

# Development Management Sub-Committee Report

**Wednesday 9 August 2023**

## **Application for Planning Permission**

**Brunstane Primary School, 106 Magdalene Drive, Edinburgh**

**Proposal: 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.**

## **Item – Committee Decision**

**Application Number – 23/02395/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**

The proposed development complies with NPF 4 policies in relation to sustainable, liveable and productive places. The proposed development complies with the Edinburgh Local Development Plan policies. Conditions relating to materials and details of a standalone plant enclosure have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. There are no material considerations that would outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application relates to Brunstane Primary School which is a two and three storey building and is located off Magdalene Drive.

Within the school grounds, Magdalene Community Education Centre sits to the west of the primary school building 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 proposal is to retrofit the existing Brunstane Primary School building to target net zero operational carbon emissions by 2035 and to improve the accessibility of the building. The proposed works include:

- New rendered external wall insulation to all external walls;
- Replacement doors and windows;
- Replacement of existing curtain wall sections with new rainscreen cladding system;
- New insulation to existing roofs;
- New whole-building ventilation system with heat recovery including externally located Air Handling equipment;
- New Air Source Heat Pump system providing space heating and hot water external located condenser units; and
- New step free access to all entrances.

### **Supporting Information**

- Noise Impact Assessment; and
- Design and Access Statement.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

None.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Environmental Protection

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 8 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:** 1

## 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 and 2;
- NPF4 Liveable Places policy 14;
- NPF4 Productive Places policy 25 and
- LDP Design policies Des1 and Des 12.

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

### 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 development contributes to the 'Just transition' in terms of targeting net zero.

NPF4 policy 2 c) states that retrofitting measures to existing developments to reduce emissions or support adaptation to climate change will be supported. The proposed development complies with this criterion in terms of improving insulation, air tightness, and use of air source heat pumps which is a low carbon technology to heat buildings.

### Design, quality and place

The proposed external works will enhance the distinctiveness of Brunstane Primary School without adverse harm to its neighbourhood character. A condition, requiring details of the proposed colour strategy for the proposed windows, render and rainscreen cladding is required. This is to ensure that the proposed development will be finished to a high standard of design and that the colour strategy is appropriate for its context.

### Amenity

The proposed external works to the existing building will not result in loss of privacy, sunlight or result in overshadowing.

Environmental Protection were consulted on the proposal and raised no objection, subject to a condition requiring a 2-metre-high closed boarded open top acoustic enclosure installed around the external plant compounds. Three plant enclosures will be located on the east elevation of the existing building and will measure between 3 to 4 metres high. A standalone plant enclosure, adjacent to the existing bin store on eastern section of the site is proposed but the height of this enclosure is unclear. As the application relates to an established school use, the definition of 'development' under section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended) does not apply to the operational control of plant or machinery. Therefore, a condition requiring a 2-metre-high enclosure to be installed prior to operation of the plant equipment is not applicable as it would not meet the policy tests for an effective planning condition under Circular 4/1998 in terms of its relevance to planning. A condition, however, requiring details of the proposed standalone plant enclosure to the east of the site to be provided is required. This is to assess this matter in more detail and to be clear what consent is granted for.

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

The proposal complies 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. As proposed development contributes to the 'Just transition' in terms of targeting net zero, climate related mental and physical effects will be enhanced as a result. In addition, the proposed works to introduce step free access to all entrances will improve the accessibility of the building.

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

One general comment was received, and a summary of the representation is provided below.

#### *non-material considerations*

- Children deserve a brand-new school, and this application is throwing money down the drain - not material to the assessment of the application or within the scope of the application to resolve.

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

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

## **Overall conclusion**

The proposed development complies with NPF 4 policies in relation to sustainable, liveable and productive places. The proposed development complies with the Edinburgh Local Development Plan policies. Conditions relating to materials and details of a standalone plant enclosure have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. 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. 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. Notwithstanding the approved drawings, details of the proposed standalone plant enclosure to the east of the site (adjacent to bin stores) as shown on Drawing 12 and 13 shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

### Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.

### 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: 2 June 2023**

## **Drawing Numbers/Scheme**

01-21

Scheme 1

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

Contact: Laura Marshall, Planning Officer  
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## Appendix 1

### Summary of Consultation Responses

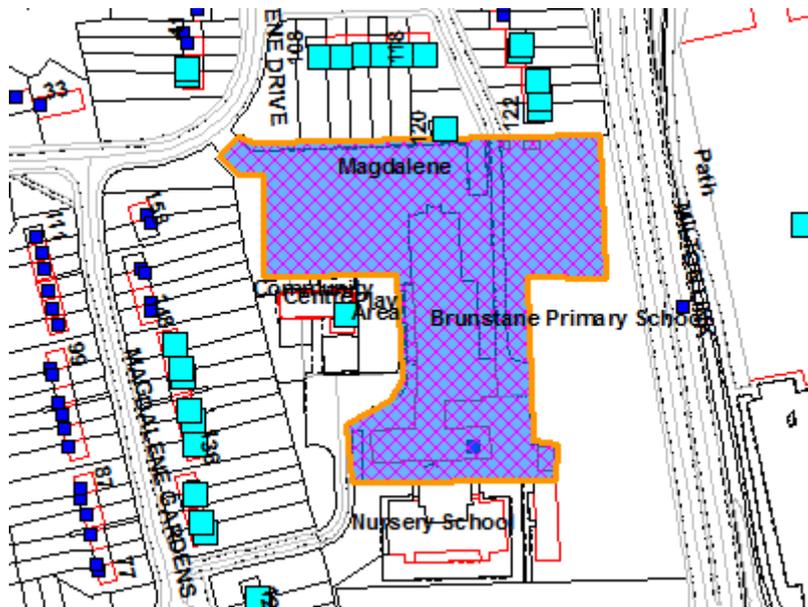
NAME: Environmental Protection

COMMENT: No objection, subject to a condition requiring a 2metre high plant enclosure.

DATE: 14 June 2023

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

### Location Plan



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