

Development Management Sub Committee

Wednesday 20 February 2019

**Application for Planning Permission 18/08609/FUL
At Land At, Frogston Road East, Edinburgh
New build primary school and early years centre. The
proposal will incorporate space for 462 primary school
pupils and 80 nursery pupils.**

Item number	4.2
Report number	
Wards	B16 - Liberton/Gilmerton

Summary

The proposal is acceptable in principle and is of a high standard of design. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. The proposal complies with the Local Development Plan. No material considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN21, LEN22, LHOU10, LTRA02, LTRA03, OTH, NSGD02,
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Report

**Application for Planning Permission 18/08609/FUL
At Land At, Frogston Road East, Edinburgh
New build primary school and early years centre. The
proposal will incorporate space for 462 primary school
pupils and 80 nursery pupils.**

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 Burdiehouse area in South Edinburgh and is 1.99 hectares in area.

To the east is a row of two-storey houses fronting Burdiehouse Road, and to the west and south is the Broomhills residential development site, which is under construction. To the north is a row of single storey houses, which front Frogston Road East.

The site is roughly rectangular in shape and slightly undulating, with the highest part being along the eastern boundary. There are no notable features on the site.

2.2 Site History

12 May 2017 - Planning permission granted for residential development (633 units), small scale commercial units, and associated roads, footpaths, parking, landscaping and open space plus site for new primary school (application reference: 14/04860/FUL).

Main report

3.1 Description Of The Proposal

The proposed development is for a new primary school and early years centre.

The building is proposed to be located at the south western part of the site, with a sports pitch on the north eastern corner. The rest of the site is made up of car parking, landscaping and playground space.

The building is two storeys in height for the most part, with the exception of the nursery wing, located on the southern part of the building, which is single storey. Although the building is mostly two storeys, the floor levels and roofspace take the building up to approximately 12.5 metres in height.

The proposed external materials are a mixture of brick, concrete and timber, with a zinc coloured standing seam roof.

The pitch is a synthetic pitch that is set slightly into the slope of the land. It has a private school access and a public access that allows use outside school hours. The pitch is surrounded by a safety fence that has a level top height of five metres above the pitch surface. On two sides this fence is also the school boundary fence.

A small parking area for school staff is located to the northern part of the site and provides space for 12 cars plus 2 spaces for disabled people. It is proposed to be finished in a porous tarmac surface. In terms of cycle and scooter parking, there are 40 covered cycle parking spaces and 40 scooter parking spaces for pupils located within the secure playground, three Sheffield cycle hoops (6 spaces) in the visitors entrance concourse and three Sheffield cycle hoops (6 spaces) in the nursery entrance concourse.

There is a DDA-compliant route from the car park to the main entry and two accessible parking spaces. No drop-off facilities are proposed.

Public pedestrian access to the main school entrance will be through a public concourse that connects to the south with the new Bordeaux Park and to the north to the lane off Frogston Road East.

In terms of landscaping, specimen trees are located within the car park, and there is an area of community woodland at the south west corner of the site. This area is open to community use and a small community woodland will be available to both the school and local communities. This will comprise native trees with native groundcover planting. The swale that collects surface water from the playground will drain to a rain garden and wetland in the community woodland.

In addition, there is a corridor which separates the school from the adjacent housing. This will incorporate a wildlife corridor of native planting to include small native trees such as birch and alder and dense woody planting including native evergreens such as holly and juniper.

Supporting Statements

- Site Investigation;
- Drainage Strategy and Flood Risk Assessments; and
- Geological Report.

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, layout and materials are acceptable;
- c) the impact on the amenity of neighbours is acceptable;
- d) access arrangements are acceptable in terms of road safety and accessibility;
- e) the proposal meets the sustainable standards in the Edinburgh Design Guidance;
- f) there are other technical constraints, and
- g) material representations and community council comments raise issues to be addressed.

a) The Principle of the Development

The principle of the development is established through the allocation in the Local Development Plan. The planning permission for the adjoining residential development (through the Section 75 legal agreement) made a financial contribution towards the land cost and construction of the school in this location.

Therefore, the principle is established and is acceptable.

b) The Layout, Design, Scale and Materials

LDP Policies Des 1 - Des 9 set the design framework for assessing proposals.

The layout of the site allows for the classrooms along the frontage of the school to have views across an area of open space to the west. This also allows the school to have an adequate setting in this location as it will be viewed in a landscape setting from the west. The layout also allows for areas of growing space and a landscape buffer between the school buildings and the houses to the east.

The design is contemporary with a dark grey zinc/zinc effect standing seam roof, cream facing brick and timber panels. Although it will be taller than the surrounding residential properties, the height of the building is appropriate and identifiable as a civic building.

Overall, the layout, design, scale and materials are acceptable and in accordance with LDP policies.

c) Amenity of Neighbours

The closest neighbours are located approximately 25 metres to the west. These are new houses currently under construction as part of the wider development of the site. Although the building will be taller than these houses, there will be no impact on overlooking. This is due to the fact that the windows on the ground floor are limited to the school office and a gym store area. On the first floor, the windows are providing light to the staff room and a small workbase. Therefore, the potential for overlooking is limited. To the rear, the closest properties are approximately 50 metres away. Although these houses are set at a different level to the school, the distance and intervening landscaping will prevent any privacy issues. It is also acknowledged that the outlook from these houses will be impacted, as they currently enjoy uninterrupted westward views across to the Pentland Hills. However, the principle of the development has been assessed and established, and the provision of a new primary school in this location outweighs the impacts on private views.

In terms of sunlight and daylight, sunpath diagrams were submitted to show the impact of the development on neighbouring properties and gardens. The diagrams show that the school building will have the greatest impact during the winter months, where the orientation of the building overshadows the garden grounds of properties to the west. However, these garden grounds would be in shadow in any case due to their north facing aspect and the positioning of the houses.

With regards to noise arising from the development, there is a 3G pitch proposed to be positioned parallel to the eastern site boundary where there are existing residential properties. There is also a nursery proposed at the southern end of the site and there will be a kitchen onsite to serve the school. Noise arising from these sources can be problematic during school hours and even into the evenings during summer months when the public can access the pitches.

Noise mitigation measures include the immediate fencing surrounding the pitch, which have been designed to act as acoustic barriers. Further details will be required and are recommended as an informative in order to demonstrate that noise arising from the new 3G sports pitches and all other noise associated with the proposal such as plant and servicing noise do not adversely impact on neighbouring amenity.

In addition, no floodlighting of the pitches is proposed, so there will be no light overspill into neighbouring properties.

Kitchen extract details are required to ensure that the kitchen extract is terminated at roof level. The applicant will need to provide drawings showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. This is recommended as an informative.

Therefore, the amenity of neighbours is acceptable and in accordance with LDP Policy Des 5 (Development Design - Amenity).

d) Access Arrangements, Transport and Accessibility

The Roads Authority has not objected to the proposals, although the applicant is required to contribute towards traffic regulation orders (TROs) in order to introduce school keep clear markings as necessary for the development, and progress a suitable order to redetermine sections of footway and carriageway. There is also a requirement to make a contribution towards progressing a suitable order to introduce waiting and loading restrictions as necessary, and for the provision of parking bays for disabled people.

In line with Council policy, school drop off points are not supported. It is noted that the details of the proposed access from Frogston Road East will be progressed via a separate application for road construction consent. This access can be controlled through appropriate waiting and loading restrictions and school keep clear markings as appropriate.

Advice from the Roads Authority has indicated that there should be cycle parking in excess of 60 spaces. However the Council's Road Safety and Active Travel Liaison Officer has advised that scooter parking can be used instead of cycle parking to promote active travel. Therefore, the applicant is proposing both scooter and cycle parking areas, which are acceptable.

There is also a total of 12 parking spaces, plus two parking spaces for disabled people and two motorbike spaces. This level of car parking is supported as it is commensurate with the requirement for allowing parking for visitors to the school and staff who cannot easily access public transport. Environmental Protection recommends that further mitigation measures are considered including public transport incentives for staff such as initial free bus tickets staff, and the applicant has committed to working with the Council's Active Travel team to prepare a School Active Travel Plan before the school is open. This is dealt with as an informative.

The applicant will be required to install electric vehicle chargers to serve at least three parking spaces in line with the Edinburgh Design Standards. This is also dealt with as an informative to the permission.

Overall, the transport and road safety aspects are acceptable.

e) Sustainability

The applicant has completed an S1 form in support of the application, which confirms that sustainability criteria have been achieved.

In addition to the criteria, the applicant has provided a commitment to further sustainability measures, including the use of air source heat pumps, and achieving a minimum BREEAM standard of very good.

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

f) Other technical constraints

Archaeology

The site was identified as part of wider area of archaeological significance during the assessment of the previous application for the housing development (application reference: 14/04860/FUL). A programme of archaeological investigations carried out between 2014 and 2017 by AOC Archaeology discovered the remains of a nationally significant medieval settlement dating between the 8th and 12th centuries AD to the southeast of the proposed school site.

However, no significant remains were encountered across this site during their 2014 evaluation. Accordingly, having assessed the potential archaeological implications of this scheme, it has been concluded that there are no known archaeological implications regarding this application.

Flooding

SEPA flood maps show a small area of potential pluvial flooding in the southeastern part of the site. Accordingly, the applicant submitted a Drainage and Flood Risk Assessment. The surface Water attenuation strategy for the site is to retain storm events up to and including 1:30 years plus a 30% allowance for climate change underground within the site boundary. The 1:200 year plus climate change allowance will be stored within the wider redevelopment site. The wider site includes a SUDS pond, sized to allow the difference between 1:30 and 1:200 year storm events plus 30% allowance for climate change for the new school.

This is acceptable and will not give rise to flooding of adjacent properties.

g) Representations

Material Objections

- Potential for congestion on Frogston Road East close to the pedestrian access which could be caused by people parking on the road for the purpose of dropping off and collecting children attending the school. (assessed in 3.3(d).
- Impact on traffic by cars carrying out manoeuvres on Frogston Road East (assessed in 3.3(d).

The letter of general comment related to a number of potential safety improvements that could be made along Frogston Road. Although these are welcomed, they cannot form part of this permission as they are outwith the scope of the application.

Conclusion

The proposal is acceptable in principle and is of a high standard of design. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. The proposal complies with the Local Development Plan. No material considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

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 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 development on site, the applicant shall provide plans showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. The extracts will then be installed as per the approved details.
6. The applicant will be required to contribute:
 - a) The sum of £2,000 to introduce school keep clear markings as necessary for the development;
 - b) The sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;

- c) 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.
7. In accordance with the Council's LTS Travplan3 policy, the applicant is expected to develop a School Travel Plan. This should be submitted at an appropriate time as agreed with the Roads Authority.
 8. Prior to the commencement of works on site, noise mitigation measures, including full details of the immediate fencing surround the pitch, shall be submitted for approval. The mitigation measures shall thereafter be installed as per the approved details.
 9. Prior to the commencement of works on site, a noise assessment shall be submitted to the Planning Authority for approval and shall include design details of the immediate fencing surround the 3G pitch and other mitigation measures proposed to address any noise associated with the proposal such as plant and servicing noise.

Financial impact

4.1 The financial impact has been assessed as follows:

Contributions are being taken through a legal agreement for the construction of the school, related to the planning permission 14/04860/FUL for the adjoining housing site.

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

Following neighbour notification, four letters of representation were received. This comprised three objections and one general comment.

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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is an allocated housing site (HSG21), within which a school site (SCH8) is identified.

Date registered

24 October 2018

Drawing numbers/Scheme

01-04, 05A, 06A, 07A, 08A, 9-18,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

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.

Other Relevant policy guidance

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 18/08609/FUL
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Consultations

Environmental Protection - 20 December 2018

The applicant proposes a 2-storey building with the entrance and admin block near to the main access point, while the teaching wing is set back and surrounded by playgrounds. The school internal social areas open directly to the playgrounds, there is a 3G pitch proposed to be positioned parallel to the eastern site boundary where there are existing residential properties. There is also a nursery proposed at the southern end of the site. Entrances are accessed via public concourses from the surrounding main roads. There will be a kitchen onsite to serve the school.

The application proposed a small parking area for school staff to be located to the northern part of the site, it would have space for 13 cars plus 2 disabled spaces.

The applicant will need to submit a supporting noise impact assessment covering the proposed new 3G sports pitches and all other noise associated with the proposal such as plant and servicing noise. From the plans it is noted that the 3G pitch does not have floodlighting can this be confirmed. Regardless of this day-time noise from these pitches can be problematic during school hours and even into the evenings during summer months when the public can access them. This will need to be fully assessed with detailed noise mitigation measures provided including details of the immediate fencing surround the pitch and if require details of any additional acoustic barriers. Particular attention should be made to the existing residential properties and ensure that noise does not adversely impact their amenity, for example; taking into consideration World Health Organisation Community Noise Guidance levels and NR ratings (plant noise). Noise levels inside the school should also be considered.

Kitchen extract details required, there is nothing noted on the roof plan, the kitchen extract must be terminated at roof level. The applicant will need to provide drawings showing where the kitchen and ventilation extracts will be located to ensure they will not adversely impact neighbouring amenity. Environmental Protection shall recommend conditions to ensure they are appropriately located when details are submitted.

The reduced levels of car parking are supported however, Environmental Protection recommend that further mitigation measures are considered including public transport incentives for staff such as initial free bus tickets staff. The applicant will need to ensure electric vehicle chargers are installed to serve at least three parking spaces in line with the Edinburgh Design Standards. Environmental Protection recommend that a rapid electric vehicle charging point in the car park which is capable of serving two spaces with a smaller fast charger serving the other space. Grant funding may be available from the Energy Saving Trust for this type of infrastructure. However, the applicant will need to provide drawing that show the location of the chargers and ensure that they have adequate power made available to serve the chargers, as the rapid charger will require a three-phase supply.

Will the development include photovoltaic panels providing? Environmental Protection would support this method of energy production and would highlight the advantages of linking this technology up to the electric charger which would provide a method of energy storage. The applicant needs to provide details of the energy plant serving the proposed building. Environmental Protection require information to ensure the proposed power input has been assessed in line with the requirements of the Clean Air Act 1993, it should be noted that Environmental Protection do not support the use of biomass. Initially we need to know the power input and the fuel sources being considered.

Environmental Protection will provide separate comments with regards contaminated land, but will recommend the condition is attached until it's been formally discharged by our contaminated land officers.

Roads Authority - 25 January 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 provide cycle parking in line with the Council's parking standards in a secure, convenient and undercover location. The proposed cycle parking locations are not considered to meet these requirements nor does the proposed 32 spaces meet the required numbers (2 spaces plus 1 per 7 staff plus 1 per 10 pupils, likely to be in excess of 60 spaces);*
- 2. The applicant will be required to provide 2 motorcycle parking spaces in line with the Council's parking standards which require a minimum of 1 space plus 1 per 25 staff;*
- 3. The applicant will be required to contribute:*
 - a. The sum of £2,000 to introduce school keep clear markings as necessary for the development;*
 - b. the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
 - c. the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
- 4. In accordance with the Council's LTS Travplan3 policy, the applicant is expected to develop a School Travel Plan;*

5. *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;*

6. *The applicant will be required to provide electric vehicle charging spaces at 1 per 6 spaces, i.e. 2 spaces;*

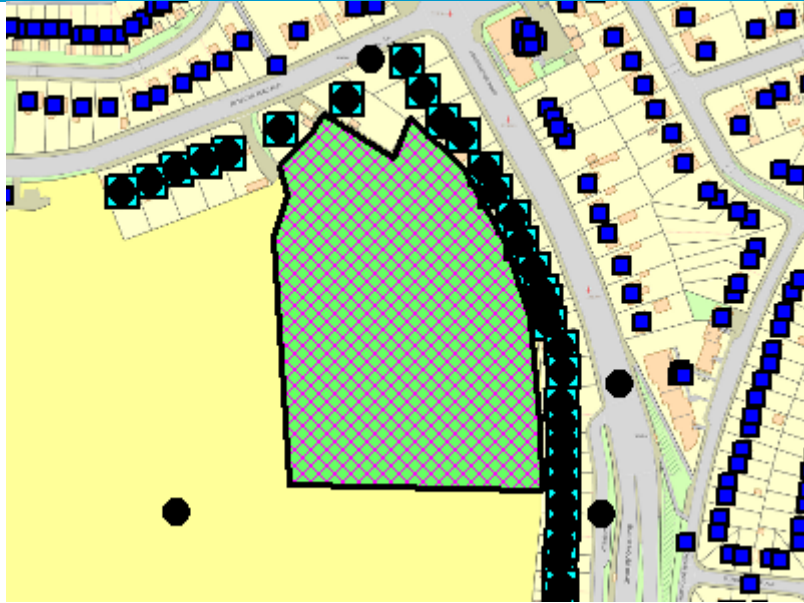
7. *It is noted that the details of the proposed access from Frogston Road East will be progressed via a separate application for road construction consent. The access will be controlled through appropriate waiting and loading restrictions and school keep clear markings as appropriate.*

Archaeology - 1 November 2018

The site was identified as part of wider area of archaeological significance. A programme of archaeological investigations carried out between 2014 and 2017 by AOC Archaeology discovered the remains of a nationally significant medieval settlement dating between the 8th and 12th centuries AD to the South East of the proposed school site.

However, no significant remains were encountered across this site during their 2014 evaluation. Accordingly, having assessed the potential archaeological implications of this scheme, it has been concluded that there are no known archaeological implications regarding this application.

Location Plan



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