

Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission
21 Calder Road, Edinburgh, EH11 3PF**

**Proposal: Change of use to form Class 10 primary education centre,
including forming new vehicular access.**

**Item – Committee Decision
Application Number – 23/00933/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 209 letters of representation in objections and 629 in support to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal does not comply with the local development plan Policy Hou7 and NPF4 Policy 23, as the amenity of those in neighbouring residential properties would be detrimentally impacted on by way of noise and disruption.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a detached, two storey property, with front, side and rear garden areas. The site is currently an office, with an annex and garage. It is situated in a residential area with two access points: one from the south of Calder Road (A71) and the other from a small estate road, Gaskell Street. To the south site of the site is located HMP Saughton and southwest a new housing development.

The size of the site is approximately 1122 square metre.

The site is located in the urban area as designated in the Local Development Plan (LDP).

Description of the Proposal

The proposal is for the change of use from an office to a Class 10 primary education centre and includes the formation of a new vehicular access.

The proposal would operate as an independent day primary school, with ancillary activities, such as community classes and adult education during after-school hours.

The proposed development would have four parking spaces and a cycle rack for 10 bicycles, with access to be taken from the existing pedestrian access point towards the southern end of the east boundary.

The attached rear annex, which has an independent access, is not included in these proposals, and it will remain as ancillary office/storage accommodation. Likewise, the detached garage building is not included and shall remain as ancillary storage space.

Supporting Information

- Noise Impact Assessment
- Planning Statement
- Business Plan Statement
- Travel Plan

Relevant Site History

21/05061/FUL
21 Calder Road
Edinburgh
EH11 3PF
Change of use for office to residential.
Granted
2 December 2021

22/03889/FUL
21 Calder Road
Edinburgh
EH11 3PF
Change of use to form class 10 cultural and recreational centre, including forming new vehicular access.
Refused
24 October 2022

Other Relevant Site History

25 October 2022 - Enforcement enquiry for alleged unauthorised development - change of use and the erection of a two metre high fence at the front and side of the

property. Case closed. (22/00703/EOPDEV)

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 13 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 845

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 Policy 1, 9
- NPF4 Health and safety Policy 23
- LDP Design Policies Des 1 and Des 12
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

Principle

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) seeks to encourage the re-use for vacant or derelict buildings; the use of the building as a school would assist in the provision of education and would provide community facilities that would be of benefit to the community. Providing the proposal would be in compliance with other relevant development plan policies, the use of the building would be acceptable in principle.

Climate and Nature Crisis

There are some public transport options nearby, although it is anticipated that there would be a reliance on private vehicles for school journeys. However, given the scale of the proposal and the availability of public transport links, the proposal would not have an unacceptable effect when assessed against NPF 4 Policy 1 (Tackling the climate and nature crises).

Scale, Form and Design

No significant alterations are proposed externally, and the development would not be damaging to the character of the surrounding area. The proposed hardstanding area at the rear of the property to provide parking space would be acceptable, as it would leave an appropriate area of soft landscaping around it.

Clarification has been sought from the Education Department in terms of provision of open space for children within school. They have advised that the school premises regulations that set accommodation and site size requirements only apply to local authority schools or schools that are directly funded by the Scottish Government. In that case those requirements do not apply for 'independent school'. Any consideration of this matter would fall outwith the remit of the planning application.

The proposal complies with LDP Policies Des 1 (Design Quality and Context) and Des 12 (Alterations and Extensions).

Residential Amenity

The Local Development Plan policy Hou 7 (Inappropriate Uses in residential Areas) aims to ensure that no unreasonable noise impact or loss of daylighting, privacy and sunlight occur to neighbouring properties. Furthermore, NPF4 policy 23 (Health and Safety) states development proposals that are likely to raise unacceptable noise issues will not be supported.

Whilst the site is located off the A71, its immediate character is that of a residential area, with a number of houses in close proximity to the east.

A Noise impact Assessment has been submitted with the proposal and Environmental Protection (EP) has been consulted. That service has concluded that the level of noise from Calder Road traffic could mask some of the noise source associated with the normal operation of the school; accordingly, EP raised no objection to the proposal.

However, the additional daily traffic and characteristic school activities, such as outdoor play and gatherings, could be a source of noise that the planning authority would have no control over. Moreover, the authority could not seek to limit the number of students and the frequency of related activities.

In addition, whilst daytime traffic noise could provide some amelioration from the noise of the school, this would not be the case in the evenings, when ambient noise levels drop.

Given the nature of the proposed use, having regard to the anticipated daily number of visitors, its general characteristics and potential hours of operation, it is considered that the amenity of those in neighbouring residential properties would be detrimentally impacted on by way of noise and disruption.

The development would have a negative impact on neighbouring residential amenity and would not be in compliance with LDP Policy Hou 7 and NPF4 policy 23(e).

Transport & Parking

NPF4 Policy 13 aims to encourage sustainable travel and LDP Policies Tra 2 - Tra 3 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out car and cycle parking requirements.

The applicant has submitted a detailed transport statement and transport plan outlining the proposed modes of transport to the school within core hours, evening and weekends.

It concludes that the nature of the surrounding road network is sufficient to accommodate the likely traffic demands associated with the development.

Due to the significant traffic flows on the A71, cycling to school for children is not realistically feasible in terms of safety, although it would however be an option for staff. Walking is an option, albeit under supervision, and it would likely be in conjunction with bus travel or by drop-off to a nearby location.

A total of four car parking spaces, including one disabled bay, is proposed and this complies with the Council's parking standards which could allow a maximum of five parking spaces in Zone 3.

A covered secure cycle store will be provided in the rear area for 10 bicycles. In that case the proposal for cycle parking does not meet Edinburgh Guidance Standards as the requirement for the proposed primary school with maximum capacity of 100 pupils is 11 secure cycle parking spaces.

The Roads Authority was consulted on the application and raised no concerns, subject to a condition/informative.

The proposal complies with LDP Policies Tra 2 but does not comply with Tra 3.

Conclusion in relation to the Development Plan

The proposal is contrary to LDP Policy Hou 7, as it would have a detrimental impact on the amenity of neighbouring residents.

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.

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

A summary of the representations is provided below:

The application has attracted 209 letters with objection and 629 letters in support.

Objection

material considerations

- Impact on neighbouring amenity - assessed in section (a)
- Increase in traffic and noise - assessed in section (a)
- Negative impact on standard of living for nearby - assessed in section (a)
- Detrimental impact on the neighbouring community - assessed in section (a)
- Impact on road safety/transport - assessed in section (a)
- Insufficient car parking and lack of disabled car park spaces - assessed in section (a)

non-material considerations

- Notification list not given to all those directly impacted on estate - a statutory publicity period was carried out and neighbour notification letters sent to all parties within a 20 metre radius.
- Proposal fails to comply with educational legislation.
- The building is unlikely to have adequate internal vertical circulation provision to meet the requirements for fire evacuation.
- The school is next door to the prison.
- Overcrowding of classrooms.
- Principle of religious education/segregation.
- Impact on house prices.

Support

- Good use of the building - assessed in section (a)
- Good benefit to the community and society at large - assessed in section (a)
- Supports Education provision - assessed in section (a)
- It will provide some employment - assessed in section (a)
- Positive impact on the area and surroundings - assessed in section (a)
- The proposal will create a sense of belonging - assessed in section (a)

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Many of the comments relate to the religion of the users of the school and this is not material, as the proposal in land use planning terms is for a school only, and not a school for an identified end user.

Overall conclusion

The proposal does not comply with LDP Policy Hou 7 and NPF4 Policy 23, as it would have an adverse impact on residential amenity by virtue of noise and disruption.

There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas and NPF4 Policy 23 (Health and safety), as it would have an adverse impact on neighbouring residential amenity due to increase in noise and disruption.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 3 March 2023

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: veronika.myslowiecka@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objection.

DATE: 27 March 2023

NAME: Transport Planning

COMMENT: No objections subject to appropriate conditions and informatives:

1. 11 secure cycle parking spaces will be required for the proposed primary school with maximum capacity of 100 pupils
2. The applicant should consider developing a Travel Plan including provision of a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

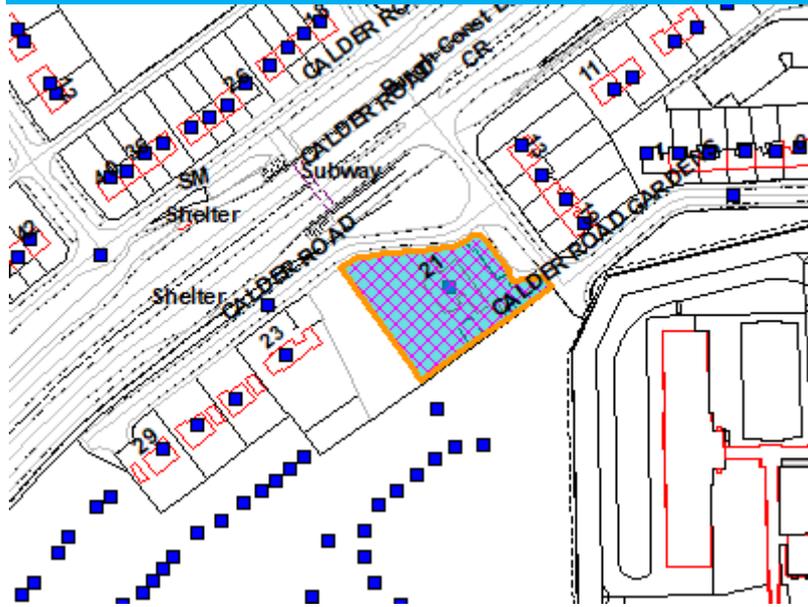
Note

- a) 4 car parking spaces including 1 disabled bay is proposed and complies with the Council's parking standards which could allow a maximum of 5 parking spaces in Zone 3.
- b) The one-way system will provide access to a disabled car parking space on the eastern elevation of the building and 3 staff parking spaces within a gated courtyard at the rear of the property. The one-way loop system will also operate as a drop off / pick up lane with storage up to 7 vehicles at any time.
- c) The proposed primary school will generate 44 vehicle trips during school start and 44 during the closing time. The applicant proposes to stagger both arrival and departure of the school period and this will lead to estimated 15 vehicular trips per 30 minute period.

DATE: 22 May 2023

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

Location Plan



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