

# Development Management Sub-Committee Report

**Wednesday 1 March 2023**

**Application for Planning Permission  
Liberton High School, 328 Gilmerton Road, Edinburgh.**

**Proposal: Erection of a three-storey building comprising a 1200 pupil secondary school, a GP practice and community facilities with associated hard & soft landscaping, external sports provision and car-parking (as amended)**

**Item – Committee Decision  
Application Number – 22/04134/FUL  
Ward – B16 - Liberton/Gilmerton**

## **Reasons for Referral to Committee**

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as the Council is the applicant.

### **Recommendation**

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

### **Summary**

The proposals are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

There are no material considerations which outweigh the proposals compliance with the Development Plan.

## **SECTION A – Application Background**

### **Site Description**

The site comprises the existing Liberton High School (ELHS), its recreation ground and sports block. It extends to approximately 7.8ha and is bounded by 2-storey residential properties except for Mount Vernon Cemetery to the southwest.

The ELHS is located above and to the south of its recreation ground which is used for rugby, football and athletics. Additional outdoor sports facilities include three tennis and two beach volleyball courts to the southeast boundary and a mountain bike trail to the southwestern. The sports block sits to the northeast boundary.

The primary means of vehicular, cycle and pedestrian access is to Gilmerton Road. Secondary pedestrian and cycle accesses exist via Mount Vernon Road and Malbet Park to the northwest and south respectively.

### **Description of the Proposals**

Planning permission is sought for the erection of a replacement Liberton High School (RLHS). The building is to be of a 'community campus' nature and include non-educational facilities such as a health centre, café, library, flexible workspaces and a base for Police Scotland. The sports block will be retained.

The new building will sit to the north of the ELHS which needs to remain open and operational until its replacement is completed. Projected capacity is 1,200 pupils. The RLHS is to be 3-storey, sit at the same level as the existing recreation ground and be clad in black and bronze metal cladding. Passivhaus requirements are to be met.

The primary entrance will be via the northeast elevation. The health centre shall have its own to the southeast. Four other secondary entrances for pupils and staff are also proposed. Educational needs will have priority and movement restrictions will be in place for non-school visitors both within and outwith the RLHS.

A floodlit multi use games area (MUGA), basketball court and athletics provision will be formed to the north of the RLHS. A grass football pitch / recreation area is proposed to its south. The tennis and beach volleyball courts and mountain bike trail shall be retained as will two woodlands to the north and south boundaries. Other new structures include two stores to the north and south of the RLHS and a substation to its east. External teaching areas will be provided and so shall a grassed amphitheatre.

The primary and secondary means of vehicular, cycle and pedestrian access are to be retained but improved. 54 car parking spaces, inclusive of five accessible and nine with electric vehicle charging points (EVCPs), shall be provided along with 16 for motorcycles. 140 cycle parking spaces, inclusive of six accessible, are proposed.

The memorial garden will not be affected by the proposals.

The application was amended prior to referral to the Development Management Subcommittee. Scheme 2 removed reference on the as submitted drawings to "Volleyball Relocation (in event of GME)", "future development site" and "court lighting is to be designed by others" and introduced a swale to the southeast of the grass football pitch / recreation area. The Proposal of Application Notice (22/01232/PAN) and Environmental Impact Assessment Screening Opinion (22/01571/SCR) to which this planning application relate make reference to a Gaelic Medium Education School (GME). For the avoidance of doubt, the proposals do not include a GME and no assessment on this sites suitability for such a school has been undertaken by the City of Edinburgh Council (CEC) as Planning Authority.

## **Supporting Information**

The following documentation was submitted in support:

- Air Quality Assessment;
- Arboricultural Report;
- Design and Access Statement;
- Environmental Impact Assessment Screening Opinion Decision Letter;
- Flood Risk and Drainage Impact Assessment;
- Landscape Maintenance Schedule;
- Noise Impact Assessment;
- Phase 2 Geotechnical Assessment;
- Planning Statement;
- Pre-application Consultation Report;
- Preliminary Ecological Appraisal;
- Preliminary (Bat) Roost Assessment;
- S1 Sustainability Form;
- Section 6 (Energy) of the Scottish Building Standards Compliance Report;
- Site Investigation Report;
- Transport Statement and
- Visualisations.

These are available to view on the CEC Planning and Building Standards Portal except for the Preliminary Ecological Appraisal which remains sensitive; this is standard practice for such documents.

## **Relevant Site History**

22/01571/SCR  
Liberton High School  
328 Gilmerton Road  
Edinburgh  
EH17 7PT  
EIA Screening request.  
EIA Not Required  
4 April 2022

22/01232/PAN  
Liberton High School  
328 Gilmerton Road  
Edinburgh  
EH17 7PT

Erection of a three storey secondary school, a GP practice and community facilities with associated landscaping, external sports provision & car parking. The existing sports block on the eastern edge is to be retained. The masterplan will include a zone for a second three storey secondary school in the event the council decides to build a GME secondary school in the future.  
Pre-application Consultation approved.  
1 April 2022

20/01945/FUL  
Liberton High School  
328 Gilmerton Road  
Edinburgh  
EH17 7PT  
Construction & installation of 2 storey modular classroom facility.  
Granted  
10 August 2020

14/04530/FUL  
Liberton High School  
328 Gilmerton Road  
Edinburgh  
EH17 7PT  
Extension to existing Sports Centre including Gym Hall & support facilities.  
Granted  
18 December 2014

### **Other Relevant Site History**

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

CEC Archaeology Service

CEC Environmental Protection

CEC Flood Prevention

Liberton and District Community Council

Gilmerton and Inch Community Council

Edinburgh Access Panel

Police Scotland

Scottish Water

Sport Scotland

The Coal Authority

Scottish Environment Protection Agency

CEC Transport Planning

CEC Waste and Cleansing Services

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 31 August 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 23

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations

## Assessment

To address these determining issues, it needs to be considered whether:

### a) The proposals comply with the Development Plan

NPF4 was adopted on the 13 February 2023 and now forms part of the Development Plan. NPF4 policies support the planning and delivery of sustainable places, liveable places and productive places and are the key policies against which proposals for development are assessed. Several policies in the LDP have been superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13;
- NPF4 Liveable Places Policies 14, 15, 19, 20, 21, 22 and 23;
- NPF4 Productive Places Policy 25;
- LDP Design Policies 1, 3, 4, 5, 7, 8 and 11;
- LDP Environment Policies 12, 15, 18, 20, 21 and 22;
- LDP Housing Policy 7;
- LDP Transport Policies 1, 2, 3, and 4; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance, City Mobility Plan and Cycle Parking Factsheet are material in the consideration of the LDP policies.

### Principle of the proposals

The site has been primarily used for educational purposes since 1959 and falls under Class 10 (Non-residential institutions) of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended). Non-school activities such as the commercial use of the grounds also occur but these are ancillary in nature and scale.

The principal educational purpose shall not be changed by the proposals and only the health centre constitutes a change in use of the land. The 90.0sqm library also falls under Class 10 and 90.0sqm of office space, a 67.6sqm café and four Police Scotland workspaces are ancillary in use, scale and impact when compared to that of a school and not all that dissimilar to current activities within the ELHS. In addition, the use of the buildings and land on a commercial basis would not require planning permission; a football pitch is a football pitch, a dance studio is a dance studio and the age of user or charging does not change their use.

A health centre in this location is acceptable in principle. The proposals will contribute to local living, community wealth building and inequality reduction through the provision of a modern school, accessible ancillary facilities and job creation. The café and commercial elements have the potential to increase local spending and the 'community campus' nature supports lifelong learning and widens opportunities for employment, sport and recreation.

The Town Centre First approach of NPF4 and the LDP is not deemed relevant to these proposals which are the replacement of an existing building with ancillary activities with one of a similar nature.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 15, 23c and 25a.

#### Demolition of the existing Liberton High School

The demolition of the ELHS constitutes permitted development under Part 23 (Demolition of Buildings) Class 70 of The Town and Country Planning (General Permitted Development) (Scotland) Order (as amended). There are no statutory barriers to the demolition of the ELHS as it is not a 'qualifying building'; this would be a dwellinghouse, block of residential flats or a building having a mutual wall with either.

Whilst it is noted that the act of demolition will have a short-term negative impact on the climate, these are not outweighed by the long-term benefits that a RLHS to Passivhaus requirements on a more sustainable school site as a whole would have in addressing the climate crisis. Whether the RLHS and site have been designed to minimise lifecycle greenhouse gas emissions and can adapt to current and future risks of climate change are assessed in the following sections.

The Preliminary (Bat) Roost Assessment (PRA) outlines the results of a visual (ground-based) external inspection of the ELHS and sports block. Its purpose is to establish physical evidence of use by bats (e.g. droppings) or features (e.g. gaps / crevices) which may be suitable for roosting. No physical evidence was recorded but the features of the ELHS and sports block are considered to have moderate and low potential for roosting bats respectively. The PRA recommended further surveys during the summer of 2022 which were not carried out.

The ELHS needs to remain open and operational until its replacement is completed which is estimated to be during the summer of 2025. This gives the applicants a significant window in which to establish whether the features of the ELHS and sports block are physically being used for roosting bats and then identify and implement mitigation. Although the Preliminary Ecological Appraisal considers that suspensive conditions should not be used for protected species, the unique developmental circumstances, coupled with the fact that CEC is both the applicant and landowner, is considered to justify the use of a condition in this case; other biodiversity interests are discussed in the following sections.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 1, 3a, 3b, 4f, 9d, 12a and 12b.

#### Loss of open space and outdoor sports facilities

The LDP designates all land outwith buildings and hardstanding as open space. The need for the ELHS to remain open and operational is a significant constraint on the location of its replacement. It is reasonable to conclude that the development of open space is unavoidable because of this and other constraints include the proximity of residential properties, the retention of the sports block and modernisation of the Gilmerton Road access. Passivhaus requirements are also dictated in part by the character of the site and its surroundings and typically necessitate 'bespoke' solutions.

The existing outdoor sports provision is comprised of two football pitches and one rugby pitch. These are 'converted' into a running track with various athletic spaces during part of the year. The beach volleyball and tennis courts and mountain bike track will be unaffected. The loss of provision is to be compensated by the introduction of a MUGA, basketball court and a grassed football pitch / recreation area.

SportScotland raise no objection subject to a condition relating to the detail of the MUGA. Although the compensatory provision does not accord with their guidance, they have placed weight on the limited space available but also the provision of a MUGA which can be used more intensively and for a wider variety of sports. Their preference is for two MUGAs but the applicants wish to retain a grassed football pitch / recreation area as this allows flexibility for non-pitch based sports. In reference to their advisory note, the outdoor sports changing provision is retained within the sports block. The level of compensatory outdoor sports provision is deemed acceptable for this site.

When open space is compared pre and post development, there will be a small reduction in simple area terms; 5.69 hectares to 5.54 which is considered minor. The quality will be enhanced in amenity and leisure value terms, through the enhanced outdoor sports facilities, landscaping and range of habitats, and the character of the site will be unchanged; the open space are the grounds of a school and this will still be the case. It is also accepted that a MUGA could have a local community benefit by increasing access to outdoor sports facilities. The loss of open space is also deemed acceptable for this site.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 21a and 23a and LDP Policy Env 18.

### Climate mitigation and adaption

#### *Life cycle greenhouse gas emissions and climate change adaption*

The RLHS will be to Passivhaus requirements which has had a significant influence on its siting and design. Teaching spaces are orientated to the extensive north and south elevations which feature a high proportion of glazing. Sustainable ventilation management has been incorporated and the RLHS is to be all electric with energy demands being met by air source heat pumps and solar PV panels; an LPG tank solely for academic purposes will also be provided. The sports block is also to be disconnected from the mains in order to be serviced by these new sources. As discussed in the sections below, the finished floor level of the RLHS shall be above the 1 in 1000 year plus 40% allowance climate change flood events, the proposals give priority to active and sustainable travel and tree cover and blue infrastructure will be enhanced. The proposals are considered to have been sited and design to minimise their lifecycle greenhouse gas emissions and are adaptable to the current and future risks of climate change.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 2a and b.



## *Biodiversity*

The Preliminary Ecological Appraisal (PEA) was comprised of a desk based ecological study and an on-site Phase 1 Habitat Survey. Evidence of protected species were also identified on an 'opportunistic basis'. The proposals are unlikely to have an adverse effect on international and national nature conservation sites (Firth of Forth is the closest) or the two Local Nature Reserves, ten Local Nature Conservation Sites and ten areas of ancient woodland within 2km of the site; the closest for all three being Burdiehouse Burn Valley Park.

The PEA summaries the relatively poor quality and range of habitats and the proposals are considered to constitute an enhancement of biodiversity across the site. It goes on to suggest a series of habitat enhancement measures and some have been incorporated into proposals including raingardens and meadow planting. Not all will be suitable for the site (e.g. wetland creation) due to space and safety limitations but the provision of 'bird boxes' and 'hedgehog nesting boxes' appear feasible; consideration of these are recommended by condition.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 3a, 3b, 4a, 4e and 4f.

## *Trees*

The Arboricultural Survey identifies 19 trees to be removed; seven at Category B, nine at C, one at U and two at N (could not be categorised). This includes the four flowering cherries to the existing Gilmerton Road access (two at Category B and two at C). All other trees, including the woodlands to the north and south boundaries, will be retained. No statutory designations apply to any tree.

The tree removals are necessary to facilitate the demolition of the ELHS and the improvement of the Gilmerton Road access. Outwith the woodlands, the site is relatively deficient in overall tree cover and the removal of existing will be suitably compensated by the planting of 157 new specimens of varying types. The removals are justified and acceptable, as are the tree protection measures for those to be retained.

Flowering cherries do not form part of the compensatory planting but it is clear that the existing specimens contribute to streetscape interest and act as a 'welcoming feature'. It is reasonable to have the reintroduction of this species considered and a condition to this effect is recommended.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 6a, 6b and 6d and LDP Policy Env 12.

## *Flood risk and blue / green infrastructure*

The Flood Risk and Drainage Impact Assessment (FRDIA) advises that surface water currently drains to sewer SW17 adjacent to 332 Gilmerton Road currently. There are also no SuDS features or surface water storage measures within the site. Surface water is to continue to drain to this sewer as other potential sources of disposal were not deemed suitable (e.g. infiltration drainage due to subsoil conditions).

The FRDIA considers there to be limited space to prevent basin storage but new SuDS features such as raingardens, permeable paving and swale areas amounting to 600m<sup>3</sup> of attenuation are proposed; the FRDIA predates the introduction of a swale to the southeast of the grass football pitch / recreation area which will further increase attenuation. Additional measures include oversized pipework providing 781.5m<sup>3</sup> of attenuation and flow control devices to restrict discharge to CEC guidance levels. The drainage strategy confirms that the 1 in 200 years plus 40% climate change allowance flows will be contained within the site. CEC guidance also requires consideration of the 1 in 1000 years plus 40% climate change allowance for schools which would result in flood events at sewer SW17 and SW12 (northwest of the RLHS). However, the FRDIA notes that these events will be minor, contained within the site (not to neighbouring properties) and remain below the finished floor level of the RLHS. Flood Prevention raised no objection to the proposals.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 20a, 20b, 20c, 22a, 22c, 22e and LDP Policy Env 21 and Env 22.

### *Sustainable transport and air quality*

The Transport Statement (TS) predicts daily trip generation for the proposals against that of the existing site. The future numbers are based on a full school roll of 1,200 pupils and 146 staff of all roles, 180 visitors and 27 staff for the health centre and 50 visitors for the café, library and flexible workspace. The TS considers that the proposals will result in a maximum of 151 new two-way vehicular trips during the morning peak (08:00 to 09:00) and 142 during the evening peak (15:00 to 16:00). It notes that vehicular trips for the health centre shall be more evenly distributed over its opening period and have a different evening peak to that of the school element. It also considers that the 27 health centre staff are unlikely to be working concurrently.

Accompanying the increase in vehicular trips is a reduction in car parking from an estimated 103 to 54 which is inclusive of five accessible spaces and nine with EVCPs. 140 cycle spaces, inclusive of six accessible, and 16 for motorcycles are also to be provided; these levels all accord with the Edinburgh Design Guidance. Although there will be an increase in the number of trips, the TS considers that it will not be significant.

It is clear that the limited levels of car parking will reduce reliance on the private car but the TS demonstrates that the site is not only accessible by more active and sustainable travel means but that there is significant potential for persons to move up the Transport Hierarchy. The Education Authority are to develop a Travel Plan to encourage more active and sustainable travel and will retain control over access and allocation of car parking spaces; this includes a vehicle barrier. On balance, whilst there will be an increase in trips, it is evident that these will need to be by more active, sustainable and 'quieter' means which shall minimise the potential for adverse effects on the road network and residential amenity.

The location and all Sheffield / covered design of cycle parking is acceptable and it is proposed to have specific allocations for pupils, staff and visitors. Although 140 spaces is the minimum required, the TS demonstrates that this will be sufficient for the predicted cycle trips and the Education Authority will react to demand should this be needed. The location and design of car parking raises no particular concerns and bounding tree planting will reduce the adverse visual impact of surface level provision. Vehicular serving arrangements are acceptable. Transport Planning raise no objection.

The Air Quality Assessment (AQA) considered impacts on air quality from construction dust and vehicular traffic when the RLHS is operational; emissions from construction traffic was not considered but it is unreasonable to have these temporary and necessary to facilitate development effects formally assessed. The AQA concludes that construction dust and operational vehicular traffic, largely though the low car parking proposals and move towards more sustainable and active means of travel, shall not be significant. Environmental Protection raise no objection subject to conditions. The recommended EVCP specification condition shall be attached but the AQA measures have been added as informative; they are either proposed on the drawings (cycle parking spaces) or can be addressed directly by the applicant.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 13b, 13c, 13d, 13e, 13f, 23d and LDP Policy Env 22, Tra 2, Tra 3 and Tra 4.

#### *Soils and suitability of land for redevelopment*

The Geotechnical Assessment separates the disturbance of soil into Phase 1, construction of the RLHS, and Phase 2, demolition of the ELHS and establishment of sports facilities and landscaping. Although disturbed materials are to be reused where feasible, Phase 1 is expected to generate a significant excess that will be disposed off-site. The need for the ELHS to remain open and operational is a significant barrier to more extensive reuse as this will severely limit the space available for the storage of materials as well as the extent of works which can be undertaken; off-site disposal is considered acceptable in this case

The Phase II Site Investigation Report recommends further investigation into land contamination including the reuse of materials. Environmental Protection raise no objection subject to a condition. The Coal Authority confirmed the proposals to be located within a 'low risk area' and clarified that their "material consideration" consultation response means that they have no objection or specific concerns; their standard standing advice shall be attached as an informative.

The proposals, subject to a condition, are considered to be in accordance with the intent and outcomes of NPF4 Policy 5a and 9c.

#### *Waste*

Waste and Cleansing Services note that they are expected to be serve the development but a waste strategy has not been agreed; this is to include bin locations within and outwith the site. The Education Authority will need to accord with the requirements of Waste and Cleansing services in respect of managing waste and recycling demands and it is considered reasonable for this matter to be finalised without Planning Authority involvement. The expected level of waste generation is unknown and likely to be variable depending on the school roll.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 12c and LDP Policy Des 5.

## *Water supply*

The proposals water demands will be met by the public network and Scottish Water have confirmed that they have sufficient water and wastewater capacity.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 22d and LDP Policy RS 6.

## Design, scale, siting and layout and visual Impact on the surroundings

The Passivhaus requirements, the need for the existing LHS to remain operational, the retention of the principle means of access, sports block and tennis and beach volleyball courts as well as the proximity of residential properties have all had a significant impact on the design and siting of the proposals.

The proposals are considered to be generally consistent with the six qualities of successful places. They are 'Healthy', through the quality and range of the proposed internal and external learning and recreational spaces, and 'Pleasant' through the creation of inclusive opportunities to interact socially and with nature. 'Connected' has been considered through the enhancement of active travel provision and the priority to pedestrians and they are 'Distinctive', as evidenced by the appearance of the RLHS and by the range of habits to be formed. 'Sustainable' is evident by the Passivhaus requirements and 'community campus' nature and regard to 'Adaptable' is seen through lift provision and the flexibility in internal and external outside spaces.

The appearance of the RLHS makes little attempt to reflect the architectural characteristics of its surroundings and this is deemed appropriate for a 'statement' building to Passivhaus requirements which shall occupy a site which is effectively contained. The 'cranked' form has allowed the creation of a welcoming entrance space from Gilmerton Road and one which shall promote the movement of people over that of vehicles. Whilst secondary in general importance, the west elevation access is of a similarly detailed nature. The use of contrasting materials and finishes and a high proportion of glazing suitably break up the extensive northern and southern frontages as well as generate interest. It is considered that the RLHS, through the quality of its architecture and materials, will improve the quality of the area and have a positive impact on its surroundings.

Existing features of worthy of retention have been generally retained and where they have not, such as with the cherry blossoms, their removal is justified. The planting of trees to the buildings more immediate surroundings shall integrate the scale into its local environment as well as the wider public realm. The layout of the grounds promotes permeability and travel by active means and the lighting strategy should increase their attractiveness during hours of darkness and improve community security.

Distinction between public and private spaces, school and non-school uses and pedestrians and non-pedestrians are generally acceptable whilst noting that there is an intent to minimise physical barriers where possible. Formal segregation where necessary has further promoted by the adoption of different colours and materials for hard surfacing and bollards, with the latter also acting to discourage 'inconsiderate' parking. A suitable range of external benches are proposed and more prominent fencing, such for an external storage area to the north of the replacement LHS, shall be softened by hedging.

The site is within key view S16a (Castle and Hub Spire from Hyvots Bank / Gilmerton Dykes). Although the RLHS will continue to rise above the prevailing building height, it sits at a lower level than the existing; the qualities of this key view shall be maintained.

The Archaeology Service note that the proposals fall within an area of significance and will require ground-breaking works. Whilst construction of the existing LHS is likely to have removed the potential for remains to its footprint, they have recommended a programme of archaeological work for the playing fields; a condition to this effect has been attached.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 7o, 14a, 14b and 14c and LDP Policy Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 11.

## Amenity

### *Future user amenity*

As the site is to retain its principal secondary school purpose, the provision of a traditional 'playground' is not deemed necessary or appropriate. This is in part due to the quality of the outdoor sports facilities and the creation of suitably segregated formal and informal spaces for relaxation both within and outwith the RLHS. New areas of public realm do not raise any specific material concerns with regards to inclusivity and step only accesses have been minimised. Where provided, such as to the south of the RLHS, an alternative sloped access is proposed and this arrangement is an unfortunate artefact of the change in levels across the site and need of level land for the grass football pitch / recreation area. The Landscape Maintenance Schedule outlines how and when the sports facilities will be managed.

There is no specific guidance relating to the design of a school but the RLHS, both internally and externally, shall provide an improved learning, working and recreational environment for pupils and staff through the range, quality and accessibility of the spaces to be provided.

All floors are level and three lifts, two positioned centrally, seek to provide equitable access. Accessible car parking spaces, the vehicular drop off point and toilets are with reasonable distances of entrances and internal spaces. Internal finishes are to consider persons with sight impairments and appropriate regard shall be given to acoustic, lux, heating and ventilation levels. The Edinburgh Access Panel were consulted and matters they raise can be suitably addressed under the Building Warrant process.

The grounds will be partly segregated in order to give pupils their own secure space and this is also to apply to the internal where access for non-pupils shall be restricted. A lighting and CCTV scheme for the grounds will improve pupil and community security as well as promote the attractiveness of routes during hours of darkness. Low level light spillage shall not have an adverse effect on neighbouring amenity.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 21d, 21e, 21g and 23f and LDP Policy Des 5.

### *Neighbour amenity*

The RLHS shall not have a detrimental impact on the privacy and immediate outlook of neighbouring properties nor impede their levels of daylight and sunlight. Although it will be closer to houses, the RLHS sits at a lower level and is separated from the northeastern, northwestern and southeastern boundaries by 40m, 28m and 36m respectively. Nellfield also sits at a higher ground level than the RLHS and properties to Gilmerton Road shall continue to be screened in part by woodland. Cooking odours are also unlikely to impact amenity due to the central positions of roof level extract points.

The site has no floodlighting at present and the MUGA is proposed to be floodlit. A Floodlighting Risk Assessment (FRA) was requested but this cannot be carried out until a contractor has been appointed following the grant of any planning permission. Environmental Protection have raised concerns and have recommended the carrying out of a FRA prior to installation as well as a 'cut-off' timer for any system. It is considered necessary to have potential glare impacts fully considered and a condition to this effect shall be attached; potential operating hours shall be considered once impacts are formally determined.

The Noise Impact Assessment (NIA) considers impacts from plant and the MUGA, basketball court and grass football pitch / recreation area. It recommends noise limits for plant and a condition to this effect shall be attached. Coupled with the separation to nearby properties, plant noise shall not have a detrimental impact on residential amenity or that of future occupiers.

The NIA considers that there will be a substantial adverse impact from all three sports pitches / courts. Although it notes that residents to Gilmerton Road are likely to be accustomed to a degree of noise due to their proximity to the existing provision, it is considered that a floodlit MUGA, which can be used more intensively, will result in a material increase in noise levels and on a more year-round basis. Whilst there is no change in use of the land, with the MUGA being the formalisation of an existing outdoor sports provision, it is reasonable to conclude that further mitigation should be explored. Although a degree of noise would still be expected, there appears to be space between the MUGA and basketball court and the Gilmerton Road properties where natural or synthetic noise abatement measures may be feasible; a condition to this effect is recommended

For the grassed football pitch / recreation area, the NIA recommends the inclusion of a noise abatement fence. The applicants have resisted this on the basis that this would reduce the flexibility of the space as well as be aesthetically detrimental to the wider landscape strategy; to resolve impact in any material manner would necessitate a fence of considerable height. Similarly, to the MUGA and basketball court, where existing woodland should provide some degree of noise mitigation, a shelter belt of planting is indicatively proposed and there appears sufficient space to explore further mitigation despite the formation of a swale; a condition to this effect is recommended.

Representations also raised specific concerns about noise from the general increase in usage of the site, a public address system (PAS), breakout/amphitheatre areas and the beach volleyball courts. As the principal use of the site will be unchanged, noise from an increase in trip generation is outwith any formal control but it is noted that the limited level of car parking will demand travel by more active, sustainable and 'quieter' means.

The applicants have clarified that the PAS will be capable of playing both verbal announcements and music, but it is 'zoned' and expected to be mainly for internal purposes. External music usage is proposed to be limited to certain outdoor areas only such as the amphitheatre which, along with outdoor teaching spaces, are sufficiently separated from residential properties and unlikely to be used as significantly as internal areas. The beach volleyball courts will be unchanged, and the requiring of specific noise mitigation is not possible for this reason.

The proposals, subject to conditions, are considered to be in accordance with the intent and outcomes of NPF4 Policy 21d, 21e, 21g, 23e and 23f and LDP Policy Des 5 and Hou 7.

### **Conclusion in relation to the Development Plan**

The proposals are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

#### **b) There are any other material considerations which must be addressed**

The following material considerations have been identified:

##### Emerging policy context

On the 30 November 2022, CEC Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

##### Equalities and human rights

This report has given due regard to Section 149 of the Equalities Act 2010 and human rights; no impacts have been identified.

##### Public representations

23 letters of representation were received; 19 are in objection, three maintain a neutral position and one from the Liberton and District Community Council is in caveated support. No response was received from the Gilmerton and Inch Community Council to the original consultation request or a follow up email sent on the 6 October 2022. Matters raised are summarised below.

### *Material considerations in objection*

- Loss of residential amenity due to natural light impediment, impact on privacy, floodlight glare, noise, immediate outlook, 'community campus' nature, non-school uses and increase in trips;
- Detrimental impacts on ecological interests including tree loss;
- Detrimental impacts on air quality including demolition;
- Conflict for car parking spaces and between different travel methods;
- Lack of assessment of non-school activities;
- Lack of consideration for the next pandemic (neither NPF4 or the LDP has specific policies relating to this but the former is generally focussed in part on the nations recovery from COVID-19).

### *Non-material considerations in objection*

- The development meets the criteria for requiring an EIA;
- The proposals are a Schedule 3 development;
- The Aarhus Convention was not followed in the consideration of whether an EIA would be required under Screening Opinion 22/01571/SCR;.
- The Scoping Opinion was based on a "substantially different planning application", is "incompetent" and "should be reviewed and must be relevant and applicable to the current planning application";
- Pre-application Consultation was not carried out for this major development;
- CEC not maintaining the existing trees and woodland;
- Gilmerton Road 'Spaces for People' measures impeding the ability to park;
- Less plans were provided at the Pre-application Consultation phase;
- Offensive language from pupils and users of the external sports provision;
- The final day for making representations fell on a public holiday;
- Littering from pupils outwith the site;
- 'Poor' car parking within and outwith the site;
- Locational discrepancy on the Landscape Maintenance Schedule;
- Dust and pollution from construction;
- Increase in pedestrian activity to the Malbet Park access and vehicular drop offs;
- Loss of a parking area adjacent to Gilmerton Road; and
- Loss of the ability to park on the access road.

### *Material considerations maintaining a neutral position*

- The splitting up of the external sports provision;
- The school and community uses should be housed within separate buildings;
- Suitability of a MUGA for rugby and lack of football provision;
- Lack of refuse collection information.

### *Non-material considerations maintaining a neutral position*

- Loss of a parking area adjacent to Gilmerton Road;
- Loss of the ability to park on the access road.



### *Material considerations in support*

- Loss of residential amenity due to natural light impediment, impact on privacy, floodlight glare, noise, immediate outlook, 'community campus' nature, non-school uses and increase in school capacity.

### *Non-material considerations in support*

- Lack of noise or sand blow mitigation for the beach volleyball court;
- Retention of the beach volleyball and tennis courts;
- Change to the external sports provision between the pre-application consultation stage and this planning application.

### **Conclusion in relation to identified material considerations**

None of the identified material considerations outweigh the proposals compliance with the Development Plan.

### **c) Overall conclusion**

The proposals are considered to be in accordance with the policies of National Planning Framework 4 and the Edinburgh Local Development Plan. They will contribute towards the creation of sustainable places by minimising lifecycle greenhouse gas emissions, promoting active travel over vehicular transportation and enhancing biodiversity. They will contribute towards the creation of liveable places by the provision of a school with modern learning, teaching and recreational facilities, integrating appropriately scaled ancillary activities to promote local living and help to establish a city wide blue / green infrastructure network. They will contribute towards the creation of productive places by increasing local spending and employment and reducing inequalities in access to educational and community infrastructure.

There are no material considerations which outweigh the proposals compliance with the Development Plan.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall commence until a Construction Environmental Management Plan relating to Biodiversity - Code of Practice for Planning and Development Standards (BS42020:2013) has been submitted to and approved in writing by The Council as Planning Authority. It shall include the following:

- a) the results of the further presence / absence surveys recommended by Preliminary (Bat) Roost Assessment by Tetrix Ecology (ref: 21108-002 / date: 4 July 2022), the results of any further surveys which may then be required and full details of a mitigation strategy;
  - b) the results of all other surveys recommended by Section 6 of the Preliminary Ecological Appraisal by Tetrix Ecology (ref: 21108-001 / date: 31 October 2021), the results of any further surveys which may then be required and full details of a mitigation strategy;
  - c) a drawing highlighting where the Biodiversity Enrichment measures proposed by Section 6 of the Preliminary Ecological Appraisal by Tetrix Ecology (ref: 21108-001 / date: 31 October 2021) will be installed or a report by a suitably competent person justifying their discounting as unsuitable for this site as the case may be;
  - d) a risk assessment of potentially damaging construction activities;
  - e) the identification of "biodiversity protection zones";
  - f) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - g) the location and timing of sensitive works to avoid harm to biodiversity features;
  - h) the times during construction when specialist ecologist need to be present on site to oversee works;
  - i) the responsible persons and lines of communication;
  - j) the role and responsibilities of an on site of ecological clerk of works (ECoW) or similar competent person and
  - k) the use of protective fences, exclusion barriers and warning signs.
3. No development shall commence until full details of contractor(s) and pitch specifications (including lighting specification for the multi use games area have been submitted to and approved in writing by The Planning Authority in consultation with SportScotland.

For the avoidance of doubt, the multi use games area (122 x 72.9m) and grass pitch (106 x 66m), as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)) shall be designed and constructed by a recognised (e.g., Sports and Play Construction Association registered) specialist pitch contractor(s).

4. No development shall commence until a fully detailed landscape plan that shall take reference from the recommendations of Section 7 of the Noise Impact Assessment by Tetrix Ecology by Sandy Brown Consultants in Acoustics, Noise & Vibration (ref: 21268-R01-C / date: 15 August 2022) has been submitted to and approved in writing by The Council as Planning Authority in consultation with The Environmental Protection Service.

This Landscape Plan shall identify a location for the reintroduction of a minimum of four 'flowering cherry trees' and the details of natural or physical noise abatement measures between the nearby residential properties and the multi use games area, basketball court and grass football pitch / recreation area as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)).

5. The nine parking spaces as shown on Site Plan 04A (reference: F0335-RFL-XX-XX-DR-L-00001 (Revision: P12 02.11.2022)) shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to start of operations on site.

6. Prior to the commencement of construction works on site:
  - a) A site survey (including initial desk study as a minimum) 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.

7. No development shall commence until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by The Council as Planning Authority in consultation with the Archaeology Service.
8. No development shall commence until a Floodlighting Risk Assessment detailing a scheme for protecting nearby residential properties from illumination and / or glare from the floodlights proposed to the multi use games area has been submitted to, and approved in writing by The Council as Planning Authority in consultation with The Environmental Protection Service.

The scheme shall seek to minimise the potential adverse impacts of illumination and / or glare for nearby residential properties, aim for light spillage to all neighbouring land to be less than 25 lux and outlined proposed daily operating hours for agreement in writing by The Council as Planning Authority in consultation with The Councils Environmental Protection Service.

9. All roof level plant items (including air source heat pumps, condensing units, and air handling units) should be designed so that the noise level does not exceed a sound pressure level of 55 dBA at three metres from the plant and any associated intake / exhaust grilles or louvres. Cumulative noise levels from all building services plant items serving the development must not exceed a noise level of LAeq 40 dB outside the windows of the nearest residential properties.

## **Reason**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that potential impacts on protected species are fully considered and then appropriately mitigated.

3. In order to ensure that the multi use games area is of a quality that compensates for the reduction in the quantity of outdoor sports pitches.
4. In order to safeguard residential amenity and compensate for the loss of features of worthy of retention.
5. In order to ensure that the electric vehicle charging points are of a suitable standard.
6. In order to ensure that the land is safe and suitable for the proposed use.
7. In order to safeguard the interests of archaeological heritage.
8. In order to safeguard residential amenity.
9. In order to safeguard residential and future occupier amenity.

### **Informatives**

It should be noted that:

1. 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.
2. 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.
3. Liberton High School and its grounds have the potential to be a habitat for protected species and any work to either which may cause deliberate disturbance could constitute an offence under The Conservation (Natural Habitats, &c.) Regulations 1994.
4. The air quality mitigation measures specified in Section 6 of the Air Quality Assessment by Redmore Environmental (ref: 5847r1 / date: 7 September 2022) should be installed and operational prior to start of operations on site.
5. The site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

## **Further Information - Local Development Plan**

**Date Registered: 16 August 2022**

## **Drawing Numbers/Scheme**

01-03, 04A, 05A, 06A, 07-17, 18A, 19A, 20A, 21A, 22A, 23A,24A, 25A, 26, 27A, 28A, 29-31, 32A

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Graham Fraser, Assistant Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

NAME: CEC Archaeology Service  
COMMENT: No objection subject to a condition  
DATE: 2 September 2022

NAME: CEC Environmental Protection  
COMMENT: No objection subject to conditions  
DATE: 12 January 2023

NAME: CEC Flood Prevention  
COMMENT: No objection  
DATE: 13 January 2023

NAME: Liberton and District Community Council  
COMMENT: Support but with caveats (made as a representation)  
DATE:

NAME: Gilmerton and Inch Community Council  
COMMENT: No response  
DATE:

NAME: Edinburgh Access Panel  
COMMENT: No support or objection  
DATE: 4 November 2022

NAME: Police Scotland  
COMMENT: No comment in respect of this application  
DATE: 31 August 2022

NAME: Scottish Water  
COMMENT: No objection  
DATE: 9 September 2022

NAME: Sport Scotland  
COMMENT: No objection subject to a condition  
DATE: 29 September 2022

NAME: The Coal Authority  
COMMENT: No objection  
DATE: 8 September 2022

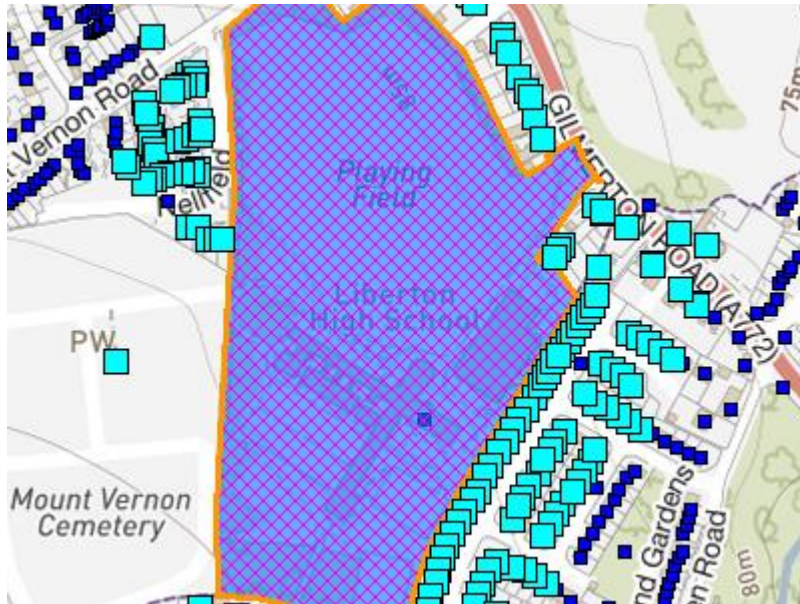
NAME: Scottish Environment Protection Agency  
COMMENT: No objection  
DATE: 26 September 2022

NAME: CEC Transport Planning  
COMMENT: No objection subject to conditions and informatives  
DATE: 9 February 2023

NAME: CEC Waste and Cleansing Services  
COMMENT: No objection but waste strategy not agreed at this planning stage  
DATE: 9 November 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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