

Development Management Sub Committee

Wednesday 6 November 2019

**Application for Planning Permission 19/00435/FUL
At Deanbank, 35 & 35B Canaan Lane, Edinburgh
Demolish the existing care home and erect a new primary
school and nursery including refurbishment of Deanbank
House and associated works.**

Item number

Report number

Wards

B10 - Morningside

Summary

The proposal complies with the Local Development Plan, with the exception of Policy Env 6 (b) in regards to the loss of trees. However, this departure is justified and the scheme of replanting will mitigate against the loss of character and amenity provided by the existing trees. The proposal also complies with the relevant non-statutory guidance.

The proposal is acceptable in principle and is of a high standard of design, enhancing the character and appearance of the Grange Conservation Area. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. No material considerations outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES12, LEN06, LEN09, LEN12, LEN16, LEN21, LTRA02, LTRA03, NSG, NSLBCA, NSGD02, OTH, LTRA02, LTRA03, LHOU07, LHOU10, NSG, NSGD02, NSLBCA, CRPGRA, OTH,

Report

Application for Planning Permission 19/00435/FUL At Deanbank, 35 & 35B Canaan Lane, Edinburgh Demolish the existing care home and erect a new primary school and nursery including refurbishment of Deanbank House and associated works.

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 Morningside area of the city and is approximately 0.95 hectares in area. The site is presently occupied by the existing South Morningside Primary School Deanbank House annexe and Oaklands care home. To the immediate west and south of the site are residential properties and to the north and east are other buildings used for education. The site is enclosed on the south along Canaan Lane by a stone boundary wall. The site benefits from an extensive number of trees, particularly along Canaan Lane to the south and along the western boundary of the site.

The application site is situated within the south western part of the Grange Conservation Area, close to the boundary with Morningside Conservation Area. This area of Canaan Lane has less of a uniform appearance; it contains a mix of buildings and periods, as well as various materials. Adjacent to the site on the west are two storey sandstone villas and immediately across from the site is a four-storey red sandstone tenement. However, the north of Canaan Lane is defined by the stone boundary wall.

The existing Deanbank House building dates back to 1913 with later additions. The building is two storey, with a slate pitched roof and areas of felt flat roof and chimneys. It is predominantly rendered with quoin stone detailing.

The care home building - which is proposed for demolition - is a purpose built care home from approximately the 1970s. It comprises two buildings which run horizontal and connected by a central building which runs vertically. These are a mix of single and double storey buildings which are finished in brick with a pitched slate roof.

The site is currently accessed from Canaan Lane with an access road that serves Deanbank House and the care home.

This application site is located within the Grange Conservation Area.

2.2 Site History

10 July 2015 - Enforcement investigation regarding the alleged unauthorised alterations to the boundary wall. Investigation closed with no breach identified (case reference 15/00346/EOPDEV).

07 July 2017 - Works constitute permitted development with respect to re-alignment of the existing road entrance to Deanbank Annexe (planning reference 17/02119/FUL).

Pending consideration - Conservation area consent application for the demolition of Oaklands care home (planning reference 19/00437/CON).

Main report

3.1 Description of the Proposal

This is an application for full planning permission for the refurbishment of Deanbank House, the demolition of the existing care home and erection of a new building to provide a primary school for around 462 pupils and a nursery for around 80 pupils. The application also includes all associated hard and soft landscaping, external stores and new access arrangements.

The refurbishment of Deanbank House involves the removal of later piecemeal additions from the rear and the erection of a small glazed extension to house a new fire stair and circulation area. The existing brown render will be painted off-white.

The proposed new building that will replace the care home is located on the south eastern part of the site with the principal elevation fronting on to Canaan Lane. The building will be stepped back from Canaan Lane to provide privacy from the main road for teaching and to reduce overlooking into residential properties to the south; this will provide a secure south facing nursery playground. The main entrance to the building projects forwards towards the stone boundary wall and will be finished in Corten steel. The external materials for the rest of the building include natural sandstone finish on the public elevations and matching buff brick on the playground elevations.

There will be no parking, including disabled parking within the development or any drop off facilities. The buildings will be serviced via a concourse accessed from Canaan Lane. The refuse storage and collection strategy will be developed in consultation with CEC Waste and Cleansing Service. The main pedestrian access will be from Canaan Lane. Other accesses include the existing access from the north of the site and from the path to the east of the site.

Covered cycle shelters accommodating 40 bicycles and open scooter racks accommodating 40 scooters will be located within the playground areas. In addition, 3 Sheffield stands for 6 bikes will be located at the visitors' entrance concourse and the same at the nursery concourse.

The landscaping has been designed as a series of spaces with distinct uses. The nursery garden is situated to the south of the site and includes landforms, native planting, sand and water play, planting beds and a pergola for providing shelter, shade and play.

The rear playground area will be used for informal ball sports. There will also be sand and water play elements and seating walls. Along the northern boundary of the site, this area is defined by landforms and proposed woodland planting. To the west of the site will be a raised lawn area and the western boundary will be defined through a band of woodland planting. To the north of this area will be a quiet garden which is south facing. This will include a story circle and herbaceous planting.

A total of 15 trees are proposed to be felled within the site. There are 25 semi-mature trees proposed for compensatory planting with a range of species included, this is in addition to the proposed fruiting trees and woodland blocks.

Previous Schemes

Previously, the air source heat pumps were in a different location and revisions have been made to the landscaping plans.

Supporting Statements

The following documents were submitted in support of the application:

- Design and Access Statement;
- Sustainability Form;
- Tree Survey;
- Road Safety Audit;
- Noise Impact Assessment;
- Preliminary Ecological Appraisal
- Protected Species Survey;
- Drainage Strategy; and
- Flood Risk Assessment.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 and materials are acceptable and will preserve or enhance the character and appearance of the conservation area
- c) the landscape proposals including the impact on trees and ecology are acceptable
- d) access arrangements are acceptable in terms of road safety and accessibility
- e) the flooding and drainage arrangements are acceptable
- f) the proposal is detrimental to the amenity of neighbours or occupiers of the new development
- g) there are any other material considerations and
- h) material representations or community council comments raise issues to be addressed.

a) The principle of the development is acceptable in this location

The site lies within the urban area of the Edinburgh Local Development Plan (LDP). There are no specific policies on the location of new schools in these areas. The school and nursery will be located within an area which has a range of uses including other educational facilities and residential properties. The site is highly accessible by public transport and active travel. The proposed use will serve the local community and this is supported unless there would be an adverse effect on residential amenity. This is fully addressed in section (f) of this assessment.

Concerns have been raised regarding the loss of the care home within the locality. Policy Hou 10 of the LDP will not permit the loss of valuable health or other community facilities unless appropriate alternative provision is made. The bed spaces within the care home were relocated to various other facilities in 2018 and are therefore not providing any health or community facilities at present. The proposed use will continue a needed community use on the site. The proposal is acceptable in terms of LDP Policy Hou 10.

The proposals are acceptable in principle, subject to compliance with other policies in the LDP.

b) the design, scale, materials and landscaping proposals are acceptable within the conservation area

Policy Des 1 (Design Quality and Context) requires that new development creates or contributes towards a sense of place, drawing on positive characteristics of the surrounding area.

The site lies within the Grange Conservation Area, Policy Env 6 (Conservation Areas 'Development) requires proposals to preserve or enhance the special character or appearance of the conservation area and is consistent with the relevant character appraisal.

Policy Des 4 (Development Design - Impact on Setting) of the LDP also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

Context

The Grange Conservation Area Character Appraisal states *"the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape."*

Design, scale and materials of the new building

The new school building will be two-storey in height and the main axes will run parallel with Canaan Lane. The main building is set back from the boundary wall with the public entrance to the west projecting forwards to engage more with the streetscape.

The design concept of the school responds to the context and character of the surrounding area. Much of the front elevation of the building will be finished in natural sandstone to compliment villas and tenements in the area and the rear finished in matching brick. The entrance block has been designed to create a visual dialogue with the red sandstone tenement; this is done by mirroring the plan length of the tenement and using Corten steel to compliment the red sandstone. The entrance design emphasises the school's civic nature creating a clear sense of place. The design of this building complies with LDP Policies Des 1 and Des 4.

The proposed design of the main building has been derived from taking into consideration the character and appearance of the conservation area. Both aspects have been taken into account in achieving a stone building in scale with the surrounding context and which responds in a contemporary style to the traditional architecture of the area. The scale, form and design will enhance the special character and appearance of the Grange Conservation Area. The proposal complies with LDP Policy Env 6.

Alterations to existing Deanbank House

Policy Des 12 of the LDP seeks to ensure alterations and extensions to existing buildings are compatible in terms of their design, form and choice of materials. The refurbishment of Deanbank House involves the removal of several later additions to the rear and their replacement with a consolidated glazed extension. The existing brown coloured wet/dry dash roughcast will be painted off-white to tie in with the ashlar stone features of the building and to compliment the new school building.

The alterations and extension to Deanbank House enhance the character of the building and will contribute towards achieving a cohesive development within the site. The proposal complies with Policy Des 12.

Furthermore, the proposals for Deanbank House will enhance the character and appearance of the Grange Conservation Area and therefore comply with LDP Policy Env 6.

c) the landscaping proposals are acceptable including any tree and ecology issues;

Landscaping Plans

Policy Des 3 (Incorporating and Enhancing Existing and Potential Features) of the LDP requires that existing characteristics and features worthy of retention on the site have been identified, incorporated and enhanced through its design.

Policy Env 6 (Conservation Areas - Development) of the LDP, specifically criterion (b) seeks to preserve trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area.

Furthermore, the Edinburgh Design Guidance encourages the retention and utilisation of natural and landscaped features within new developments to help contribute to a sense of place.

The stone boundary wall and trees are defining features of the site which contribute positively to the character of the area. The existing openings in the wall will be rebuilt in matching stone and new openings will be made to allow access on to the main entrance concourses of the school and the nursery. The boundary wall, albeit altered, has been incorporated into the design of the site and will remain a defining feature of the site.

With regards to the trees on site, at present there are 30 trees existing on and directly adjacent to the site. It is recognised that these trees make an important contribution to the character, biodiversity and amenity of the area. Notwithstanding this, they are also a site constraint and a total number of 15 trees will be removed to enable the development. The trees to be removed vary in size, condition and maturity; most of the removals are to the west of the site along Canaan Lane and the access road to Deanbank House.

This is contrary to Policy Env 6 (b) of the LDP. However, the departure from policy is acceptable in this instance as the principle of a school in this location is welcome and

the scale of development on the site is acceptable. Furthermore, Policy Env 12 of the LDP requires replacement planting of trees with appropriate species and number to offset the loss to amenity. The proposal includes a scheme of replanting consisting of 25 semi-mature trees; this is in conjunction with additional planting of fruiting and woodland tree planting. Furthermore, tree protection measures will be employed to ensure existing trees which are to remain on the site will be protected during the construction works.

The replacement planting will offset the loss of character, amenity and biodiversity caused by the trees which are to be removed. The proposal complies with the requirement of LDP Policy Env 12 and the departure from LDP Policy Env 6 (b) is justified in this instance.

The landscaping has been designed as a series of spaces with distinct uses to facilitate play and outdoor education. The topography to the north of the site lends itself to the creation a woodland area with landforms, this will allow for natural play and exploration. To the west is an area which will contain a lawn and a quiet garden which will be south facing, there will also be planting along this section to provide privacy for the neighbouring properties.

The largest single playground area is situated at the rear of the new school building. It will be paved and used for informal ball games. It is acknowledged that this will be north facing and will be shaded. Further north of the paved surface will be sand and water-based elements. Whilst this area will be shaded, it is one of several play areas within the grounds of the school and therefore the opportunity for quality play is not restricted to this section alone.

For the nursery, there will be a south facing garden again broken-up into different spaces for various play and educational experiences.

The landscaping masterplan has identified and incorporated the existing characteristics and features of the site and therefore complies with LDP Policy Des 3 and the Edinburgh Design Guidance. The departure from LDP Policy Env 6 (b) is acceptable in this instance to facilitate an appropriate development on the site. In addition, the scheme of replanting will mitigate against the loss of character and amenity provided by the existing trees in accordance with LDP Policy Env 12.

Ecology

Policy Env 16 of the LDP seeks to ensure protected species are not adversely impacted on by development. A Preliminary Ecological Appraisal and a Bat Survey were submitted as part of the application; no issues were identified in relation to protected species. The proposal is acceptable in terms of ecology and complies with Policy Env 16 of the LDP.

d) access arrangements are acceptable in terms of road safety and public transport accessibility;

The location of the proposed school will offer good connections to bus routes, the cycle network and walking to school options. The main pupil access points are provided along Canaan Lane to the south of the site with additional accesses from the north and east of the site. This will improve connectivity and is in accordance with LDP Policy Des 7 (Layout Design).

The current parking standards allow a maximum of two car parking spaces, require a minimum of 61 cycle/ scooter parking spaces, and a minimum of one motorcycle parking spaces. No drop off facilities or on-site car parking are proposed. This level of car parking is justified by the site's accessibility to public transport and connections to the Active Travel Network. No motorcycle parking provision is proposed; Transport advise this is acceptable for the proposed use.

The proposals exceed the minimum requirements in terms of cycle/scooter parking by providing 40 covered cycle stands and 40 open scooter racks within the playground areas along with three Sheffield stands in both public concourses. This site is in a highly accessible location in terms of sustainable travel.

Dedicated car infrastructure at schools, such as drop off areas, are considered to be contrary to the policies and actions within the Local Transport Strategy and Road Safety Plan as they encourage car trips to and from school. There is on-street controlled parking within the local area that is available for users who have a blue badge.

It is acknowledged that Canaan Lane is narrow and has narrow pedestrian footpaths. At present, the lane is limited to a one-way system with a contraflow cycle lane and controlled on-street parking in sections. The zero parking provision and no 'drop-off' facilities for the development will discourage journeys made by private cars. Given the competing demands for the narrow road space, there is no opportunity to widen the existing pavements. However, further traffic management measures will be considered by Transport Planning after the school has been established.

A Road Safety Audit was submitted for the small service area accessed from Canaan Lane. This area will be used for waste collections and servicing the school. This will be managed using gates and will avoid being in use during school drop-off and pick-up times.

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

e) the flooding and drainage arrangements are acceptable;

LDP Policy Env 21 aims to ensure that the development will not result in an increase in flood risk for the site being developed or elsewhere.

The application is supported by a Flood Risk Assessment and a Drainage Impact Assessment. The flood risk assessment concludes that the development is at low risk of flooding.

Policy Des 6 (Sustainable Buildings) requires that new development does not contribute to any flood risk on the site. To minimise the amount of tanked storage water required for attenuation, sub-base storage and permeable paving has been incorporated into the design.

CEC Flooding advise that they are satisfied with the proposed drainage and flood prevention strategies for the site. The proposal complies with LDP Policy Env 21.

f) the proposal is detrimental to the amenity of neighbours or occupiers of the new development;

Policy Des 5 (Amenity) relates to the amenity of existing and future occupiers and seeks to ensure that new development does not result in detrimental impacts on the amenity of existing neighbours including daylight, sunlight, overshadowing, privacy and noise.

Policy Hou 7 (Inappropriate Uses in Residential Areas) will not permit a change of use which will have a materially detrimental effect on the living conditions of nearby residents.

The closest neighbours are located approximately 13 metres to the west in a large detached residential dwelling. There will be no impact on overlooking or privacy to this property as the windows on the ground floor of the new school building are limited to the school office, dining hall and a gym area which will face on to the gable wall of the property. On the first floor, the windows are providing light to the dining hall and gym area void spaces. Therefore, the potential for overlooking is limited. To the front, the closest properties are flats within a tenement block approximately 20 metres away. Canaan Lane is characterised by buildings addressing a narrow street. Given the nature of the surrounding area, 20 metres distance for maintaining privacy is acceptable in this context.

In terms of sunlight and daylight, a sun-path analysis was 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 in early morning, where the orientation of the building overshadows the garden ground of property to the west. However, this garden would be in shadow in any case due to its north facing aspect and the positioning of the house.

With regards to noise, there are playground areas that surround the buildings, plant machinery such as air source heat pumps and air conditioning units, and there will be a kitchen onsite to serve the school. A Noise Impact Assessment has been submitted which includes noise mitigation measures.

The main playground area with the 'kick-about' section is located to the rear of the new school building, in the farthest section of the site from any residential properties. This area will not be fenced off or have any floodlighting. Therefore, the level of noise coming from this area of the site will not impact on neighbouring amenity. Also, there will be no issues in terms of light pollution.

The air source heat pumps are located to the west of the site. Noise protection measures such as an acoustic enclosure were identified in the Noise Impact Assessment. A condition will be added to the permission to ensure the measures are implemented.

The applicant has provided drawings showing where the kitchen ventilation extracts will be located, and Environmental Protection is satisfied that they will not adversely impact neighbouring amenity. A condition will be added to the permission to ensure that these are appropriately located.

The proposed land use is entirely compatible with the adjoining land uses; the proposal will not have an unacceptable impact on the amenity of neighbours, and is in accordance with LDP Policies Hou 7 (Inappropriate Uses in Residential Areas) and Des 5 (Development Design - Amenity).

g) there are any other material considerations.

Archaeology

The site has previously been developed with the construction of the current care home. The potential archaeological implications of this scheme have been assessed and it has been concluded that there are no known archaeological implications, it is therefore acceptable and complies with LDP Policy Env 9.

Containers on site

The site plan has been revised removing a set location for storage containers on site. There is an indicative outline for a container. However this is not formalised in this planning application.

Demolition/ construction works

Deanbank House will remain in use during the demolition and construction of the new school building. Concerns have been raised regarding safe access to Deanbank House and the impact on amenity regarding noise. The applicant will require a building warrant to demolish the care home which will be assessed under the Building Standards legislation. This will include a demolition method statement and within that a traffic management plan for the site to ensure there is an appropriate provision of protective works to safeguard the general public.

h) material representations or community council comments raise issues to be addressed;

Material Objections

- The principle of the school on the site is unacceptable - addressed in Section 3.3(a) of the assessment;
 - The design of the new school building is inappropriate in the conservation area and contrary to LDP design policies - addressed in Section 3.3(b) of the assessment;
 - Impact on neighbouring amenity in terms of noise and privacy - addressed in Section 3.3(f) of the assessment;
 - Concerns over road safety with no drop off zone for cars/ zero parking including disabled persons parking/ on street parking problems already in the area/ congestion/ narrow pavements - addressed in Section 3.3(d) of the assessment;
 - Not enough cycle and scooter parking/storage - addressed in Section 3.3(d) of the assessment;
 - Insufficient landscaping and concerns regarding the north facing playground area - addressed in Section 3.3(c) of the assessment;
 - Unacceptable number of trees being removed - addressed in Section 3.3(c) of the assessment;
 - Concerns regarding the loss of the care home - addressed in Section 3.3(a) of the assessment; and
 - No details of a Construction Traffic Management Plan/ Demolition Management Plan - addressed in Section 3.3(g) of the assessment.
- **Comments in Support**
- A new primary school and nursery within the area is welcome.
- **Non-Material Comments**
- Concerns regarding the three entrances not being staffed at all times - not a planning consideration;
 - Inappropriate internal layout of new school building for teaching - not a planning consideration;
 - Proposals do not comply with LDP Policy Tra 1 and Hou 4 - these policies are not applicable to this application; and
 - Reduction in property value - not a planning consideration

– **Morningside Community Council Comments**

- The Community Council welcomes the provision of the new school and nursery within the area. However, the following material considerations have been raised;
- Concerns regarding pedestrian and road safety - addressed in Section 3.3(d) of the assessment;
- Concerns regarding no disabled persons parking being proposed - addressed in Section 3.3(d) of the assessment; and
- Concerns expressed over the storage containers on site/ extra storage should be incorporated into the design - addressed in Section 3.3(g) of the assessment.

Conclusion

The proposal complies with the Local Development Plan, with the exception of Policy Env 6 (b) in regards to the loss of trees. However, this departure is justified and the scheme of replanting will mitigate against the loss of character and amenity provided by the existing trees. The proposal also comply with the relevant non-statutory guidance.

The proposal is acceptable in principle and is of a high standard of design, enhancing the character and appearance of the Grange Conservation Area. There will be no impact on the amenity of neighbours and will have no detrimental impact on road safety. No material considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The retained trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".
2. The following noise protection measures to the proposed development, as defined in the Sandy Brown 'Noise Assessment' report (Ref 18304-R08-A dated 25 April 2019):
3. All Air Sourced Heat Pumps (ASHP) shall be located within an acoustic enclosure. The enclosure should comprise acoustically attenuating louvres. The enclosure must surround the ASHPs to all four sides and must continue from ground level to a minimum height of 900 mm above the top of the ASHP units.
4. Atmospheric side attenuators shall be fitted to the kitchen extract and supply fans shall be carried out in full and completed prior to the development being occupied.

5. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 3972-AL(0)123 dated 28/01/2019 shall be implemented.

Reasons:-

1. In order to safeguard existing trees.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.

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. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees without the approval of the Planning Authority.

5. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

6. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards. The Sandy Brown 'Noise Assessment' report (Ref 18304-R08-A dated 25 April 2019) has provided specific recommendations demonstrating how the above criteria can be achieved.

7. No works should be undertaken on the trees within the breeding season (Mar-Sept) without a check by a suitably qualified ecologist to confirm no birds are present.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is a Council development.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following a press advert, site notice and neighbour notification, 68 letters of representation were submitted. This comprised 5 letters of general comment, 4 letters of support and 59 of objection.

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 lies within the urban area and within the designated Grange Conservation Area.

Date registered

13 February 2019

Drawing numbers/Scheme

01-08, 09(a), 10(a), 11-15, 16(a), 17, 18(a), 19-20, 21(b), 22(a), 23(b), 24, 25, 26,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

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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 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 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

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

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.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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.

Other Relevant policy guidance

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

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

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

LDP Policy 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.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Other Relevant policy guidance

Appendix 1

Application for Planning Permission 19/00435/FUL At Deanbank, 35 & 35B Canaan Lane, Edinburgh Demolish the existing care home and erect a new primary school and nursery including refurbishment of Deanbank House and associated works.

Consultations

Environmental Protection Response

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

19/00435/FUL | Demolish the existing care home and erect a new primary school and nursery including refurbishment of Deanbank House and associated works. Deanbank 35 & 35B Canaan Lane

The site is located in the existing Oaklands Care Home grounds, in Morningside, to the north of Canaan Lane and to the east of Morningside Road. The existing Oaklands Care Home building is to be demolished. The nearest dwellings are located to the northwest, west, and south of the site, the closest of which is approximately 15 m from the west facade of the school building. St Peter's RC Primary School and the ARK Housing Association offices are located to the north / northeast.

The proposed development is a new-build two-storey primary school containing primary school classrooms (P1 - P4), nursery classrooms, a gym, a dining hall, and other associated accommodation, together with external playing areas. The existing Deanbank House is to be refurbished to accommodate the P5 - P7 classes.

Environmental Protection had raised concerns regard the potential noise impacts this proposal may have on neighbouring residents. The applicant has submitted a support noise impact assessment which has addressed all the concerns raised.

The applicant has confirmed that that 'kickabout' area will not be enclosed or floodlit which is positive from a noise/light pollution perspective as impact noise on fencing can be loud and cause disturbance.

The applicants noise impact assessment has identified that plant noise will need to be mitigated. Confirmation has been provided on the exact location of the plant. Environmental Protection are satisfied that the worst-case scenario has been assessed and the proposed mitigation measures are adequate to protect neighbouring residential amenity and not disturb the school classes. Environmental Protection shall recommend conditions and an informative are attach to any consent to ensure the mitigation measures are applied.

The applicant states that the service yard will not be used outside the school operational hours. Environmental Protection recommend that this is conditioned, the applicant has confirmed that this is something they would be willing to accept. As Environmental Protection understand this would be between 8:00am and 16:00. The applicant advises that the yard is to be used for adhoc Light Goods Vehicle (LGV) deliveries to the school and for bin collections. Environmental Protection have noted that there are clear gaps between these structures and it is likely noise will potentially impact the residential buildings however as the deliveries and collections will only occur during daytime hours this will not adversely impact amenity.

The applicant has provided drawings showing where the kitchen ventilation extracts will be located and Environmental Protection are satisfied that they will not adversely impact neighbouring amenity. Environmental Protection shall recommend conditions to ensure they are appropriately located.

Environmental Protection offer no objection subject to the following conditions;

Conditions

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 3972-AL(0)123 dated 28/01/2019 shall be implemented.
2. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.
3. The following noise protection measures to the proposed development, as defined in the Sandy Brown 'Noise Assessment' report (Ref 18304-R08-A dated 25 April 2019:
- 4 All Air Sourced Heat Pumps (ASHP) shall be located within an acoustic enclosure. The enclosure should comprise acoustically attenuating louvres. The enclosure must surround the ASHPs to all four sides and must continue from ground level to a minimum height of 900 mm above the top of the ASHP units.
- 5 Atmospheric side attenuators shall be fitted to the kitchen extract and supply fans shall be carried out in full and completed prior to the development being occupied.

Informative

It should be noted that when designing the exhaust ducting, heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest

residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Head of planning and Building Standards. The Sandy Brown 'Noise Assessment' report (Ref 18304-R08-A dated 25 April 2019) has provided specific recommendations demonstrating how the above criteria can be achieved.

Roads Authority Response

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

1. The applicant should be required to provide cycle parking in a secure and under cover location in line with the Council's parking standards. These require a minimum of 2 spaces plus 1 per 7 staff and 1 per 10 pupils;
2. The works to form the new vehicular access will require further approval. For the avoidance of doubt, the proposed layout, markings and signs are not approved at this stage;
3. Demolition and construction traffic is likely to have a significant impact on the immediate road network. The applicant should discuss arrangements at an early opportunity with the South West Locality office;
4. Given the presence of school and other children, access to the off-street service area should be restricted to avoid school entry and exit times.

Note:

- o Zero car parking is considered acceptable in this location;

Flood Protection Response

Subject to official sign off from Scottish Water to discharge surface water into their system, Flood Prevention are content for this application to proceed to determination.

Archaeology Response

Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & CON applications to demolish the existing care home and erect a new primary school and nursery including the refurbishment of Deanbank House and associated works.

The site probably formed part of the southern medieval burghmuir, an area associated with the mustering of the Scottish Army before the Battle of Flodden in 1513. The care home site remained open ground until the late 20th century and its construction, whereas the site of Deanbank House has been occupied by a number of villas since the mid-19th century.

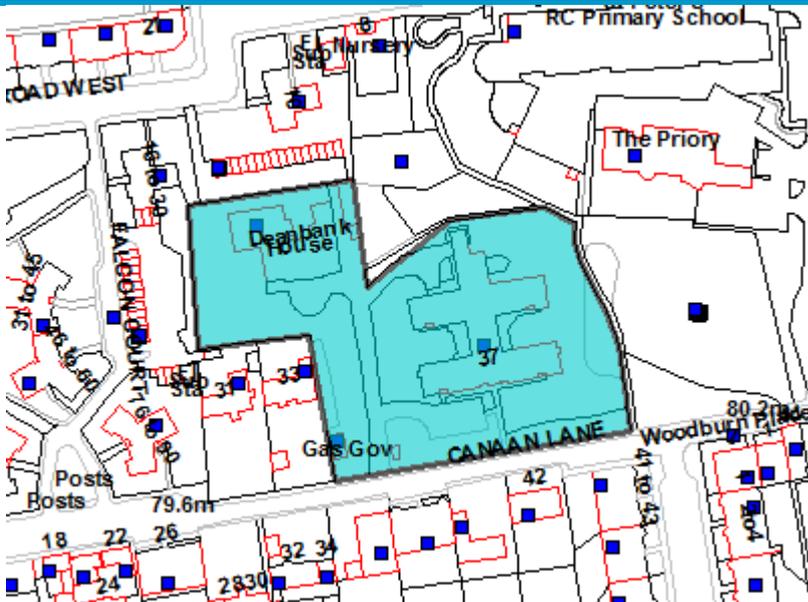
Given the significant impact of the care home it has been concluded that that site has minimal potential for containing insitu significant remains. Therefore, it has been concluded that there are no, known, archaeological implications regarding these applications.

Waste Services

The City of Edinburgh Council does not provide a waste service to commercial properties, and therefore will not be the provider of waste management services to this property. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. Depending on the size and use of the property it may also be that they are required to segregate other streams as appropriate to the activities on site.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts.

Location Plan



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