

Development Management Sub-Committee Report

Wednesday 9 August 2023

Application for Planning Permission

Brunstane Primary School, 106 Magdalene Drive, Edinburgh

Proposal: Two double-storey classroom blocks and a single-storey WC block to provide temporary facilities at Brunstane Primary school for up to 2 years. Buildings will be sited within the school grounds.

Item – Committee Decision

Application Number – 23/02384/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as the applicant is the Council.

Recommendation

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

Summary

Subject to a condition restricting planning permission for a temporary period of two years, the proposed development in the short term is compatible with NPF 4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. The condition is to reflect the temporary nature of the development. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to the playgrounds of Brunstane Primary School and is located off Magdalene Drive.

Brunstane Primary School building sits at the centre of the site with Magdalene Community Education Centre to the west and the school nursery sits to the south. The site is bordered by residential properties to the north and west. The A1 dual carriageway runs along the east of the site with an outdoor playpark between the school on eastern boundary. The southern edge of the site borders a local natural conservation site.

Description Of The Proposal

The application seeks temporary planning permission to install 'Portakabins' classroom facilities within the school grounds for a period of two years. The proposal includes two double-storey classroom blocks (Block 1 and Block 2) and a single-storey toilet block (Block 3). This is to provide temporary accommodation during the rebuilding of the school after a fire.

Supporting Information:

- Product specification

Relevant Site History

23/02395/FUL
Brunstane Primary School
106 Magdalene Drive
Edinburgh
EH15 3BE

Fabric upgrades including new external render and cladding systems, and new windows. New heating and ventilation system including air source heat pump and mechanical ventilation with heat recovery. This includes external plant equipment. Proposals also include improvements to building accessibility and minor internal alterations and enhancements to internal user comfort. Brunstane Primary School is a pilot retrofit project to target near net zero operational carbon emissions by 2035.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 14 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

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) & 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?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports 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 Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places policies 1, 2 and 3;
- NPF4 Liveable Places policy 14;
- NPF4 Productive Places policy 25; and
- LDP Design policies Des1, Des 4 and Des 5.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering design and amenity related policies.

Principle of Development

The site is located within the urban area and is within the curtilage of the existing school. The principle of development within this location is therefore established.

The design and siting of the proposed 'Portakabins' classroom and WC facilities reflect the interim arrangement to rebuild the existing school. For that reason, it will be necessary to impose a planning condition to require its removal after a period of two years. This is to safeguard amenity impacts on its surroundings and to reflect the temporary nature of the proposals.

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed temporary accommodation is to facilitate the rebuilding of the school after a fire which supports the spatial principles of 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

NPF4 policy 2 seeks to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Information provided on the proposed plan drawing states that temporary buildings with a planned use of less than two years are exempted from the national building regulation requirements for energy efficiency. SEPA's flood maps show low/medium potential for localised effects of surface flooding within the school grounds. Given the temporary nature of the 'Portakabins' classroom facilities within existing school grounds and on existing hardstanding tarmac, it would be onerous and unreasonable to request a Flood Risk Assessment and Surface Water Management Plan in these circumstances. While current impacts of climate change are not demonstrated, the temporary nature of the structures ensures that potential future impacts will be minimised.

Amenity

LDP policy Des 5 (Development Design - Amenity) requires the amenity of neighbouring developments not to be adversely affected.

The proposed development will not result in unreasonable loss of privacy, sunlight or result in adverse overshadowing.

Conclusion in relation to the Development Plan

Subject to a condition restricting planning permission for a temporary period of two years, the proposal in the short term is compatible with the policies contained in NPF4 and in the Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the 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

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Access to the ground floor will be step free. The classrooms provided on the ground floor account for 50% of the overall classroom space. Therefore, anyone with accessibility needs will be provided for, and able to work and learn in one of these rooms, be it a pupil, staff member or visitor. Occupancy of all classrooms will be a maximum of 30 (28 children and 2 teachers) at any one time, therefore each floor will not have an occupancy of over 60 at any one time.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

No comments were received.

Conclusion in relation to identified material considerations

The material planning considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

Subject to a condition restricting planning permission for a temporary period of two years, the proposed development in the short term is compatible with NPF 4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. The condition is to reflect the temporary nature of the development. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Permission is granted for a limited period of two years from the date of this permission. The use hereby approved shall cease and any related buildings or structures removed prior to or on the date of expiry of the limited period of consent. The land shall be restored to its previous condition within 3 months of the cessation of the development.

Reasons

1. Due to the temporary nature of the proposed development.

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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 14 June 2023

Drawing Numbers/Scheme

01-09.

Scheme 1

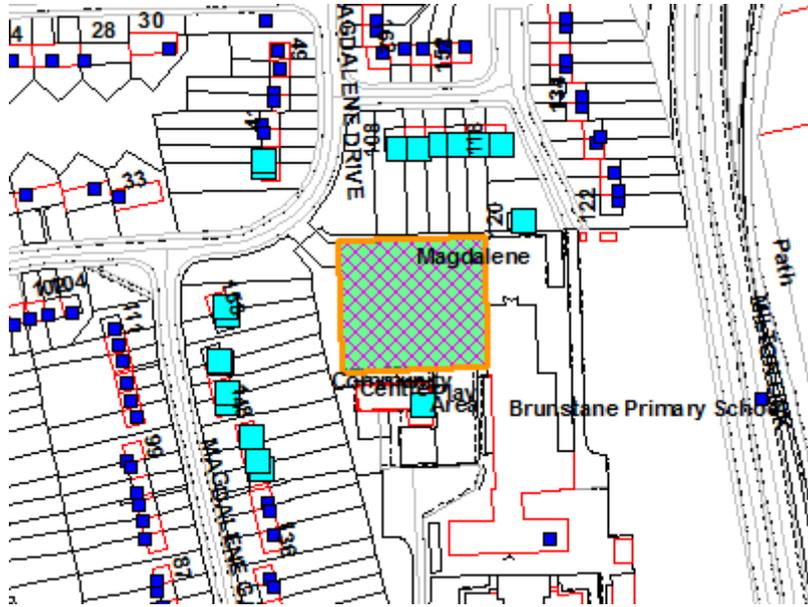
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Summary of Consultation Responses

No consultations undertaken.

Location Plan



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