

Development Management Sub Committee

Wednesday 14 August 2019

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Item number

Report number

Wards

B13 - Leith

Summary

The proposal is acceptable in principle; it accords with the LDP and the revised Development Framework. The school has been designed to take into account the nature of the site and its future users. It is acceptable in terms of its layout, design and materials. It will provide a community facility with links to the proposed park to the north; it will contribute to a sense of place. The development would not raise any concerns in relation to flood risk, drainage, transport issues and amenity.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN12, LEN21, LHOU07, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09, NSG, NSGD02,

Report

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Recommendations

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

Background

2.1 Site description

The site is located within the Western Harbour area to the east of Western Harbour Drive and north of Windrush Drive.

It has an area of approximately 1.45 Hectares.

The site is relatively flat with grass and some trees to the southern side of the site.

Directly to the south are existing residential properties which range from three to five stories in height. To the west is an existing sports centre (David Lloyd) and northwest are existing flatted residential blocks of varying heights. Land to the north and east is undeveloped, with an Asda retail store beyond further to the east.

2.2 Site History

Western Harbour development is covered by an existing outline planning permission (01/03229/OUT) for up to 3000 homes in total and other uses including retail, office and open space and includes educational facilities. This was first granted in 2002 and then extended in 2009 (application ref 09/00165/OUT). In 2004 a Masterplan Design Brief (Robert Adam Masterplan) was approved to address conditions 5 (Design Brief) and condition 6 (Urban Design Framework for five key areas).

Initial developed phases of development include Platinum Point and the Asda superstore. More recently, 450 affordable homes have been built at the junction with Lindsay Road (application ref 16/01845/AMC).

In October 2018, a Revised Development Framework (RDF) was approved by Development Management Sub Committee, under application ref 09/00165/OUT. The RDF supersedes the Robert Adam Masterplan (2004) and identifies the key principles as being placemaking, movement, public spaces and variety.

The RDF includes the school site, but does not include details of the school building position and orientation. The RDF identifies the key principles as being Placemaking, Movement, Public Spaces and Variety. It builds on the established spatial character of the previous masterplan, which informed the development principles in the LDP. It retains the perimeter block style layout with the site for the park, primary school and local centre contained in the same locations.

Planning applications adjoining the site to the north and east

27.02.2019 Application submitted for approval of matters specified in condition 2 of planning permission 09/00165/OUT for residential and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure. Pending consideration (application ref 19/00986/AMC).

27.02.2019 Application submitted for approval of Matters as Specified in Condition 2 of planning permission 09/00165/OUT for a proposed park. Pending consideration (application ref 19/01040/AMC).

Main report

3.1 Description Of The Proposal

This is an application for full planning permission for the erection of a new two stream primary school for around 460 pupils and a nursery for around 80 children. The application includes all associated hard and soft landscaping and external stores.

The main building will front the southern boundary of the site, on Windrush Drive. Two blocks offshoot this building in a north south direction. The nursery will be to the east of the site, with a nursery and primary one playground adjacent. The building will be single (nursery) and two storey in height with pitched roofs and gable ends.

Materials proposed: Grey standing seam zinc or zinc effect to roofs, white pre-cast colonnade to the south and west elevations to entrance areas, multi cream/ buff brick to walls.

Hard surface areas to be asphalt, resin bound gravel, self bound gravel, timber decking and clay paviors.

Vehicular access will be for maintenance vehicles only. Servicing of the building will take place off street to the south west of the site. Footpaths are provided to all site boundaries. In front of Windrush Drive is proposed a 10.5m wide footpath and visitor access concourse.

The proposals make no provision for car parking within the site. Two covered cycle and scooter stands for a total of 92 bikes and scooters are proposed.

A building to house bin stores, sprinklers etc. is proposed to the west of the site. This is set back from Western Harbour Drive with areas of landscaping. A kitchen garden is located between this building and the main school building.

Landscaping of the site is proposed with mounding, shrub and tree planting, play equipment and benches. A 2.4 metre high steel railing fence is proposed around the boundary of the school.

There is various equipment proposed within the school grounds including raised planters, pergolas, benches, willow tunnel, sand pits, balance logs etc.

Previous Schemes

Previously, there was a service access road to the bin storage area in the south west area of the site. Cycle and scooter parking provision has been increased.

Supporting Statements

The following documents were submitted in support of the application:

- Tree survey;
- Noise Impact Assessment;
- Flood Risk Assessment;
- Drainage Strategy;
- Active Travel Plan;
- Travel Plan;
- Sustainability form;
- Geo environmental Investigation Report;
- Design and Access Statement;
- Stage 3 Landscape Report; and
- Preliminary ecological appraisal.

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

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 the development is acceptable in this location;

- b) the layout, design, scale, landscaping and materials are acceptable;
- c) the flooding and drainage arrangements are acceptable;
- d) the proposal is detrimental to the amenity of neighbours;
- e) car parking and access arrangements are acceptable in terms of road safety and public transport accessibility;
- f) infrastructure requirements can be met;
- g) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- h) the proposals have any equalities or human rights impacts;
- i) material representations raise issues to be addressed; and
- j) other technical issues can be addressed.

a) The Principle of the Development

The site forms part of the Waterfront Area of Change in the Edinburgh Local Development Plan (LDP). The Plan envisages the creation of new urban quarters which accord with agreed development frameworks and master plans. A revised Design Framework is relevant to this application.

The LDP proposes a housing-led mixed use development at Western Harbour, and this includes a site allocated for a new primary school which is the subject of this planning application.

Proposal EW1a 'Leith Waterfront (Western Harbour)' in the LDP requires the provision of a primary school. The proposed development will improve and contribute to the wider regeneration of the area by providing a school on an urban infill site.

LDP policy Del 4 (Edinburgh Waterfront) states that development should accord with the Leith Waterfront Development Principles and for new development proposals to 'contribute to the creation of new urban quarters at Leith Waterfront'.

The site is a temporary greened site but is identified as a school site in the LDP.

The principle of a new school at the site is therefore in accordance with the LDP and the Revised Development Framework.

b) The Layout, Design, Scale and Materials

LDP policies Des 1-Des 7 set the design principles against which proposals are assessed.

The LDP sets out a number of design principles for the development of Western Harbour. These include the completion of the approved street layout and perimeter block urban form. The vision of the Revised Design Framework is to expand on key principles to establish a design framework for delivery of the Western Harbour Masterplan. It sets out guidance for the development of buildings and public realm, including massing, materials and the design approach.

The proposals for the primary school should be shown in the context of the updated framework and masterplan for the Western Harbour area.

Layout and co-ordinated development

LDP Policy Des 1 (Design Quality and Context) states that design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area, and that permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP policy Des 2 (Co-ordinated Development) states that development will be granted permission which will not compromise the comprehensive development and regeneration of a wider area as provided for in a masterplan or development brief approved by the Council.

LDP policy Des 7 (Layout Design) requires development to have a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cyclepaths, open space, services and SUDs features.

The site occupies an important location within Western Harbour. The Revised Development Framework (RDF) shows developments having strong frontages to the park to emphasise the park's importance. The RDF does not indicate the position or orientation of the proposed school within the site. The proposed building is positioned close to the southern boundary along Windrush Drive; its front building line follows approximately the building line of the proposed residential development block to the east giving a strong built frontage along Windrush Drive. The main visitor entrance which is proposed directly off Windrush Drive will not be used for pupil access/ egress; children will enter the building from playground areas to the north.

The teaching accommodation is arranged around a three sided courtyard area. Here pupils will be provided with a positive outdoor learning experience where pupils will receive some protection from prevailing winds. The proposed park will offer additional outdoor facilities to the school.

The physical link between the school playground and the proposed park will create a seamless transition of continuous open space and links between the two areas both physically and visually. The active travel route between the school and the park will provide a direct opportunity for Bikemobility Programme implementation.

The proposed residential development which bounds the site to the east includes a proposed cycle/ pedestrian route between the school and the park. This would create a carfree and attractive link between the park and the school.

The proposal is in accordance with the LDP in terms of its location, orientation and reflects the aims of the Revised Development Framework. The development relates well to the proposed park to the north of the site, and the proposed residential development to the east. The development will provide a community facility within the Waterfront area, with links to the park to the north, contributing to a sense of place.

The applicant has confirmed that Police Scotland has been involved in the design of the proposal; this is with the aim of achieving SBD certification.

The layout is therefore acceptable.

Design, scale and materials

LDP Policy Des 4 (Development Design - Impact on Setting) states that development should have a positive impact on their surroundings by virtue of the height, scale, materials and detailing. The proposed height of the building at one and two storeys relates to the gradual reduction of storey heights within the RDF area from the north west to the south west.

The height and scale of the proposed building would complement the various building heights in the immediate area of the site; existing buildings directly to the west of the site are one/two storey high including the sports centre which is of similar height to the proposal. The building is slightly lower than the existing residential properties to the south. Residential buildings proposed to the east of the site are proposed to be between three and six storeys high.

The design of the building and proposed materials respond to the location of the site, with pitched roofs clad in zinc (or similar) finish, walls of good quality brick and white precast colonnades. Architectural interest and modelling has been added such as blue accents on classroom window louvred panels which add colour and interest. These materials will help the building sit comfortably on the site and will produce a high quality finish.

The possible inclusion of some heritage from the original school could be considered by the applicants at a later date.

The design of the school open space is provided in a series of spaces with distinct uses, with main playground areas linking to the proposed park to the north. Existing trees will be removed and new tree and shrub planting will be provided to soften the development and add green value. The site will be exposed to prevailing winds; tree planting will play a key role in reducing the effect of these on playground areas.

A Sunpath Analysis submitted with the application shows that the playground areas will receive a good level of sunlight throughout the year. There would be no adverse loss of privacy, overshadowing or loss of sunlight to neighbouring property as a result of the proposed development.

The proposed design, scale and materials are acceptable and are in accordance with the design policies of the LDP.

c) Flood Risk and Drainage

SEPA's interactive floodplain map shows that the site is located outwith a potential area at risk from river or surface water flooding. An area to the immediate east of the site is shown as a medium flood risk area from river water, associated with the Water of Leith, which enters the Firth of Forth estuary some 1.30km to the south east of the site, but the site does not lie within the floodplain area. The site is also adjacent to an area with high risk of coastal flooding. The Flood Risk Assessment indicates the potential for groundwater flooding to occur within property below ground level on the southern portion of the site, while an area located 81m to the south east of the site has the potential for groundwater flooding to occur at the surface.

SEPA raise no objections to proposal. The finished floor level of the school will be 6.7mAOD; the site ranges between 5.7mAOP and 6.78mAOD. Therefore, the site is not at risk of flooding from extreme coastal or fluvial events.

CEC Flood Planning accept the applicant's submission and have no further comments to make.

In terms of flooding and drainage the proposed development is acceptable.

d) Amenity

LDP Policy Des 5 (Development Design-Amenity) requires developments to demonstrate amenity of neighbouring developments is not adversely affected.

The submitted Noise Impact Assessment considers potential noise disturbance to nearby residential properties from activities at the school, and from plant and machinery. This demonstrates that mechanical plant noise from the development can meet the expected standard if mitigation measures are employed, and a condition is recommended to reflect this. The Assessment also notes that vocal disturbance from children will breach the recommended standard, particularly at the proposed residential properties to the east of the site. The report notes that the noise will vary in volume and will be sporadic throughout the school day; there are no practicable noise mitigation measures that can be employed to ensure the standard is met. Environmental Protection is satisfied of the findings of the Noise Impact Assessment and recommend a condition is added to any planning permission as is set out in section 6.1.2 of the Noise Report.

In terms of amenity the proposals are acceptable.

e) Transport and Access

The location of the proposed school will offer good connections to bus routes, the cycle network and walking to school options. It will be accessible from the proposed new tram route. New footpaths to the east, north and the west of the site have been incorporated in this application. The main pupil access points are provided to the north of the site with an additional one to the south west. This will improve connectivity and is in accordance with LDP Policy Tra 9 (Cycle and Footpath Network).

The current parking standards allow a maximum of 13 car parking spaces, and require a minimum of 61 cycle/ scooter parking spaces, and a minimum of two motorcycle parking spaces. No drop off facilities or on-site car parking is proposed. This level of car parking is justified by the sites accessibility to public transport and connections to the Active Travel Network, which both will be further enhanced through the Tram Line Completion Project and localised active travel improvements identified in the LDP Action Programme. It is also predicted that a large proportion of the pupils will be travelling from within Western Harbour meaning a number of pupils will be a distance of no more than 800m from the school (5 - 10mins walk). This further demonstrates that this site is in a highly accessible location in terms of sustainable travel.

Dedicated car infrastructure at schools, such as drop off areas, are considered to be contrary to the policies and actions within the Local Transport Strategy and Road Safety Plan as they encourage car trips to and from school. If the applicant requires accessible parking spaces, Transport advise that these can be implemented on-street through the Traffic Regulation Order process. Further discussions with Transport will be required in relation to location and number of spaces.

The proposed 92 spaces for cycle and scooter parking proposed exceeds the current parking standards for primary schools; this is acceptable as it is expected the majority of pupils will be from the Western Harbour area. No motorcycle parking provision is proposed; Transport advise this is acceptable for the proposed use.

Traffic management measures in the form of appropriate waiting and loading restrictions and school zig zags will be implemented on the road network around the school to minimise the impact of parked vehicles around the site. Waiting and loading restrictions will be utilised to ensure that the appropriate vehicles will be able to service the school with minimal hindrance.

The RDF creates a series of streets and spaces that are friendly to pedestrians and cyclists. It indicates the route to the north boundary of the school to be a shared space for local vehicle access with a segregated pedestrian and cycle route within the park. This is included in the current undetermined planning application for the proposed residential and commercial development (application ref 19/00986/AMC).

The Roads Authority are satisfied that the proposal is acceptable and will not have an adverse impact on the wider road network. In terms of parking, servicing and access the proposal is acceptable.

f) Infrastructure

The Guidance on Developer Contributions and Infrastructure Delivery states that where a development site includes the land safeguarded for a new school, the value of the land, as well as the cost of servicing and remediating the site, will be credited against that sites overall contribution requirement once the Council has confirmed that the new school will be delivered.

In accordance with the Developer Contributions and Infrastructure Guidance, a contribution towards the tram is required. However it is considered that as the school will generate mainly 'local' trips which the tram is unlikely to address, and the impact of these trip is likely to be mitigated by far more localised interventions such as the walking and cycling actions for this area within the LDP Action Programme, a contribution towards the Edinburgh Tram is not required for this application.

Financial contributions are required to the sum of £40,000 to the Hawthornvale off road cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme.

Financial contributions of £2000 will be required for waiting and loading restrictions as necessary, and £2,000 for a suitable order to redetermine sections of footway, verge and carriageway. The developer will need to upgrade the existing uncontrolled island crossing on Lindsay Road at Peacock's Court to a signal controlled crossing point. These are set out in the informatives and will be required by a Memorandum of Understanding.

g) Sustainability

The applicant has submitted a sustainability form in support of the application. This confirms that Air Source Heat Pumps are proposed combined with highly efficient thermal building design, high efficiency lighting and good heating and lighting controls to meet the requirement of section 6 of the Building Standards to provide a carbon reduction of 30%.

The sustainability measures meet the requirements of policy Des 6 of the LDP and the Edinburgh Urban Design Guidance and are acceptable.

h) The proposals have any equalities or human rights impacts

The building will be for public use. Access for people with disabilities will be required to meet with current building standards.

i) Material comments raise issues to be addressed

Material Objections

- Loss of sunlight - addressed in 3.3(b);
- Inadequate parking/ on street parking problems already in the area/ congestion, no disabled parking provided - addressed in 3.3(e);
- Loss of privacy - addressed in 3.3(b);
- School originally to be single storey and smaller; building should be single storey. Scale of building is larger than originally envisaged - addressed in 3.3(b);
- Design could be improved - addressed in 3.3(b);
- Could road between school and proposed park be removed - addressed in 3.3(b);
- Noise; main entrance better positioned to north site boundary away from houses - addressed in 3.3(d);
- Loss of valuable greenspace - addressed in 3.3(a);
- Insufficient landscaping - addressed in 3.3(b);

- Highway safety; no drop off facility; poor through routes for emergency vehicles - addressed in 3.3(e);
- Site on busy road and not suitable for a school - addressed in 3.3(a);
- Increase in traffic; air quality issues; many more houses proposed - addressed in 3.3(a) and (e);
- Buildings will not provide shelter from winds adequately addressed in 3.3(b); and
- Expansion of school? Inadequate playground. Site is too small for a school addressed in 3.3(b).

Comments in Support

- School very much needed - addressed in 3.3(a);
- Design sympathetic - addressed in 3.3(b);
- School planned at the site for a long time - addressed in 3.3(a);
- Could heritage of original village school be represented - addressed in 3.3(b); and
- Orientation of school supported - addressed in 3.3(b).

Non-Material Comments

- Loss of view/ open outlook;
- Reduction in property value;
- Who will fund landscaping; and
- Building work should be time restricted.

j) Other Technical Issues

Archaeology

The proposed site occupies an area of modern landfill within the Leith Dock's Western Harbour constructed in the early/mid-20th century. Although there has been an active harbour and port at Leith for over a thousand years it is unlikely that significant maritime remains will be affected especially given expected 20th century dredging activities. Accordingly, it has been concluded that there are no known archaeological implications regarding this application.

Conclusion

The proposal is acceptable in principle; it accords with the LDP and the revised Development Framework. The school has been designed to take into account the nature of the site and its future users. It is acceptable in terms of its layout, design and materials. It will provide a community facility with links to the proposed park to the north; it will contribute to a sense of place. The development would not raise any concerns in relation to flood risk, drainage, transport issues and amenity.

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

3.4 Conditions/reasons/informatives

Conditions:-

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. The recommendations as detailed in section 6.1.2. of the Noise Assessment report by Sandy Brown Associates (reference 18304-R07-A) should be implemented prior to occupation of the building.
3. The landscaping of the site shall be fully implemented in accordance with the approved plans and the planting design and outline specification softworks (as set out on page 4 of the Stage 3 Report- Landscape dated 16th January 2019) within six months of the completion of the building.

Reasons:-

1. In order to ensure the most efficient and effective rehabilitation of the site.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.

3. 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.
4. A Memorandum of Understanding is required to:
 1. To ensure a contribution of the sum of £40,000 to the Hawthornvale offroad cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme;
 2. To upgrade the existing uncontrolled island crossing on Lindsay Road at Peacock's Court to a signal controlled crossing point. This is to be delivered at the applicants expense and prior to operation of the proposed school;
 3. To implement school Zig-Zag markings at the pedestrian access points to the school site. This is to be delivered at the applicants expense and prior to operation of the proposed school.
5.
 1. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 2. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway, verge and carriageway as necessary for the development.
6. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved (see Note IV for further information).
7. In accordance with the Council's LTS Travplan3 policy, the applicant should consider updating their current Travel Plan. This should be progressed with the input of the Road Safety and Active Travel Liaison Officer for this area

Financial impact

4.1 The financial impact has been assessed as follows:

The application is a Council development.

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:

The application has been assessed and has no impact in terms of equalities or human rights.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 8 January 2019. Thirty one letters of representation have been received; eighteen object and seven are in support.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is within the Edinburgh Waterfront in the Edinburgh Local Development Plan. It is located in the Leith Western Harbour for housing-led mixed use development (site EW 1a). The site is safeguarded for a school (site SCH 5). The area directly to the north east of this site is a Green Space Proposal (GS2).

Date registered

27 December 2018

Drawing numbers/Scheme

1-3,4a-5a,6-12,13a,14, 15a-16a, 17, 18, 19a, 20,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior Planning Officer
E-mail:karen.robertson@edinburgh.gov.uk Tel:0131 529 3990

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP 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.

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 18/10570/FUL At Land North Of 2, Windrush Drive, Edinburgh Victoria Primary School - New primary school and nursery and associated playground spaces.

Consultations

Environmental Protection comments dated 18 April 2019

Environmental Protection has no objections to this proposed development subject to the following conditions:

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

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

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

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

2. The recommendations as detailed in section 6.1.2. of the Noise Assessment report by Sandy Brown Associates (reference 18304-R07-A) should be implemented prior to occupation.

The proposal is situated on land which has the potential to be contaminated. A condition is recommended above which requires the developer to investigate any potential contamination and ensure that the site is remediated to a level commensurate with the proposed end use.

Environmental Protection does have concerns with potential noise disturbance associated with mechanical plant noise and vocal disturbance from the children using the outdoor play facilities. A Noise Impact Assessment by Sandy Brown Associates was submitted to support the application. This demonstrates that mechanical plant noise from the development can meet the expected standard if mitigation measures are employed, and a condition is recommended to reflect this. The report also notes that vocal disturbance from children will breach the recommended standard, particularly at the proposed residential properties to the east of the site. The report notes that the noise will vary in volume and will be sporadic throughout the school day and there are no practicable noise mitigation measures that can be employed to ensure the standard is met.

Archaeology response dated 10 January 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of a new Victoria Primary School and nursery and associated playground spaces.

The proposed site occupies an area modern landfill within the Leith Dock's Western Harbour constructed in the early/mid-20th century. Although there has been an active harbour and port at Leith for over a thousand years it is unlikely that significant maritime remains will be affected especially given expected 20th century dredging activities. Accordingly, it has been concluded that there are no known archaeological implications regarding this application.

Transport response dated 14 May 2019

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute the sum of £40,000 to the Hawthornvale off road cycle path to Lindsay Road and into Western Harbour Action, as per the LDP Action Programme (see Note VII for further information);
2. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
3. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway, verge and carriageway as necessary for the development;
4. Upgrade the existing uncontrolled island crossing on Lindsay Road at Peacocks Court to a signal controlled crossing point. This is to be delivered at the applicants expense and prior to operation of the proposed school;
5. School Zig-Zag markings are to be implemented at the pedestrian access points to the school site. This is to be delivered at the applicants expense and prior to operation of the proposed school;
6. In accordance with the Councils LTS Travplan3 policy, the applicant should consider updating their current Travel Plan. This should be progressed with the input of the Road Safety and Active Travel Liaison Officer for this area;
7. 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 Council 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 but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved (see Note IV for further information);

Note:

I. This proposed school has been assessed as Use Class 10 Non-Residential Institution with a gross floor area (GFA) of 4065m² in line with the approved Tram Line Developer Contributions report, under which the applicant would be required to contribute the sum of £92,446 (based on 4,065 m² GFA in Zone 2) to the Edinburgh Tram with the sum to be indexed as appropriate and the use period to be 10 years from date of payment. However it is considered that as the school will generate mainly 'local' trips which the tram is unlikely to address, and the impact of these trip is likely to be mitigated by far more by localised interventions such as the walking and cycling actions for this area within the LDP Action Programme, therefore a contribution towards the Edinburgh Tram is not required for this application;

II. The application has been assessed under use Class 10 Schools/Nurseries, application site is within zone 2 of the 2017 Parking Standards and the proposed development has a gross floor area of 4,065m² and 542 pupil roll (462 primary and 80 nursery) and 39 staff. The 2017 parking standards permit the following:

- a. A maximum of 13 car parking spaces (1 space per 3 staff). 0 on-site parking is proposed, this is considered acceptable (see note III);
- b. A minimum of 61 cycle/scooter parking (2+ (1 per 7 staff + 1 per 10 pupils)). 92 cycle/scooter parking spaces (52/40) are proposed, this is acceptable;
- c. As the proposal is for 0 car parking, there is no requirement for accessible and EV parking;
- d. A minimum of 2 motorcycle parking (1+ 1 per 25 staff). 0 motorcycle parking spaces are proposed, this is acceptable;

III. This level of car parking is justified by the sites accessibility to public transport and connections to the Active Travel Network, which both will be further enhanced through the Tram Line Completion Project and localised active travel improvements identified in the LDP Action Programme. It is also predicted that a large proportion of the pupils will be travelling from within Western Harbour meaning a number of pupils will be a distance of no more than 800m from the school (5 - 10mins walk) this again further demonstrates that this site is in a highly accessible location in terms of sustainable travel;

IV. As there is no parking provision proposed for this development there is no requirement to provide accessible parking spaces (as per 2017 Parking Standards). If the applicant requires accessible parking spaces, then these can be implemented on-street through the Traffic Regulation Order process. Further discussions with Transport will be required in relation to location and number of spaces. The applicant should note that any on-street accessible parking spaces would be available for use by any permitted (Blue Badge) individual, it should also be noted that blue badge holders are not subject to the same restrictions in terms of on-street parking, in particular waiting restrictions;

V. The City of Edinburgh Council has a number of policies and actions relating to how vehicular traffic is to be managed around schools, these are mainly within the Local Transport Strategy and the Road Safety Plan. These policies and actions relate mainly to the promotion of active travel for trips to and from school and raising awareness of responsible driving behaviour and the impacts that vehicular traffic have on the safety and environment around schools. To ensure a safe and pleasant environment for walking and cycling, trips to school by car are actively discouraged, as it can lead to significant localised congestion and issues with parking in the area of the school. Dedicated car infrastructure at schools, such as drop off areas, are considered to be contrary to the policies and actions within the Local transport Strategy and Road Safety Plan as they encourage car trips to and from school.

VI. Traffic management measures in the form of appropriate waiting and loading restrictions and school zig zags will be implemented on the road network around the school to minimise the impact of parked vehicles around the site and ensure that any vehicles coming to the school will park in appropriate manner that will not impact on the safety of all other users and the amenity of the residents in this area. Waiting and loading restrictions will also be utilised to ensure that the appropriate vehicles will be able to service the school with minimal hindrance;

VII. The Hawthornvale offroad cycle path to Lindsay Road and into Western Harbour Action, that is identified in the LDP Action Programme (January 2019) with the active travel improvements as part of the Tram project will provide a active travel connection between Western Harbour and the Hawthornvale Path (part of the North Edinburgh Path Network), this will connect in with proposed and existing infrastructure within Western Harbour to create a coherent, safe and direct active travel link to the wider active travel network. Also involved with this action is improvements to the existing active travel infrastructure within Western Harbour, current proposals indicate that this will include a scheme of place making in specific areas with infrastructure improvements to influence vehicle behaviour and speed, particularly around the school site. Delivery of this action is anticipated by 2022/23 and to be delivered by the City of Edinburgh Council. The contribution that is being sought was based on the provision of two crossing points at the school site to further facilitate Safer Routes to School which will be delivered as part of this action. The applicant should note that match funding opportunities may be available, discussions with the Road Safety and Active Travel Liaison Officer are recommended;

SEPA response dated 20 June 2019

Thank you for your letter of 07 June 2019 by which you consulted SEPA on additional information submitted in support of planning application 18/10570/FUL.

Advice for the planning authority

On the basis of this information, we can withdraw our objection on the grounds of lack of information on flood risk.

1. Flood Risk

1.1 We remove our objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 We have been consulted on the formation of a primary school within the larger Western Harbour development in Edinburgh. We previously provided some comments on this application in February 2019 and stated that we would expect the 1:1000 year return period to be investigated due to the vulnerability of the development. Finished floor levels were provided but we also advised of the need for finished ground levels to ensure safe access/egress could be provided off-site. As discussed previously, the harbour gate height was to be confirmed to ensure no alterations had been made to it. UKCP18 climate change figures also required consideration. We provided comments in April 2019 and requested that consideration was given to access/egress from western harbour, including the 1:1000 year return period, and details of any proposed mitigation. We also requested confirmation of the finished ground levels.

1.3 The predicted 1:1000 year Coastal Flood Boundary still-water level is 4.2mAOD. A predicted increase in sea level as a result of climate change up to the year 2100 is 0.86m, therefore the coastal flood level including an allowance for climate change is 5.06mAOD. Site ground levels and finished floor levels are above this level.

1.4 The 1:1000 year fluvial peak flow estimate for the Water of Leith is 150.37m³/s. We would note that there is a great deal of uncertainty regarding peak flow estimates for the Water of Leith. The catchment is essentially unique when comparing it with other gauged rivers in the U.K. Therefore, applying the Statistical Methodology to derive flow estimates can lead to further uncertainties. In addition, the gauged record excludes two significant events, which occurred in August 1920 and August 1948. These events were of similar magnitude to the highest event on record, which occurred in April 2000. Therefore, the 2000 flood may not be as rare as suggested when solely analysing the gauged record. Very little information is provided in the report on how the peak flows were derived. That said, a 40% allowance has been included which results in a peak flow of 210.52m³/s being applied to the model. The maximum predicted flood level for the 1:1000 year event including an allowance for climate change is 5.63mAOD. This level also assumes a failure to the lock outflows. A probability cannot be assigned to mechanical failure.

1.5 Based on the information provided, the site ranges between 5.7mAOD and 6.78mAOD on site. The finished floor level of the school will be 6.7mAOD. Therefore, the site is not at risk of flooding from extreme coastal or fluvial events.

1.6 Review of available information shows that access from the site is an approximate minimum of 4.8mAOD. This is above the 1:1000 year still-water coastal flood level, but below the coastal level including an allowance for climate change. The level is also below the predicted 1:1000 year fluvial flood level without an allowance for climate change. This appears to be contradictory to the information we previously received from the neighbouring Western Harbour development in April 2019, which indicated ground levels of 5.88mAOD.

1.7 Generally, we will object to developments that cannot provide safe access/egress to a site, in line with our current guidance. However, we appreciate that the principle of development within Western harbour has been set. In addition, it is difficult to assign a probability to the lock gates failing. Therefore, we do not object to the development. Having said that, for extreme events, Edinburgh Council should be satisfied that the emergency planning strategy of staying on-site rather than evacuation is preferable. Consideration should be given to a loss of services and the concern of children on-site and parents off-site unable to reach their children. Edinburgh Council may wish to consider looking at less vulnerable uses for this site.

1.8 We would recommend the inclusion of flood resistant and resilient materials within the design and construction of the school to mitigate any residual risk of flooding.

1.9 We do not generally review drainage impact assessments but would note that the rainfall model used in the Micro Drainage output states FSR. We would recommend that FEH13 is used within this analysis.

Caveats & Additional Information for Applicant

1.10 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.11 We refer the applicant to Technical Flood Risk Guidance for Stakeholders. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

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

1.13 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note 'Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities' outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

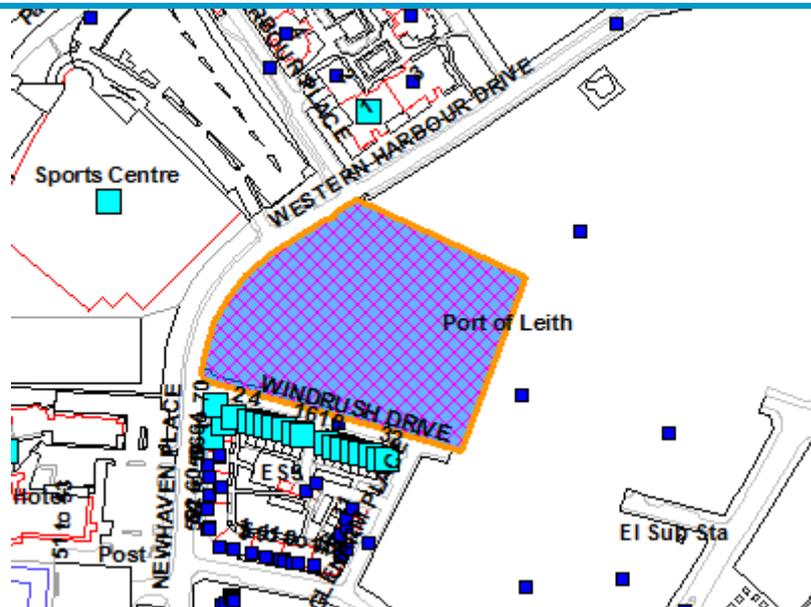
2. Regulatory requirements

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in the local SEPA office.

Flood Planning response dated 2 July 2019

Flood prevention have no objections to the proposals.

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420
END