains Road,
Edinburgh**

Residential development of new build flatted properties and housing at site of the former Niddrie Mill Primary School and conversion of the Primary School Building to flatted properties.

Item number	4.2
Report number	
Wards	A17 - Portobello/Craigmillar

Summary

The proposal is acceptable in this location and is of an appropriate layout, scale and design. The impact on infrastructure is acceptable and not requiring an education contribution is justified in this case. There will be no detrimental impact on neighbouring properties and there will be a sufficient level of amenity for future occupiers. There are no expected equalities or human rights issues. There are no other material considerations that outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD3, CITE3, CITE9, CITE11, CITE12, CITE15, CITE16, CITE17, CITOS1, CITH1, CITH2, CITH3, CITH4, CITH5, CITH7, CITCO2, CITT2, CITT4, CITT5, CITI6, NSG, NSGD02, NSDCAH,
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NSGCDF, NSMDV, NSP, NSOSS,

Report

Application for Planning Permission 14/01820/FUL At Niddrie Mill Primary School, 267 Niddrie Mains Road, Edinburgh Residential development of new build flatted properties and housing at site of the former Niddrie Mill Primary School and conversion of the Primary School Building to flatted properties.

Recommendations

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

Background

2.1 Site description

The application site is 0.96ha in size and is the former Niddrie Mill Primary School and its playground on Niddrie Mains Road. It is on the north side of Niddrie Mains Road and extends up to Niddrie Mains Drive to the north, Hay Drive to the west, and the Niddrie Burn to the east. A row of trees line the Niddrie Burn and there is an overgrown garden in the south east corner fronting Niddrie Mains Road adjacent to the Niddrie Burn.

The site consists of the former Niddrie Mill Primary School building, with extensions added to the side and rear, and the playground. The bungalow next to the school is not within the application site boundary. There is a pedestrian crossing to the west of the school building, outside the bungalow, and bus stops are located close by.

The school building is red brick with stone features, e.g. around the windows, with a slate roof with red ridge tiles. It has a feature on the roof which incorporates a weather vane. The school building and playground are currently empty and the sites vacant. To the front of the building, sitting in what was part of the school playground, is Wauchope Memorial a Category C Listed Building (date of listing 7 January 2014; reference 671799).

To the northwest of the site is Niddrie Community Church and next to this, on Hay Drive, is a derelict site once used as a children's playground. The immediate surrounding area is mainly housing with some other uses including sports facilities at the Jack Kane Centre.

Niddrie Mains Road is a main thoroughfare with a high frequency bus route.

2.2 Site History

26 May 2010 - permission minded to grant, subject to a legal agreement, for the erection of 55 residential dwellings including the refurbishment of part of the existing school and associated parking and amenity space (reference: 08/03962/FUL).

19 July 2013 - proposal of application notice approved for residential development (Reference: 13/02691/PAN).

8 August 2013 - Planning Committee approved the revised Craigmillar Urban Design Framework.

Main report

3.1 Description Of The Proposal

The proposal is for 66 residential dwellings in the form of flats and houses. Fifteen new houses and 34 new flats will be built with 17 flats (including 3 duplexes) being provided in the school conversion.

The houses will be positioned along the western boundary with a row of three on the southern boundary, next to the bungalow. They will be two-storey with a mixture of 2 and 3 bedroom homes. Each house will have a driveway and back and front gardens.

Two blocks will be positioned to form a "L" shape behind the school and will be three and four storeys high. A three storey block of flats will also be built at the rear of the site at Niddrie Mains Drive. Landscaping will be provided to the front of the flats with a communal area to the rear, adjacent to Niddrie Burn. Parking will be provided in parking courts and in front of the flats. Fifty-one parking spaces will be provided including three disabled parking spaces. Bike stands for cycle parking will be provided in front of the buildings near the entrances.

Materials will be brick in a multi-red tone, metal cladding at the stairs and dark grey tiles for the roofs on the houses. The roofs to the flats will be metal hidden behind a parapet to the front elevations.

The school building will be converted from educational use to residential use. The facade and the sides of the original school building (as far as possible for the sides - as there are existing extensions to be taken down/demolished) will be retained. The insides of the school will be removed and new build construction installed behind the existing front and side elevations.

The vehicular entrance will be taken from Niddrie Mains Road at the existing entrance to the former school. Additional access for cyclists and pedestrians will be through the gate on Niddrie Mains Road, next to the Burn, and from Niddrie Mains Drive.

Landscaping will be provided throughout the proposed development, including the area around the war memorial. The trees along the front of the school building will be removed and trees will be planted throughout the site as part of the landscaping proposals.

The war memorial commemorating the Boar War and General Wauchope will remain in its current location.

The following supporting information has been submitted with the application:

- Design and Access Statement
- Supplementary Site Investigation
- Tree Survey and Arboriculture Constraints
- Pre-Application Consultation Report
- Structural Report for the Former Niddrie Mill Primary School Building
- Accommodation Schedule
- Drainage Strategy
- Flood Risk Assessment
- Sustainability Form (S1)
- Survey for Otters and Water Voles (i.e. Ecology Survey)
- Bat Survey
- Road Traffic Noise Assessment

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 is acceptable;
- b) the layout, scale and design are appropriate;
- c) there is any impact on the amenity of neighbours;
- d) there is an adequate level of amenity of future occupiers;

- e) there is any impact on infrastructure;
- f) the proposal is sustainable;
- g) there are any other material considerations;
- h) there is any impact on equalities and human rights; and
- i) the public comments have been addressed.

a) Acceptability of Principle of Development

The application site is in a predominantly housing area and the site is surrounded by existing housing. A previous application for 55 housing units considered in May 2010 has minded to grant status, subject to a legal agreement, although the decision notice has not been issued. In the Craigmillar Urban Design Framework, the site was identified as a housing site in the original Framework dated September 2005 and formed part of the wider regeneration project's aspirations and proposals for Craigmillar, Niddrie and Greendykes. It was also included in the reviewed Framework of (August 2013). The site was vacated when the school was relocated to a new joint campus building on Moffat Way. Therefore, the principle of housing on this site is established.

The proposal is acceptable in this location.

b) Layout, scale and design

The layout will have the original school building prominently at the front and a row of three new terraced houses (to the other side of the existing bungalow) fronting the main thoroughfare of Niddrie Mains Road. Using the existing vehicular entrance from Niddrie Mains Road will contribute to retaining the character of both the school building and the site of the proposed development and will keep the existing visual appearance of the building in the street scene. Within the site, the layout will create simple and clean building lines of the blocks providing a clear structure to the site and relating well to the school building. The block at the northern end will act as a punctuation point or landmark within the site.

The proposed heights of the flatted blocks, of 3 and 4 storeys, reflects the guidance in the Craigmillar Urban Design Framework. They also reflect the mix of heights in the wider surrounding area. The two storey terraces of houses on the west and south west of the site sit well next to existing two and one storey (bungalow) and will not result in distracting from the existing character of existing surrounding housing heights.

The school building, although not listed, is a prominent, historical and important building in the local area. The front facade and the original side walls will be retained and this will keep the skeleton of the original building in the street scene. Removing the modern additions will enable more visual focus on the original building within the street scene. The facade will be as existing and preserve the character of the original building. The proposed extension will be subservient to the school building. It will be flat roofed and narrower than the existing building's frontage and linked to the school

building with a narrow zinc elevation. It will sit comfortably immediately behind the school building. Materials are acceptable and respect the character of the school building and the modern materials will provide a clear distinction between the old and the new. A glimpse of the new blocks behind the school will be seen from some parts of Niddrie Mains Road. However, the school facade with the original roof will remain prominent within the street scene.

The window patterns are uniform with clean lines. This ties into the clean lines of the overall design of flatted blocks themselves. The pitched roofs on the terraces of dwelling houses are more traditional and reflect those of the adjacent neighbouring terraces of houses.

The proposed palette of materials is simple using mainly modern materials. These contrast well with the traditional stone of the front and side facades of the school and with the variety of materials in the area.

The use of brick throughout the development will individualise the development and make it an identifiable place. It is sympathetic to and will be compatible with the brick of the school facade. Although the immediate neighbouring buildings are rendered, brick has been widely used within the wider Craigmillar area and, therefore, in this context the use of brick is acceptable. Where possible windows will be installed in gables improving the relationship of the street with the houses and avoiding blank gables.

The use of different materials to delineate the different functions of the street reflects the guidance in the Craigmillar Urban Design Framework. The main "L" shape route will have sections of parking and the courtyards will reduce the potential of parked vehicles to dominate the street scene.

The landscaping will provide a softer setting for the buildings in the site. Most of the communal open space will be next to the Niddrie Burn and in front of the school building. This will retain and enhance what is already on site and is a good solution to retaining the important character of the site when viewed from the public street. The setting of the war memorial will be enhanced with landscaping around the memorial. Tree planting will enhance the landscape setting of the site and provide the visual appearance of a small scale boulevard along the main arm of the "L" shaped road. Grouping the trees together, such as to the east of the school building and will ensure that the leafy character of the front of the site is maintained. It is accepted that the cherry trees in the front garden ground of the original school building will be felled. Given that new tree planting is proposed, this is justified in this instance.

The proposal is of an appropriate layout, scale and design.

c) Amenity of Neighbours

The overshadowing from the proposed buildings will fall on the public road, proposed public road, or within garden grounds (including the communal gardens) of the development. The overshadowing from the "L" shaped blocks of flats will also fall on the public road and the communal open space/garden ground. A small amount,(2%,) of overshadowing from Block A, the northern most block next to Niddrie Mains Drive, will fall on the front garden ground of the existing house diagonally opposite. This part of the garden is a driveway and, therefore, this small amount of overshadowing is

acceptable in this instance. The dwellings in the school building conversion and the terraced houses at the front of the site look onto a public road, i.e. Niddrie Mains Road. The flats at the back of the site look onto a public street and are not directly opposite a residential building. The blocks of flats on the east side of the application site will front the proposed public street and the rear windows will look onto communal open space and beyond which is the Niddrie Burn and some open space/garden ground. The windows are more than the minimum of 18 metres from adjacent existing windows. Therefore, there are no overlooking or privacy issues.

The proposals comply with the overlooking and privacy advice in the Edinburgh Design Guidance.

The proposal will not be detrimental to neighbouring amenity.

d) Amenity of Future Occupiers

The size of the flatted units complies with the Edinburgh Design Guidance and are, therefore, of an acceptable size.

The total amount of greenspace in the development is approximately 23% which complies with local plan policy. Each of the houses will have private gardens and the flats will have communal gardens. In addition the proposed dwelling units will be within walking distance of open space at Jack Kane Centre and Hunter's Hall Park. Bingham playing fields and Niddrie Burn Local Nature Reserve are also close by.

Adequate amenity will be provided for future occupants.

e) Impact on Infrastructure

Transport

Transport has advised that it has no objections subject to conditions and informatives. These include the relocation or amendment to the existing pedestrian crossing, the provision of cycle and pedestrian link, access and materials.

Schools (Children and Families)

This site lies within the catchment areas of Niddrie Mill Primary School, St Francis Roman Catholic Primary School, Castlebrae High School and Holy Rood Roman Catholic High School. This expected pupil generation for this development of 15 houses and 52 flats is:-

Catchment School Predicted Pupil Generation

- Niddrie Mill PS 7
- St Francis RC 1
- Castlebrae HS 4
- Holy Rood RC HS 1

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.

Based on information currently available, Children & Families has advised that the actions in the Second Proposed Action Programme are sufficient to meet the pupil generation from this development. However, it is not possible to indicate at this time the required contribution from a development of this type of scale. It is also considered relevant that the application relates to the redevelopment of a former school site, the replacement for which has already been provided as part of the wider regeneration of Craigmillar. In determining the previous application for housing on the site in 2010, no education contributions were required because the site was part of the Craigmillar regeneration proposals. Given the particular circumstances relating to this site and the timing of this application in terms of the new contributions policy, it is considered that an exception to the new policy is justified and no education contributions are required.

SEPA

SEPA initially objected to the proposed development on the grounds of lack of information and that the proposal may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. It advised that it would review its position if further information was submitted. SEPA's updated response has advised that it has withdrawn its objection subject to the planning conditions it suggests relating to surface water drainage, land raising, finished floor levels and flowpath.

f) Sustainability

The proposed development will contain low and zero carbon equipment with the details being submitted at Building Warrant stage. SUDS will be installed and recycling points will be provided.

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

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water runoff	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria.

g) Other Material Considerations

Archaeology

The City's Archaeologist has advised that the school was constructed in the centre of the important medieval estate of Niddrie Marischal centred upon the former house located to the north of Niddrie Mains Road. The site lies opposite the bank of the estate's former historic mill. These both are considered to date to the medieval period.

A relatively rare war memorial to the Boer War, erected in 1900, is located within the site, in front of the school building. The City Archaeologist's view is that it is important that the Boer War memorial stone is kept in its current position as its relocation would remove its historical links. It is welcomed that the current proposals will see its retention on site within an improved landscape providing better public access.

Given the importance of the school, war memorial and potential buried remains of the local history of Niddrie and Edinburgh, a condition is recommended to ensure that a programme of archaeological works is undertaken prior to / during construction.

Affordable Housing

The applicant proposes to provide 34 affordable homes which equates to 52% affordable housing. This exceeds the minimum requirement of 16 housing units (25%) and complies with local plan policy. A legal agreement is required to secure the provision of the affordable housing.

The affordable homes will meet a range of housing needs and contribute to creating a mixed sustainable community on this site. The homes will be well integrated with market housing and accessible to public transport links and local amenities.

Environmental Assessment/Noise

Environmental Assessment has recommended that due to the historic land use a condition requiring a site investigation and remedial measures is attached to the planning permission.

Community Safety

Police Scotland has advised that the developer should adopt Secure By Design and liaise with the Architectural Liaison Officer to obtain accreditation for the site. The Police have also given advice on specific security measures for the proposed development. These are of a minor nature and will not require revisions to the current proposal under consideration.

Biodiversity

A letter of representation raised the issue of swift nesting sites. The buildings should incorporate swift bricks and an informative is recommended relating to this.

h) Equalities and Human Rights

The proposal will provide affordable housing units which will provide more inclusive access to obtaining a home, particularly for those who are unable to obtain a mortgage. The houses and ground floor flats will be level access. There are no anticipated human rights issues.

There are no expected equalities or human rights issues.

i) Public comments

Material comments

- Design and heritage issues raised by The Cockburn Association are addressed in 3.3 (b). It should be noted that the Boar War Memorial only is listed and not the school building itself.
- Swift nesting sites in the local area was raised in a letter of representation and has been addressed in 3.3(g). The amount of open space was raised and has been addressed in 3.3 (d).
- Housing mix was also raised and is addressed in 3.3 (g). The Council as planning authority can only consider the planning application which is submitted to it. Therefore, the mix of housing proposed in the current application is what is assessed. The housing associations active in the area and the Council do work together to provide an appropriate mix and levels of housing units required. The housing association does not require a wider mix of units than that which is proposed in the application.

Non-material comments

None.

Community Council

The Community Council has not commented on the application.

CONCLUSION

The proposal is acceptable in this location and is of an appropriate layout, scale and design. The impact on infrastructure is acceptable and not requiring an education contribution is justified in this case. There will be no detrimental impact on neighbouring properties and there will be a sufficient level of amenity for future occupiers. There are no expected equalities or human rights issues. There are no other material considerations that 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. No land raising or buildings erected within 0.5% AEP (1:200); finished floor levels should include a minimum freeboard allowance of 600mm above the estimated 0.5% AEP (1:200) flow based on 26.0m³s⁻¹ and should also be an appropriate height above the flood relief level at Niddrie Mains Drive; a clear flowpath should be maintained for flood waters to be conveyed unhindered to the flood relief location at Niddrie Mains Drive.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
5. Prior to the commencement of any works, full details of the finalised SUDs scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.
6. A cycle and pedestrian link from the north of the site to Niddrie Mains Drive is to be provided.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. To protect properties and to ensure adequate protection of the water environment from surface water run-off.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. To ensure adequate protection of the water environment from surface water run-off.
6. In the interests of accessibility and sustainability.

Informatives

It should be noted that:

1. Permission should not be issued until the applicant has entered into a suitable legal agreement to ensure that affordable housing is provided in accordance with Council policy.
2. Consent shall not be issued until the applicant has entered into a suitable legal agreement to relocate or amend the existing pedestrian crossing on Niddrie Mains Road as required to accommodate the proposed site access road.
3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
4. 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.
5. 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.
6. Swift bricks should be used and consideration given to the impact on swift nesting sites.
7. 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.

8. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).
9. 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;
10. Any gate or gates must open inwards onto the property.
11. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
12. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 23 May 2014 and three representations were received. Two objected to the proposal – Cockburn Association and Sheila Gilmore MP. One was a consent from a member of the Parish.

They raised the following issues:

- Biodiversity:
- swift nesting sites.
- Heritage and Design:
- C listed school building - important part of community's heritage and valuable context to Niddrie's history;
- losing building by retaining facade would be a sad loss;
- boxy and inharmonious;
- suggests keep floor heights in school and add lost units to high density new blocks;
- brick work and fenestration jar with remaining facade;
- structure of diminished character; and
- suggests school building should be retained not just facade.
- Open space:
- small amount of open space;
- open space limited.
- Housing Mix:
- all affordable units are of the same size, rather than offering a mix of sizes for variable family size;
- suggests the developer has collaboration with other associations and the council to establish where there are locals needs that could be met in such a development;
- as planning authority the Council places too little emphasis on the importance of strategic neighbourhood management.

- A full assessment of the representations can be found in the main report, In the assessment section.

Background reading / external references

- To view details of the application go to
- Planning and Building Standards online services

Statutory Development

Plan Provision

The site is in the Urban Area of Edinburgh City Local Plan and a small part of the south east of the site is designated as protected open space. It is adjacent to a Local Nature Conservation Site and a Tram Route Safeguard runs along Niddrie Mains Road, in front of the application site. The site is opposite protected open space and Green Belt.

The site falls within the same designations in the Second Proposed Local Development Plan as in the adopted local plan.

Date registered

15 May 2014

Drawing numbers/Scheme

01-42,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jackie McInnes, Planning Officer

E-mail: jackie.mcinnnes@edinburgh.gov.uk Tel: 0131 469 3731

Links - Policies

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

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

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 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

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

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

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

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

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

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

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

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 Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

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.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

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

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

Appendix 1

Application for Planning Permission 14/01820/FUL At Niddrie Mill Primary School, 267 Niddrie Mains Road, Edinburgh Residential development of new build flatted properties and housing at site of the former Niddrie Mill Primary School and conversion of the Primary School Building to flatted properties.

Consultations

Archaeology comment

The former Victorian Niddrie Mill Primary School occupies the western bank of the Niddrie Burn dates to the second half of the 19th century. This school was constructed at the centre of the important medieval estate of Niddrie Marischal centred upon the former house situated to the north of Niddrie Mains Road. Niddrie is recorded from the 12th century onwards with the Marischal element added in 1363. Importantly the site lies on the opposite bank to the estate's historic mill (Niddrie Mill), first mapped in 1753 but thought to date back to the medieval period.

Significantly the site also incorporates a relatively rare war memorial to the Boer War situated at the front of the school. This important memorial erected in 1900 was designed by TT Paterson in the form of carved stone 'Celtic' style cross on a stepped base is dedicated to Major General Andrew Gilbert Wauchope of Niddrie Marischal House and is inscribed:

" In sacred memory of Major General Andrew Gilbert Wauchope of Niddrie Marischal who fell in battle at Magersfontein, South Africa, 8th December 1899 while gallantly leading The Highland Brigade"

"Erected by the miners of Niddrie, the Tenants of Niddrie Estate and by other friends...."

Accordingly the former Primary School, Memorial and site have been identified as both occurring within an area of archaeological and of historical significance. 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 (2010) policy ENV8 & ENV9 and Craigmillar Urban Design Framework. 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.

Memorial Stone

It is important that the Boer War memorial stone to Major General Andrew Gilbert Wauchope, situated at the front of the former school is retained in the location designed for as relocation would remove its historic linkages. It is welcomed therefore that the current proposals will see its retention on site within an improved landscape providing better public access. It is recommended that a condition is attached to ensure that a restoration/conservation plan (including its recording) is submitted for agreement prior to works starting on site to ensure both its protection during development and conservation.

Niddrie Mill Primary School

The proposals will only see the retention of the front façade and bell tower copula with the demolition of the majority of this Victorian School. As such this proposal must be considered as having a significant archaeological impact. The retention of the schools historic front façade, copula and also the overall design of the new build does help to mitigate against this impact, though it would be welcomed if more of the side elevations could be retained within the new design.

Further given the local historic importance of this building it is considered essential that a programme archaeological historic building survey (level 2/3: annotated plans/elevations, photographic and written survey) of the existing building is undertaken prior to the commencement of demolition /construction works.

Buried archaeology

The archaeological evidence as outlined above demonstrates that the application site may contain a wide range of significant archaeological remains relating to the medieval estate of Niddrie Marischal and to adjacent former historic Niddrie Mill. The proposed development will require significant large scale ground breaking /engineering works during both demolition and construction. Such works will have a significant affect upon any surviving buried remains. Accordingly this proposed residential scheme is considered as having an overall moderate archaeological impact.

Accordingly it is recommended that a programme of archaeological works is undertaken prior to development and demolition. 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. 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 prior to development/demolition.

Archaeological Public Engagement

Further given the potential importance of the school, cross and potential buried remains of the local history Niddrie and Edinburgh, it is considered important that the programme of archaeological works contain a programme of public/community engagement. The scope of this public engagement will be agreed with CECAS and informed by the results of the evaluation works but could include public lectures, viewing points, temporary interpretation boards etc.

It is therefore recommended that if consent is granted that in the following condition be attached to ensure that a programme of archaeological works is undertaken prior to/during construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, conservation, historic building recording, analysis & reporting, publication, public engagement & interpretation) 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.

SEPA comment

We object to the proposed development on the grounds of lack of information in respect of flood risk and that it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. We will review our position if further information is submitted to address the issues detailed below.

We also ask that the planning condition in section 2 be attached to any approved consent. If this is not applied, please consider this as another reason of objection. Please note the advice provided below.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us which may not be taken account of at the planning application stage.

Advice for the Planning Authority

1. Flood Risk

Technical Report

1.1 SEPA has previously commented on a planning application for residential homes on the site (08/03692/FUL) of this new proposed development. In relation to the previous application after the production of a flood risk assessment and follow up meeting to discuss flood risk issues and mitigation an agreed position was reached that included raising finished floor levels and the provision of compensatory storage.

Previous proposed mitigation solutions had included the construction of flood walls which SEPA could not support on the grounds that this would increase the risk of flooding elsewhere including to properties on the opposite bank.

1.2 Properties on the opposite bank are at an existing risk of flooding so it is important to ensure that the proposed development on the former site of Niddrie Mill Primary School will not impact on the conveyance of floodwater and remove floodplain storage which could potentially increase the frequency or depth to which flooding might occur.

1.3 Kaya Consulting in its letter of 17 April provides a summary of flood risk assessment information and refers to the work undertaken previously by consultants URS and Fairhurst. A flood inundation map had been produced during the previous investigation of flood risk at the site. In its June 2009 response to the Council SEPA recommended that the proposed built development be limited to the areas of the site outwith the functional floodplain (0.5%AEP or 1:200 flood), finished floor levels should include an allowance for climate change and 600 mm freeboard allowance. Finished floor levels should also be linked to the to the flood relief level at Niddrie Mills Road Bridge. It was agreed that some landraising might be acceptable providing it was linked to like for like compensatory storage and pre and post development model results compared to ensure that there would be no increase in flood levels through the adjacent reach of the Niddrie Burn.

1.4 A comparison of the current proposed layout with the flood extent determined from the flood risk assessment suggests that five of the proposed buildings will be located within the 0.5% AEP (1:200) floodplain. In addition to locating these buildings in an area where they may be at risk of flooding they will potentially impact on both the conveyance and flood storage functions of the floodplain. Kaya Consulting has calculated the volume of flood storage that will be displaced by the buildings during a 0.5% AEP (1:200) flood and has made recommendations for compensatory storage to replace the volume that will be occupied by the buildings. We note that the compensatory storage will not replace the floodplain storage that will be lost on a like for like basis as the compensatory storage is located in the floodplain where it already provides a degree of flood storage. This means that this area would flood more frequently than it currently does and the storage volume will have in part been utilised before water levels reach the building platforms. The cross-sections that have been submitted suggest that the existing parts of the site will be lowered to approximately 400 to 450 mm below the 0.5% AEP (1:200) flood level but will still remain higher than the opposite bank. We would welcome additional details on these proposals that could confirm that there will be some benefit in terms of reducing the risk of flooding to nearby properties since the compensatory storage is not designed on the usual like for like, level for level and volume for volume principle.

1.5 Five of the proposed buildings will interfere with the conveyance of floodwaters and may increase local flood levels that could impact on the properties on the opposite bank. SEPA cannot find a record of the post development scenario being previously modelled as we had recommended. It is possible that the downstream bridge is the dominant feature that controls water levels in this reach in which case the buildings may not impact on flood levels. However SEPA would request that, if there is a overriding need to place these buildings within the floodplain area, the planning authority should ensure that existing properties are not placed at an increased risk of flooding.

This will require the post-development scenario to be modelled and the resulting water levels to be compared to the existing water levels. We would stress that the avoidance of flood risk by limiting the development to only those areas of the application site outwith the functional floodplain would be the most sustainable and our preferred option for redeveloping this site.

1.6 Should the planning authority be minded to grant planning permission based on the submitted layout then we would ask that the finished floor levels be conditioned to be a minimum of 600 mm above the 0.5% AEP (1:200) flood levels including an allowance for climate change and also above the flood relief level at Niddrie Mills Road Bridge to account for the risk of blockage at this bridge. We would also request for appropriate compensatory storage to be conditioned as part of any planning consent and to be maintained at design levels for the lifetime of the development. Similarly the flood relief level at Niddrie Mills Road Bridge would need to be conditioned to remain unchanged for the lifetime of the development otherwise the risk of flooding to the properties could be increased. Five of the proposed buildings are located within the functional floodplain: these should be constructed with flood resilient and resistant materials and design and be provided with safe dry access for a 0.5% AEP (1:200) flood.

Summary of Technical Points

1.7 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- Further details of the proposed compensatory storage to understand that it will have some benefit to existing properties that are at risk to flooding.*
- An assessment of the impact of the development on flood levels and the risk of flooding to existing properties on the opposite bank to the development site ie. comparison of pre and post development flood levels.*

1.8 We would stress that if the built development is limited to only those areas outwith the functional floodplain then we would remove our objection.

2. Drainage

Foul Drainage

2.1 The applicant is proposing to discharge foul drainage arising from the development to the foul sewerage system, vested by Scottish Water (SW).

2.2 It will be for SW to ensure that sufficient capacity exists in the public sewerage network to accommodate the proposal. Should SW determine that capacity exists, they must ensure that the proposal does not have a detrimental effect on the water quality of the river.

Surface Water

2.3 In accordance with the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, also known as The Controlled Activity Regulations (CAR) surface water runoff arising from the hardstanding areas, inclusive of roads and roofs will require to be collected, treated and disposed of using sustainable drainage techniques.

2.4 We note the Supporting Drainage Statement which has been submitted in support of the application. The report recognises that the development will require 2 levels of surface water treatment prior to discharging to the water environment. In principle the proposed drainage arrangements would appear to be acceptable at this stage. However, it is unclear how SUDs will be accommodated within the site layout or where any discharge to surface water will occur. A site plan which includes this information must be submitted at the detailed planning consultation stage. We will expect that the type and location of the source control measures will be determined at the detailed design stage.

2.5 We therefore request that a condition is attached to any approved consent requiring full details of the finalised surface water management scheme. If this is not attached, please consider this representation as an objection. To assist, the following wording is suggested:

- o Prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

- o Reason: to ensure adequate protection of the water environment from surface water run-off.

2.6 We would outline that the proposed discharge of surface water to the Niddrie Burn must be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007

2.7 Additional advice for the applicant is detailed below under Section 4. Please note, we have not considered the water quantity aspect of the proposal. Comments from Scottish Water, 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.

SEPA further comment

We are now in a position to remove our objection to the above proposal subject to the planning condition(s) detailed below being attached to the consent. If any of these will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

We will also expect that the requested planning condition in relation to surface water drainage outlined in our response of the 04 June 2014 is also attached to any grant of consent.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Notwithstanding our position we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Advice for the Planning Authority

1. Flood Risk

1.1 The applicant has provided an updated flood risk assessment (Dated 01 August 2014) to address our previous concerns, based on this new information we are now in a position to remove our objection provided that, should the Planning Authority be minded to approve this application, the following planning conditions are imposed:

- o There should be no land raising or buildings erected within the 0.5% AEP (1:200) floodplain.*
- o Finished floor levels should include a minimum freeboard allowance of 600 mm above the estimated 0.5% AEP (1:200) flow based on 26.0 m/s and should also be an appropriate height above the flood relief level at Niddrie Mains Drive.*
- o A clear flowpath should be maintained for floodwaters to be conveyed unhindered to the flood relief location at Niddrie Mains Drive.*

Technical Report

1.2 There is a proposal to redevelop the site of the Niddrie Mill Primary School in Edinburgh for housing. The site is located on the west bank of the Niddrie Burn between Niddrie Mains Road to the south and Niddrie Mill Drive to the north, NGR NT 302 672. SEPA previously responded to the current application in June 2014 and objected on flood risk grounds. SEPA referred to the lack of detail on proposals for compensatory storage and a lack of information on potential impacts of the proposed development on the risk of flooding to the existing properties on the opposite bank of the Niddrie Burn. SEPA also highlighted that if the built development was limited to only those areas outwith the functional floodplain then it could remove its objection.

1.3 The applicant has commissioned a further flood risk assessment for the site. Previous flood risk assessments were undertaken by URS and Fairhurst. Both of these previous studies had concluded that the application site was at risk of significant flooding. Kaya Consulting has undertaken the most recent flood risk assessment and has concluded that risk to the site is not as significant as shown by these earlier studies. The consultant states that the different conclusion is the result of a revised hydrological assessment, the completion of the Niddrie Burn Restoration Scheme and a more detailed survey of the channel.

1.4 The City of Edinburgh Council had a model of the Niddrie Burn. The previous flood risk assessments for the application site used the design flows that had been estimated by the Council's consultants who had also been involved in the modelling for the Niddrie Burn Restoration Scheme.

Although the investigations for the Scheme had been over a period of several years there had been no serious attempt to monitor flows and water levels on the Niddrie Burn which would have assisted in the estimation of design flows. Towards the final stages of the Scheme Jacobs were commissioned to review the earlier work. Jacobs discovered that the catchment area had been overestimated from a LiDAR survey and reassessed the design flows that were used in the final design of the Scheme. The earlier flood risk assessments by URS and Fairhurst used the design flows that had been derived by the Council's consultants and the more recent assessment by Kaya Consulting has based its flood risk assessment on the revised flow estimated by Jacob's reassessment of the design flows for the Niddrie Burn.

1.5 Kaya Consulting has also estimated what the 0.5% AEP (1:200) flow might be downstream of the flow control point where flood flows spill into the flood management area (FMA). The FMA was formed to provide flood storage to compensate for loss of floodplain storage resulting from the Niddrie Burn Restoration Scheme. The consultant estimates that the 0.5% AEP (1:200) flow at the application site would have been 26.0 m³s⁻¹ prior to the completion of the Niddrie Burn Restoration Scheme but that it is now reduced to 17.4 m³s⁻¹ with the Scheme in place. These flows are less than the 0.5% AEP (1:200) flow estimate of approximately 30 m³s⁻¹ used by the URS and Fairhurst. We would highlight that the estimation of a water abstraction via a side weir is uncertain and estimates need to be treated with some caution.

1.6 Kaya Consulting has input its estimated design flows in to its new hydraulic model of the reach adjacent to the application site. It has derived design flood levels using the 0.5% AEP (1:200) flow estimates of 26.0 m³s⁻¹ and 17.4 m³s⁻¹ to compare pre and post Niddrie Burn Restoration Scheme scenarios and also considered further scenarios for 17.4 m³s⁻¹ with an allowance for climate change and with both the Niddrie mains Road Bridge and Niddrie Mains Drive footbridge with 50 % blockage. The model run with using the 0.5% AEP (1:200) flow estimate of 26.0 m³s⁻¹ produces the highest flood levels in the reach.

1.7 It is proposed that design levels should be related to the estimated flood levels from the 26.0 m³s⁻¹ model run. The flood risk assessment notes that there is some inundation of the application site in the south-east corner however it states that there is no intention to develop this part of the site. We would advise that there should be no land raising within this part of the site. The flood risk assessment report states that the rest of the site will remain free from flooding. Should the downstream bridge become completely blocked or blocked to the extent that it cannot convey the design flow then water levels will rise until flows can pour over the relief level at Niddrie Mains Drive. URS had determined that floodwater would flow around the south parapet wall and flow across the road before discharging back into the river channel downstream of the bridge.

1.8 It is recommended that finished floor levels should include a minimum freeboard allowance of 600 mm above the estimated 0.5% AEP (1:200) flow based on 26.0 m³s⁻¹ and they should also be an appropriate height above the flood relief level at Niddrie Mains Drive. The site layout and any proposed site ground level raising should be designed to ensure that there is a clear flowpath for floodwaters to reach the flood relief level at Niddrie Mains Drive.

1.9 The report states that there have been no groundwater investigations to date. It is proposed to utilise permeable paving on site with a minimum of 500 mm thickness of washed granular material underneath and filter trenches. Additional measures, for example the use of impermeable liners will need to be considered if there is a likelihood of these SUDS intercepting high groundwater levels.

Summary of Technical Points

1.10 In summary we have no objection to the proposed development on flood risk grounds, subject to the following planning conditions being imposed:

- *There should be no land raising or buildings erected within the 0.5% AEP (1:200) floodplain.*
- *Finished floor levels should include a minimum freeboard allowance of 600 mm above the estimated 0.5% AEP (1:200) flow based on 26.0 m³s⁻¹ and should also be an appropriate height above to flood relief level at Niddrie Mains Drive.*
- *A clear flowpath should be maintained for floodwaters to be conveyed unhindered to the flood relief location at Niddrie Mains Drive.*

Transport comment

We would ask that the application be continued.

Reasons:

A meeting has been arranged on 25 June 2014 to carry out a Quality Audit on the proposed development.

Transport updated comment

Further to our memorandum of 4 June 2014, we confirm that we have no objection to the proposed application subject to the following being included as conditions or informatives as appropriate:

1. *Consent should not be issued until the applicant has entered into a suitable legal agreement to relocate or amend the existing pedestrian crossing on Niddrie Mains Road as required to accommodate the proposed site access road;*
2. *The applicant to provide a cycle and pedestrian link from the north of the site to Niddrie Mains Drive;*
3. *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;*
4. *The applicant must be informed that the proposed on-road spaces within the site cannot be allocated to an individual property, nor can they be the subject of sale or rent. The spaces 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 parking spaces, whether the road has been adopted or not.*

The developer will be expected to make this clear to prospective residents and tenants;

- 5. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 6. 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;*
- 7. Any gate or gates must open inwards onto the property;*
- 8. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.*

All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Police Scotland comment

Observations and comments

The area surrounding the proposed site experiences a high level of crime and a high level of anti social behaviour.

- It is strongly recommended that the Client and Architect should adopt the principles of Secure By Design and should liaise with their Police Architectural Liaison Officer to attain this accreditation for the site.*
- It is not recommended that the development have access paths down between plots, giving persons direct access to the rear gardens. Bins should be kept to the front of the properties to avoid the issue of requiring access to the rear gardens.*
- It is strongly recommended that air locks be created in the 3 new blocks with mailboxes in the vestibule area. Alternatively externally mounted mailboxes should be considered. This avoids giving all persons unnecessary access to the private stair by use of a services button.*
- Purpose built wall or ground anchors should be attached to the fabric of the building in the cycle spaces in the stair to enable residents to lock their bikes effectively.*

Affordable Housing comment

1. Introduction

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

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

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.*
- This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.*

2. Affordable Housing Requirement

This proposal is for 65 homes and as such the AHP will apply. A minimum of 16 (25%) of these homes will be required to be of approved affordable housing tenures and will be required to be provided on site. The applicant has confirmed their willingness to secure a minimum of 25% of the homes as affordable tenures on site through a Section 75 agreement.

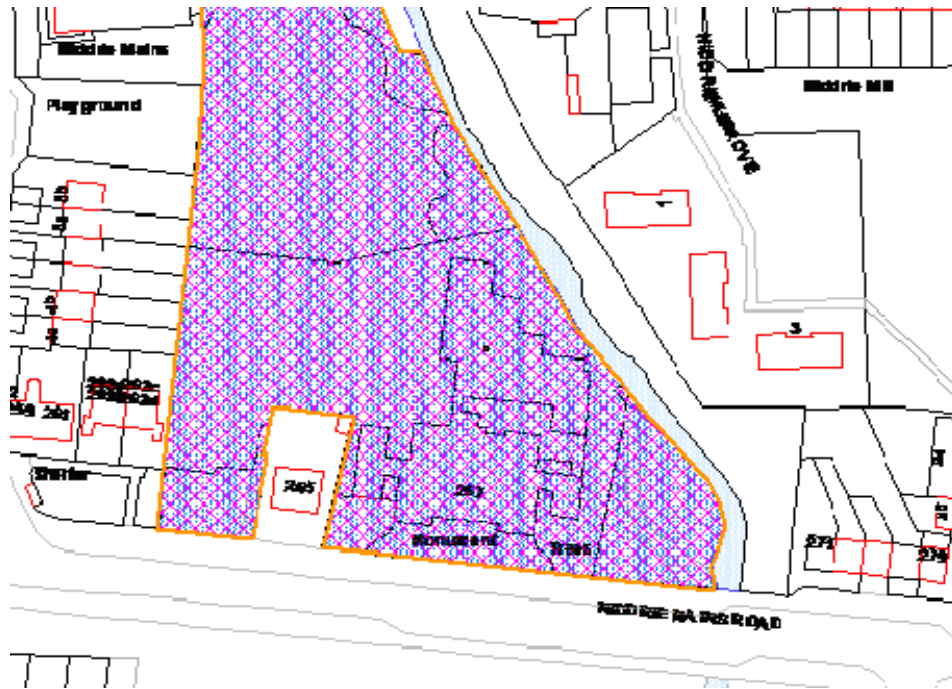
The applicant proposes to provide a total of 65 homes including 34 as approved affordable tenures including social rent and mid market rent. This equates to 52% affordable housing and exceeds the minimum policy requirements of the AHP and is welcomed by the Department. These affordable homes will meet a range of housing needs, and contribute to creating a mixed, sustainable community on this site. The homes are well integrated with the market housing and accessible to public transport links and local amenities.

Discussions with an RSL have taken place regarding the delivery of these affordable homes and they are included in the Council's Strategic Housing Investment Programme.

3. Summary

This proposal will deliver 65 homes of which 34 homes (52%) will be approved affordable housing tenures and will make a contribution to Edinburgh's evidenced affordable housing need. This department warmly welcomes this proposal.

Location Plan



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