

Development Management Sub-Committee Report

Wednesday 4 December 2024

**Application for Planning Permission
Frogston Primary School, 29 Achnacarry Street, Edinburgh.**

Proposal: Extension to the existing Frogston Primary School. The proposal increases the school's capacity from a 2-stream to a 3-stream school (+196 pupils) (as amended)

**Item – Committee Decision
Application Number – 24/03166/FUL
Ward – B16 - Liberton/Gilmerton**

Reasons for Referral to Committee

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 comply with the Development Plan as they are in accordance with the relevant policies of the Local Development Plan and National Planning Framework 4. There are no material considerations for not approving the proposals.

SECTION A – Application Background

Site Description

The site is the rear (east) elevation and curtilage of Frogston Primary School.

The 2-storey with pitched roof school is generally 'F-shaped' with two 'wings' projecting from the rear. It has three pedestrian accesses from Frogston Road East, Bowbridge Crescent and Achnacarry Street, and one vehicular via the latter.

The site is largely confined to the southern half of the school and grounds, and the multi-use games area and associated soft landscaping shall be unaffected. It is surrounded by residential development on all sides with those to the west and south arising from the former Local Development Plan (LDP) 2016 housing allocation HSG 21 Broomhills. This allocation is effectively completed and was removed under the current LDP.

Description of the Proposals

Planning permission is sought for the extension of Frogston Primary School.

The extension will attach to the rear elevation of the uppermost 'wing'. It shall follow its building lines and match the creamy buff brick appearance of the school. No additional car parking is proposed but a further 26 cycle spaces will be provided next to the existing provision. No changes are proposed to the current pedestrian and vehicular access arrangements.

The proposals include the reconfiguration of a tree lined mound that was formed between the site and residential properties on Burdiehouse Road / Jeanfield under a non-material variation to planning permission 18/08609/FUL (reference 18/08609/VARY) for the original school. The mound will be reduced in 'width' (east / west) and lowered in 'peak' when compared to the existing and located further to the east. A path will be formed to the west of the 'peak'.

The application was amended prior to this recommendation. Scheme 1 proposed to reduce the 'peak' of the existing mound by 1.56m but this amendment has now been removed following further consultation with residential properties by the applicant. This shall also allow more trees to be retained.

Supporting Documentation

Design and Access Statement, and Flood Risk Assessment with Surface Water Management Plan. These are available to view on the City of Edinburgh Council (CEC) planning portal.

Relevant Site History

18/08609/VARY
Land At
Frogston Road East
Edinburgh

Non Material Variation changes to landscape proposals.
VARIED
15 November 2019

14/04860/FUL
Land 296 Metres South Of 17
Frogston Road East
Edinburgh

Residential development (633 units) (with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus site for new Primary School.

Granted

12 May 2017

18/08609/FUL

Land At

Frogston Road East

Edinburgh

New build primary school and early years centre. The proposal will incorporate space for 462 primary school pupils and 80 nursery pupils.

Granted

22 February 2019

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

CEC Flood Prevention

CEC Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 July 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 10

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) & City Plan 2030 (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

The relevant policies are:

- LDP Environment and Design Policy 1, 5, 6, 7, 20, 25, 33, 35, 36 and 37;
- LDP Infrastructure and Transport Policy 6, 7 and 16;
- NPF4 Sustainable Places Policy 1, 3, 9, 11, 12 and 13; and
- NPF4 Liveable Places Policy 14, 21 and 22.

The non-statutory Edinburgh Design Guidance is material in the consideration of the application.

Design and impact on the character and appearance of the surroundings

The school was originally designed to accommodate this future transition from 2-stream (15 classes) to 3-stream (22 classes). The extension will match the appearance and scale of the school, and this design is compatible with the character of the existing building and its grounds. It will not result in an unreasonable loss of privacy or natural light to neighbouring properties and nor shall it be detrimental to neighbourhood amenity and character.

The design, scale and layout of works within the grounds including the reconfiguration of the mound and hard and soft landscaping are suitable, and they will also generally match that already established. Formal (sports pitch and hardstanding) and informal (mound) play opportunities are either unaffected or retained. The proposals will contribute towards a vibrant, successful place by their acceptable design, scale, siting and layout.

The proposals are in accordance with the relevant sections of LDP Policy Env 1, Env 5, Env 25, and NPF4 Policy 14 and 21.

Global climate and nature crises

Significant weight has been given to the global climate and nature crises and the balance is tipped in favour of the proposals. They relate to previously used land. The extension will adopt similar energy efficient principles to the existing school including integrating with the current air source heat pump with bivalent gas boiler and the incorporation of passive ventilation measures.

The reconfiguration of the mound has allowed more of the fairly immature trees to be retained, and this will be supplemented by additional planting. Disturbed materials are to be reused where feasible, and no change is proposed to the current car parking arrangements. The design and location of the additional 26 cycle parking spaces is acceptable, and adequate provision has been made for an increase in refuse/recycling generation. The range and quality of habits, soft landscaping and green / blue infrastructure measures are proportionate and acceptable for proposals which relate to the extension of existing school in an urban environment. CEC Flood Prevention raise no objection on flood risk or surface water management grounds.

The proposals are in accordance with the relevant sections of LDP Policy Env 5, Env 6, Env 20, Env 35, Env 36, Env 37, Inf 6, Inf 7 and Inf 16, and NPF4 Policy 1, 3, 9, 11, 12, 13 and 22.

Residential amenity

The extension and the works within the grounds do not give rise to any material residential amenity concerns. The reconfiguration of the mound will not impede levels of natural light to existing gardens given their aspect, the location of the 'peak' and its separation, and as the rear of some properties to Burdiehouse Road/Jeanfield are already defined by a retaining wall. Although a path is proposed across the mound, this shall sit below the 'peak'; and be separated / screened from residential properties by trees/foliage.

The proposals are in accordance with the relevant sections of LDP Policy Env 33.

Transport

The majority of the representations raise concerns with the schools existing transport and parking arrangements. The report of handling for planning permission 18/08609/FUL, which is that for the original school, notes *"In line with Council policy, school drop off points are not supported"*. One of the reasons behind this was to encourage parents and staff to travel by active means, the latter being through the level of car parking within the site. The no school drop off remains the position of the Council as Education Authority and one is not proposed under this application.

The roads relating to the residential development approved by planning permission 14/04860/FUL, which was referred to by the developer as 'Heritage Grange', are not adopted by the Council as Roads Authority. It is understood that this is preventing the implementation of parking restrictions or a 'School Streets' project but discussions with the relevant Council services regarding adoption and any possible physical changes are ongoing. Eventual deployment of either is very unlikely to involve the Planning Authority.

These proposals are primarily concerned with the transport impacts from the transition from a 2-stream school to a 3-stream. To that end, the extension is considered acceptable against relevant transport policy as the increased movements from the proposals shall not themselves be significant and no new parking is still supported as a means to encourage travel by sustainable means. Significant weight must also be given to schools being critical infrastructure and the fact that 'poor' or 'inconsiderate' parking, including the blocking of 'driveways', is outwith the control of the Council regardless of the existence of formal measures (e.g. yellow lines).

CEC Transport Planning raise no objection to the proposals. Securing their request of £61,250 in respect of LDP Action Programme 2023 action TR-SA-HSG21-3, and the construction of toucan crossing on Frogston Road East, would not be competent as this relates to a historic LDP housing allocation (HSG21 Broomhills) which is effectively completed. This does not mean that the Council will no longer seek to carry out these works as they are still responsible for its delivery. The other matters raised can be suitably addressed by an informative as the Council are the developer and as discussions regarding the existing transport impacts are ongoing between relevant services.

The proposals are in accordance with the relevant sections of LDP Policy Inf 6 and Inf 7, and NPF4 Policy 13.

Conclusion in relation to the Development Plan

The proposals are in accordance with the Development Plan as they comply with LDP Policy Env 1, Env 5, Env 6, Env 7, Env 20, Env 25, Env 33, Env 35, Env 36, Env 37, Inf 6, Inf 7 and Inf 16, and NPF4 Policy 1, 3, 9, 11, 12, 13, 14, 21 and 22.

b) There are any compelling material considerations for not approving the proposals

The following matters have been identified as material considerations.

Equalities and human rights

Due regard has been given to Section 149 of the Equality Act 2010 and human rights; no material adverse impacts have been identified.

Public representations

10 representations were received, eight in objection and two in support. Matters raised by objectors have been summarised below and addressed in section a) of this report on handling.

Material considerations

- Impacts from possible increased vehicular movements.

Non-material considerations

- Alleged abusive and / or confrontational drivers;
- Alleged mistruths told by estate agents;
- Alleged poor parking and/or driving, including the blocking of driveways and
- Management of construction.

Conclusion in relation to identified material considerations

None of the identified matters constitute compelling material considerations for not approving the proposals.

c) Overall conclusion

The proposals comply with the Development Plan as they are in accordance with the relevant policies of the Local Development Plan and National Planning Framework 4. There are no material considerations for not approving the proposals.

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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

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. The proposed development 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
4. The applicant should update the school's travel plan.
5. The applicant should consider registration of the site under the Considerate Constructors Scheme given the proximity of residential properties.
6. The applicant should consider the development of a Construction Transport Management Plan.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 8 July 2024

Drawing Numbers/Scheme

01, 02A, 03-06, 07A, 08-10

Scheme 2

David Givan
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PLACE
The City of Edinburgh Council

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Appendix 1

Summary of Consultation Responses

NAME: CEC Flood Prevention

COMMENT: No objection

DATE: 3 October 2024

NAME: CEC Transport Planning

COMMENT: No objection subject conditions or informatives

DATE: 10 October 2024

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

Location Plan



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