

**Planning Permission 12/02359/FUL  
at  
Fort Primary School  
25 North Fort Street  
Edinburgh  
EH6 4HF**

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**Development Management Sub-Committee  
of the Planning Committee**

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**1 Purpose of report**

To consider application 12/02359/FUL, submitted by The City Of Edinburgh Council. The application is for: **Change of use from primary school to office space - nursery to remain as existing.**

It is recommended that this application be **Granted** by Committee.

**2 The Site and the Proposal**

**Site description**

The application site comprises the southern half of the school buildings located on the western side of North Fort Street. The site is bounded by Lapidie Place to the south and Hawthornbank Place to the north. The western boundary of the site is shared with the rear garden boundary of the properties fronting Dudley Avenue and formed of a high boundary wall.

The overall site comprises an area of 1.3 hectares and presently comprises the Kaimes Primary School, Fort Community Wing and a Children's day nursery. The school was built in 1967-68.

The building is predominantly single storey with a flat roof. There is a two-storey element located centrally along the North Fort Street elevation, also with a flat roof. A more modern, single-storey pitched roof, building stands

detached from the main building, also centrally on the North Fort Street side, and outwith the application site.

This application relates solely to the southern half of the buildings, a footprint of some 1,887 square metres, with a clear division between the Primary School building and the buildings of other users within the wider site.

The buildings stand centrally within the whole site with a vehicular access from Lapidice Place leading to a hard surfaced area, on the Dudley Avenue side of the building, which incorporates existing car parking facilities. The majority of the site is laid out to grass.

There are residential properties both to the south, west and north of the site. These are four-storey flatted dwellings to Lapidice Place; two-storey terraced dwellings to Dudley Avenue and two-storey, colony properties to Hawthornbank Place. The six-storey residential flatted buildings, to the east, are condemned for demolition. Those flats stand behind a high stone boundary wall that is located hard up against the pedestrian footway.

The high stone boundary wall, situated at the foot of the pedestrian footway on the eastern side of North Fort Street, is a category 'B' listed building. It is a remaining part of the former military barracks associated with Leith Fort.

There are a small number of commercial shops at the ground floor level in the vicinity, located at the street corners, both to the north and south of the site.

The site is bounded by open, vertical, metal railing fencing, coloured blue, on all sides except for the west where there is a stone boundary wall.

North Fort Street is a no-through road with access from Ferry Road to the south. The section opposite the application site is heavily altered with a number of traffic-calming measures in place.

The property stands outwith any conservation area. However, the western boundary of the site (with Dudley Avenue) forms the eastern boundary of the Victoria Park Conservation Area and the sites south eastern boundary abuts the western boundary of the Leith Conservation Area.

### **Site History**

There is no relevant planning history for this site.

### **Pre-Application Process**

There is no pre-application process history.

## **Description Of The Proposal**

The application is for a proposed change of use of part of the property from a Primary School use to form office accommodation, including associated internal alterations to the building.

The application is made on behalf of the City of Edinburgh Council and is intended for office use by Council Social Work (Children's Services) staff. It will provide some 1,347 square metres of floor space accommodating some 114 staff. These will be relocating from other offices across the city where there is presently little or no off-street car parking provision.

There are no proposed alterations to the exterior of the building. The existing vehicular access from Lapidice Place and car parking area is intended to be used. There are presently 19 car parking spaces on the site, of which 4 are dedicated spaces for disable persons' vehicles, and 36 cycle spaces.

A Transport Statement has been submitted in support of this application.

The boundary of the application site was revised to more accurately reflect the extent of the property the subject of the application.

## **3. Officer's Assessment and Recommendation**

### **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?

### **ASSESSMENT**

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of office use is acceptable in this location;
- (b) the scale and design of the proposals are appropriate to the character and appearance of the surrounding area;
- (c) there are any implications for road safety; and
- (d) there will be any loss of residential amenity as a result of the proposals.

- a) The property operates as a school, community facility and children's day nursery all of which uses fall within Class 10, 'Non-residential Institutions', of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

The proposal seeks to use that part of the site and the buildings, presently the school, for the purposes of office accommodation, a use falling within Class 4, 'Business', of the Order.

By definition of the Order a Class 4 use is one; *"which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."*

Accordingly, given that the area is defined as an 'Urban Area' such a use is acceptable, in principle, in terms of the development plan policies. However, it also requires to be the subject of a detailed assessment against other relevant policy provisions relating to the wider potential impact of the proposal.

- b) The application has been made solely with regard to the proposed use of the building and its associated grounds. Whilst there are proposed internal alterations to the building there are none to the exterior that would materially affect the appearance of the building as a whole.

Accordingly, the proposal would have no impact on the character and appearance of either the building itself or on this part of the surrounding area.

In terms of the scale and design the proposal is acceptable.

- c) Having considered the provisions of Transport Statement and the existing vehicular access, off-street car parking and bicycle storage spaces, Transport has raised no objections to the proposal in road safety terms.

Accordingly, the proposed level of traffic generation by the proposed office use will not result in detrimental implications for road safety over those of the existing use of the application site.

- d) Environmental Assessment has raised no objection to the proposed use of the premises. They have suggested a condition relating to the control of noise associated with the design, installation and operation of any plant, machinery or equipment.

However, the application makes no reference to the installation or operation of any plant or machinery as part of the use of the premises. Accordingly, it would not be appropriate to impose a condition based solely on the premise that such plant or machinery may be installed in the future. Planning cannot seek to control possible future issues and any such matters would need to be suitably addressed, if they arise, at that time.

It should be noted that the existing lawful use of the site, as a school, is not subject to such conditions and the proposed use would not introduce any significant new planning issues in this regard.

There is, therefore, no planning justification for the imposition of the suggested condition in this specific instance.

Accordingly, the proposal would not result in any detrimental impact on the existing levels of residential amenity presently enjoyed by the occupants of the neighbouring residential premises to the site.

As this application has been submitted by the Council, it requires to be determined by Committee.

In conclusion, the proposals comply with the development plan and the relevant non-statutory guidelines, preserve the character and appearance of the surrounding area and would not prejudice residential amenity or road safety. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application.

## REASON FOR DECISION

The proposals comply with the development plan and non-statutory guidelines and maintain the character and appearance of the property and the surrounding area and have no adverse effect upon neighbouring amenity or road safety.

**John Bury**  
Head of Planning & Building Standards

<b>Contact/tel</b>	John Maciver on 0131 529 3918
<b>Ward affected</b>	A13 - Leith
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Urban Area
<b>Date registered</b>	10 July 2012
<b>Drawing numbers/ Scheme</b>	02+03 Scheme 2

### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Standards Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Paul Devaney, 0131 529 3911, [paul.devaney@edinburgh.gov.uk](mailto:paul.devaney@edinburgh.gov.uk)

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

## Appendix A



**Application Type** Planning Permission  
**Application Address:** Fort Primary School  
25 North Fort Street  
Edinburgh  
EH6 4HF

**Proposal:** Change of use from primary school to office space - nursery to remain as existing

**Reference No:** 12/02359/FUL

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### Consultations, Representations and Planning Policy

#### Consultations

#### Environmental Assessment

*The application proposes the change of use of a primary school to office space. A nursery is situated to the north-west and a school building to the south-east. Residential properties are situated to the west and east.*

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

- 1. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.*

#### Transport

*Requested that the application be continued.*

*Reason:*

*A Transport Statement is required to assess the impact of the proposed development on the local area.*

*The Transport Statement should include the following information:*

#### *Existing Site Accessibility*

- Walking*
- Cycling*
- Public Transport*
- Local Road Network*

#### *Travel Plan Framework*

- *Travel Pack*
- *Development Proposals*
- Proposed Development*
- *Accessibility*
- Traffic Impact Assessment*

- *Existing Trip Generation*
- *Proposed Development Trip Generation.*

#### *Transport - Comments on Transport Statement*

*Further to previous comments of 23 July 2012, confirm that Transport has no objections to the proposed application.*

### **Representations**

The application was advertised on 12 July 2012 and attracted three letters of representation. Two letters from Councillor Booth and a neighbour are objections. The third letter was received outwith the consultation period and made only comments on the application.

The material points of objection/concern are:

- a. Transport issues, taken account of in assessment (c):
  - parking problems and road safety.

Other points raised, including the use of a shared access to the offices and existing nursery/community use, are not material.

Concern was also raised regarding the correct neighbour notification procedure and the extent of that coverage for this application.

As a result of a revision of the boundary of the application site and an investigation into the original Neighbour Notification procedure it was identified that the correct procedure had been followed in this regard and that all properties within 20 metres of the application boundary had been notified, in full compliance with the provisions of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

It should be noted that this included a number of properties which presently stand empty awaiting demolition.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

### **Planning Policy**

**Edinburgh City Local Plan - Urban Area.**

**Relevant Policies:**

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

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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.

## Appendix B



**Application Type** Planning Permission  
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### Conditions/Reasons associated with the Recommendation

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

#### Conditions:-

#### 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.

**End**

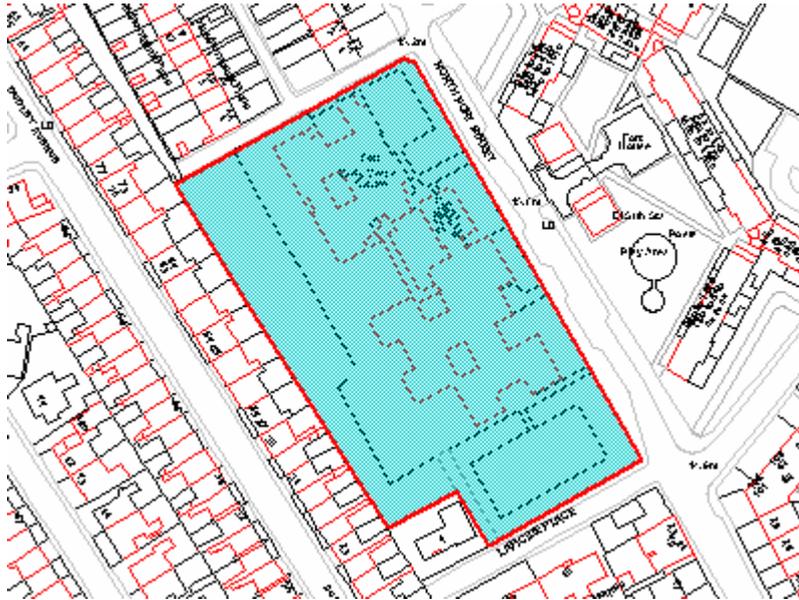
## Appendix C

**Application Type** Planning Permission

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### Location Plan

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