

# Stockbridge and Inverleith Community Council



**Application No. 12/03567/FUL** (submitted by the Raeburn Place Development Ltd (**RPDL**) and The Edinburgh Academical Club (**EAC**), 11A Portgower Place, Edinburgh EH4 1HQ

**Erection of stands, clubhouse and facilities, associated commercial, business and retail uses including museum, licensed premises and function space, retail units, alterations to external landscape, car and coach parking, sports pitch realignment, sport floodlighting and alterations to vehicular access points and boundary walls.**

1. Stockbridge and Inverleith Community Council as a **statutory consultee** have considered this application and its likely effects on local residents. A significant number of residents are not in favour of its proposals. The Community Council has a duty to take account of all views and represent the community.
2. The key planning consideration is whether the development is acceptable in principle having regard to the development plan. (Item 13, Report to the Development Sub-Committee, July 4<sup>th</sup> 2012). It clearly is not; we establish this as we present our objections.
3. We object as the proposal is contrary to: the Edinburgh City Local Plan (ECLP); the Edinburgh and Lothians Structure Plan; the Inverleith Conservation Character Appraisal and the Inverleith Conservation Management Plan; together with Scottish Government Planning Policies (SPP and SHEP). It would materially affect the living conditions of residents with loss of amenity – traffic problems, noise, loss of **public** views and of the historic environment. Far from preserving and enhancing the Inverleith Conservation Area it would be detrimental. There would be loss of Open Space to commercial/retail development; it has been called a backdoor retail development. The loss of Open Space is almost 30% of the present area and includes the loss of the use of one rugby pitch. It will have an adverse economic impact on the Stockbridge Town Centre (STC). There are no positive material considerations sufficient to counter balance this loss of amenity to the community. It is contrary to ECLP, Os1 and Os2 and other planning policies.
4. Given the site and its location, the proposed stadium is too large in size in all respects: the new stand; the function rooms; and above all the retail/commercial units are all too large. Its positioning will adversely affect the area around and is not in the optimum position for viewing rugby. Removal of the traditional stone boundary wall (that is in keeping with the area) and its replacement with a

modern shop frontage will profoundly alter the look of the Conservation Area. Open public views towards Inverleith Park will be lost and famous vistas of central Edinburgh from the pond area of Inverleith Park will be adversely affected (contrary to Conservation Area Appraisal and Management advice and ECLP Env 3, Env 6, Des1 and Des 3.)

5. The ECLP identifies this site as a playing field in Open Space **not** as a site for retail or commercial use. Change of use will adversely affect the Stockbridge Town Centre (contrary to ECLP Ret 4 and Ret 7). The increased numbers of supporters, shoppers and visitors to the function suites will exacerbate already serious traffic flow and parking problems, contrary to policy in Ret 7.
6. The EAC argue that they need an income in order to promote their plans for the club, but fail to show that it needs to come from retail and commercial business on the site. They have anonymous 'benefactors' who are providing funds. However there is no clear reason why these funds, if invested elsewhere, could not enable the club to thrive and to stay in Stockbridge. This would fulfil their ambitions whilst inflicting far less damage on the surrounding area. They are insisting on a retail mall in a stadium development much larger than anything for which they have had previous planning permission.
7. The EAC propose substantial retail and commerce on an Open Space site used for sport on the grounds that a private rugby club needs an income. This is not '*ancillary*' to sporting activity as a changing room might be. It is stretching the concept inappropriately to mean 'financially' ancillary; on this basis, Open Space could be purchased anywhere and then be developed commercially as ancillary to sporting activity; this would result in erosion of Open Space.
8. The planning system operates in the **public interest** (SPP1) and the **private need** of the EAC does not offset the **public cost** to the local community. Stockbridge already is a vital, vibrant community with a '*village*' atmosphere and there is a real possibility that if this large development is granted, damage will be done to the '*vitality and viability*' of the original Stockbridge Town Centre. The traditional look of the area, protected in the Inverleith Conservation Area Character Appraisal, will be altered for ever.
9. We greatly appreciate the work the EAC does for local children and we would like them to stay in the Stockbridge community and thrive as a club. We have taken into account the views of those in the community who support the application, mainly rugby supporters and parents of children who play rugby, and we understand, and indeed agree with, their support for rugby. However, the benefits are limited to a relatively small number, and are insufficient to mitigate the wider social costs, as well as the economic effects on local retailers. It is highly likely that the economic effects on the current body of retailers would be seriously negative. The applicant's assertions that it would not be so, whilst estimating a turnover of £3.7 million for the new retail alone, are not well grounded, and are highly questionable.

**Summary of Objections:** There will be '*significant impact on the quality or character of the local environment*' (Policy Os1). A substantial retail and commercial element on this Open Space will have a large impact on the local environment and economy and the Conservation Area. The development is for a private purpose, to raise an income for the EAFC, and this privately enjoyed income does not constitute '*exceptional circumstances*' off-setting significant public harm. The Open Space lost is close to 30% of the total area and only part of this is for genuinely ancillary facilities related to sport; much is for retail and function suites. The EAC is reducing the number of rugby pitches to 1 and relying on the leasing of 2 public pitches in Inverleith Park instead. There is neither '*strong justification*' nor '*exceptional circumstance*' for so many important components of

planning policies to be ignored. It is contrary to the ECLP planning policies, especially Os1 and 2, Env6, Des1, Des3, Hou 8 and the Conservation Area Appraisal and Management Plan.

**Alternatives:** Alternative possibilities exist that would generate an income without such a large impact on the community. One possibility is a smaller development with fewer adverse effects and a diversion of some of their funds to raise income by other means.

## **Precedent**

If so much of the Local Development Plan and Scottish Planning Policy and Advice is ignored to grant this application, it will set a highly undesirable precedent. It will encourage the gradual erosion of Open Space in Edinburgh which is already disappearing; and it will erode the traditional look and feel of areas like Stockbridge. At the same time, public confidence would be further undermined in a planning system designed to preserve the public good of open space and heritage within the city, which are themselves invaluable and enduring economic assets.

## **Detailed Objections** (see Appendix for details of planning policies quoted)

The Local Development Plan and Scottish Government advice make it clear that this application is contrary to policy and should be rejected. We set out in this next section detailed reasons why the development is contrary to policy. Relevant planning policies are set out in the Appendix for reference. **Our main concerns are:**

- **The proposed development is too large**
- **Loss of Open Space to retail/commercial development; 30% will be developed**
- **It is detrimental to the Conservation Area and sets a precedent**
- **Retail/commercial aspects will take trade away from the current Stockbridge Town Centre**
- **Loss of protected views and vistas**
- **Increase in traffic affecting residents and emergency services**
- **Increased parking problems for local residents**
- **Increased noise and disturbance from function suites users and supporters**
- **Adverse effect on the setting of a listed building, the Raeburn House Hotel**
- **Demolition of traditional stone frontage in a Conservation Area**

## **1. Open Space and the Environment**

The proposal seeks to place a stadium, for 2500 seated and a total capacity of 5000 and which has substantial retail and commercial elements on a sports field designated as Open Space. It is contrary to ECLP Policies Os1 and Os2 and para 4.8, 5.6 and 5.7 as well as ENV 1C and ENV 1D of the Structure Plan and other Scottish Government Planning Policy advice which seek to protect Open Space and Playing Fields from loss.

The present important walled frontage of the Open Space along Raeburn Place will be removed and the area will be changed from its historic look to be replaced by shops and function suites; and the present open aspect through the trees to Inverleith Park and other important views will disappear.

This will be a profound change to the character of the area. The removal of the wall may well damage the protected trees along the street.

Approximately 30% of the total of designated Open Space will be lost to development - a large proportion to retail and commercial development. This will result in the loss of a rugby pitch.

A key objective in the Inverleith Conservation Area Management Plan is:  
***'To protect areas of open space from erosion by piecemeal development'***.

**Scottish Planning Policy states that there is a presumption against development in Open Space;** there must be *'strong justification'* for such development (**SPP11 and ECLP 5.3**). It is for the Council and its Planning Department to follow their own advice in **Os1 and Os2 and 5.6** and that of the Scottish Government (see Appendix) and protect this area of Open Space from loss to commercial/retail development. The ECLP states that Open Space, both public and private, should be protected and that the Council will only consider limited releases of open space to development in *'exceptional circumstances'*. The need of a private rugby club for an income stream does not constitute *'exceptional circumstances'* that *'justify'* the loss of Open Space.

**SPP 11** advice urges *'that open space which is valued or used... is not permanently lost to other forms of development. Strong justification must therefore be provided before development involving the loss of a playing field is approved.'*

**Summary:** This proposal is *contrary* to the Development Plan and Scottish Planning Policies. The applicant has not established on **planning grounds** that there is an over-riding need to site the proposed large stadium with its retail/commercial elements in the designated Open Space which is a sports field in the Inverleith Conservation Area.

## **2. Conservation Areas**

The proposed development, for a stadium with substantial retail and commercial elements, lies within the Inverleith Conservation Area whose character is set out in the Conservation Area Character Appraisal which classifies it as *'outstanding'* and *'characterised by panoramic views'*. The opposite side of Raeburn Place is part of the New Town Conservation Area.

The proposal involves the removal of approx 140m of traditional stone wall, typical of the character of the Conservation Area, involving loss of views and vistas and replacement with modern shop frontages. This would **adversely affect the Conservation Area and its special character** leading to loss of amenity and quality and is therefore contrary to policy Env 6(a). The removal of the traditional stone wall would significantly affect the historic look of this area and is contrary to the Conservation Area Character Appraisal and to Env 6(b). The design of the retail shops is quite different to anything in the area around and contrary to Env 6(c). Moreover, the development and the removal of the stone wall would adversely affect the setting of the Raeburn House Hotel, a listed building, contrary to policy. The benefits to the rugby club and those using it do not outweigh the adverse impact on the Conservation Area and on the amenity of local residents.

Note that there is a **presumption in favour of preservation** both of the individual historic asset and also the pattern of the wider historic environment, and against works that adversely affect the setting of a listed building. The Inverleith Conservation Area Character Appraisal and Conservation Area Management Plan should be used in determining the application.

The proposed development is contrary to the following planning policies and advice on Conservation Areas: ECLP Policies Env3 and Env6; the Inverleith Conservation Area Character Appraisal; the Inverleith Conservation Area Management Plan; The Lothians Structure Plan Env 1C and Env1D; and Scottish Planning Policy para 112; and SHEP 1.14 and 1.15 and 3.40.

### 3. Retail and Commercial Development

The ECLP does not specifically allocate or identify this site for retail or commercial use. The site is designated in the ECLP as an Open Space playing field in the Inverleith Conservation Area and the site has been used for sport alone since the nineteenth century. The land was sold by the Rocheid estate for exclusive use for sport. The proposed retail space is 1780 m<sup>2</sup>, and the commercial space contains 431m<sup>2</sup> of function suites; and 443m<sup>2</sup> of corporate boxes; together with other office space and bar/lounges, café and museum. The applicants are also applying for Use Classes 1, 2, 3 and 4 for the retail and commercial spaces. The ECLP policies **Ret2, Ret4, Ret 7, Ret12** together with **para 8.23 and 8.43** apply. The development is an edge-of-town development and the developers have failed to show the need for it other than their own private need for an income stream.

**Retail Units** Many residents have serious concerns regarding the retail element proposed. It threatens the economic well-being of existing Stockbridge retail businesses. RPD L's projected turnover of £3.7 million for the new retail is 18.6% of existing **Stockbridge Town Centre (STC)** turnover, and further emphasises this threat. This increase in retail is over half the size of the retail floor space of nearby Waitrose; it is not 'very modest' and would have a negative impact on the area. The large extra trade predicted for comparison goods would be trade taken from the Stockbridge Town Centre or from the City Centre. This is contrary to ECLP policies and Ret 2 (1) which protects the City Centre retail.

The applicants suggest that there will be up to 9 retail units, but if permission were granted for 1780 m<sup>2</sup> they can be made into one or two large retail units. A simple comparison of the shopping frontage of the new retail with the equivalent length of frontage of a typical section of the STC gives an equivalence of 20 or more shops. This is a large chunk of the total STC shops and the reality is worse as the STC shops have less length than the new retail shops.

There is a real danger that the existing Stockbridge shops, with their unique character, would be seriously harmed by a large influx of new retail and Stockbridge Town Centre's vibrancy would suffer as has happened in some other 'village' areas of Edinburgh e.g. Corstorphine. Moreover **there is no way** that the Edinburgh Academical Club can guarantee specific future use of the retail when a long lease is to be given to RPD L. More information is needed on these arrangements.

The Transport Statement at para **3.3** states: '*Customers visiting the retail units will replicate the travel characteristics of the established Stockbridge custom base. The majority of existing outlets are likely to perform a local function, and hence attract shopper trips from within the immediate locality; such trips are typically undertaken on foot either as a specific trip or as part of a trip for another purpose, i.e. travelling to, or returning from work, study or leisure.*'

**Thus, the proposal argues that the impact will be 'modest' in one part of its case. But the logic in other parts, suggests that the new development will get its trade at the expense of the present Stockbridge Town Centre shops thus threatening the viability of the town centre.**

The Retail Impact Assessment produces estimated figures; some are based on out-of-date reports like

the EARNs Report 2005. The retail and economic climate, over the past 4 years, has been quite different from that expected when the report was written and so projections to 2015 are not justified. The ongoing increase in internet shopping must also be a consideration. The Retail Assessment says the new retail will have little effect on the Stockbridge Town Centre but if an estimated turnover of £3.7 million is being spent in the new retail, then it follows that it is not being spent elsewhere – which means that local shops and probably the City Centre will be losing revenue.

**Sequential Approach:** In the Retail Assessment Report the applicants emphasise that the ‘*Sequential Approach*’ supports their application. They say it validates retail development at the ‘*edge of a local centre*’. However the applicants have assumed that a **need** for retail and commercial development already exists, but has failed to show why Stockbridge needs this extra retail. Shopping opportunities are very good in the immediate area with the Stockbridge shops and Waitrose close by. The City Centre, with its great array of shops, is 15 minutes walk away. There are Tesco and further shops at Canonmills and a little further away again the Craighleith Shopping Centre. New retail would take income away from these other places but mainly Stockbridge and the City Centre. The result would be that Stockbridge would deteriorate and have more empty shops. The area is vibrant but there is no sign of pent-up demand.

To risk the viability of the Stockbridge Town Centre with excessive new development on Open Space nearby would be contrary to **Ret4**, especially **d**). There would be ‘*a significant adverse impact on the... town centre*’. And at **8.23** the ECLP says that ‘*Policy Ret 4 will not allow proposals which would threaten the future existence of any of these centres...*’.

#### **Use Classes 1, 2, 3 and 4.**

The applicants have asked for these four Use Classes for ‘flexibility’. Flexibility here could amount to further changes perhaps harmful to the public and should not be allowed. It would create the potential for a large public house, supermarket or other unacceptable arrangements to the local residents at any time in the future.

#### **Function Suites etc**

The large area of function suites, bars, restaurant and café and the Use Classes 1, 2, 3 and 4 applied for opens the door to large events leading to a significant increase in noise, disturbance and on-street activity, to the detriment of the amenity of the local residents in an area mainly residential.

The applicants have been reticent when asked at local meetings of their intentions. Sound proofing of the function suites does not prevent excessive noise in the evening and on the street late at night as large numbers of people, often drunk, leave the premises. People smoking outside create further noise.

The Transportation Statement at p22 states: ‘*It is likely that after a match day event, supporters might choose to take refreshment as an extension of their leisure pursuit, so might be less inclined to drive*’

The arguments made to show no harm to the Stockbridge Town Centre in the Retail Assessment conflict with the applicants’ arguments elsewhere such as on traffic impact. The Stockbridge Town Centre is a ‘*vital and vibrant village*’ and a new retail and commercial development nearby would threaten its viability and sustainability. If this development is allowed, it will adversely affect amenity in terms of noise, extra traffic, light pollution, loss of views, and the enjoyment of the conservation area. There will be a severe impact on local traders.

The applicants have stated that the substantial hospitality suites could be available for functions not related to match days or indeed to sporting activities. Whilst their use is subject to licensing regulations, we note that their full exploitation could extend the impact of the development on the community well beyond its primary purpose as a sporting facility.

**Summary:** The developer has not shown a need for more retail and commercial development in Stockbridge other than the private need of the rugby club for an income stream. The Development Plan does not identify any ‘*qualitative and quantitative deficiencies*’ in the STC to justify this development in a Conservation Area. The applicants’ Retail Impact Study fails to demonstrate that there will be no harm or threat to the ‘*vitality and viability*’ of the STC which is required by planning policy. This application is not compatible with the Development Plan and, in particular, it fails to meet the requirements of **Ret 4 (a, b, c, d), Ret7, 3) and 4) (see Appendix).**

#### **4. Access and Traffic**

The effects on traffic are of very great concern to local residents. The local area is already very congested with few parking spaces. Raeburn Place, the main road, is a route for emergency vehicles to the Western General Hospital and there are also several schools close by. The Transportation Statement is unrealistic; it suggests little or no increase in traffic as a result of the development. Figures quoted are for some 120 – 140 extra journeys by car on match days compared with a non-match Saturday. However this is for matches which have only a few hundred spectators at the moment. If the EAC succeed in increasing the spectators as they desire, attracting up to 5000, then the traffic situation will quickly become impossible. The applicant simultaneously argues that there will be a great increase in spectators on match days which will be good for retail takings, and that there will be little increase in traffic.

Areas of Edinburgh that already have stadiums will attest to the pressure on parking spaces and the great increase in traffic on such days - often producing gridlock. However desirable it is for people to use public transport, experience suggests that people mostly will use cars if they can – especially if coming any distance. If the development is successful then the area will be badly affected by increased traffic, noise and pollution with extra pressure on parking places for local residents.

Raeburn Place is often gridlocked in rush hour and there is much school traffic which emphasises the difficulties in getting people to use public transport or walk. The Conservation Area Character Appraisal says: ‘*The effect of through traffic and parking on residential streets is a significant issue for local residents and the quality of the historic environment.*’

The retail/commercial side will need deliveries – this will be on-street and throughout the week - and this will further take up road space in an already congested area.

The Transportation Statement para **3.3** states: ‘*Customers visiting the retail units will replicate the travel characteristics of the established Stockbridge custom base. The majority of existing outlets are likely to perform a local function, and hence attract shopper trips from within the immediate locality; such trips are typically undertaken on foot either as a specific trip or as part of a trip for another purpose, i.e. travelling to, or returning from work, study or leisure.*’

And at 5.1: ‘*the development proposals will lead to no increase in the level of trip activity associated with the rugby ground.*’

If this is so, then the new development will get its trade at the expense of the present STC shops thus threatening the viability of the town centre. The applicant uses contradictory arguments on traffic and retail while trying to make the case for retail/commercial development.

**Parking** Parking is difficult in the area. There are few parking places in the development which the applicants say is council policy. This means added pressure for on-street parking both from staff and customers in the day, and on resident parking spaces at weekends and evenings. We cannot understand why the CEC's Transportation Section accepts that the development '*will lead to no material increase in the number of trips associated with the Sports Ground.*' Para 2.6. This is not logical.

**Access** Residents of North Park Terrace will have great difficulty in getting in and out by car because of the service access to the development at the south end of North Park Terrace. The EAC Transportation Statement states that deliveries to the retail/commercial areas will be on the (Raeburn Place) kerbside, which will affect all traffic and parking along the main road in this area.

**Summary:** The development will cause an increase in traffic, car parking problems and access difficulties in an area already under pressure. There will be negative effects on road safety and for emergency vehicles.

## 5. Noise

Noise was discussed under Function Suites activities above, but there will be much increase in general noise levels for local residents during the day, evening, and perhaps into the night and not just at weekends. The large stadium will bring up to 5000 celebrating supporters together with shops and function suites which can be used for noisy '*events*' late at night. This part of Comely Bank is residential, and a stadium of such a size in Raeburn Place (with large amounts of retail and commercial space designed to make income and therefore heavily used) is '*incompatible with a predominantly residential area*'. This is contrary to:

**ECLP Policy Hou 8:** *Inappropriate Uses in Residential Areas.*  
'Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.'

**And ECLP at 6.31** *The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions.'*

## 6. Design Mass and Height

The development is for a stadium large enough to contain substantial retail and commercial elements. The roof is 15m above the pitch and it is 1.2m higher than the top of the chimneys of Raeburn House. The stadium has considerable bulk and the roof is higher than it need be. The position of the stand is such that the majority of the seating is behind one of the goalposts and only partly down one side. This is not the best place to watch the rugby but the best place to enable the retail (which is positioned underneath the stand) to have its shops on the main road. The applicant is asking to develop an Open Space sports field; but is giving priority to the retail and commercial design aspects of the development. The proposal is contrary to Des 1 and Des3.

## 7. Protection of Views and Vistas

The Edinburgh Council's *Guideline on the Protection of Key Views* lists views and vistas from Inverleith Park to be protected. At 2.1 it says that these are iconic views and that *'the protection of views across the city relates closely to the protection of the historic environment. This is of particular relevance in Edinburgh given the economic value of the heritage to the city'* and that these key views are *'across the World Heritage Site'* and other important parts of the city.

There are also other aspects to be considered:

### **a. View from the main road (Raeburn Place/Comely Bank Rd) and from Dean Park St**

Views will be affected by the *'blocky'* nature and height of the development. The open aspect from Raeburn Place, singled out as a feature of the area in the Conservation Area Character Appraisal, will disappear. Walking down Dean Park St it is possible for the public to see a lovely view to Inverleith Park which will disappear. It is public views like these, that make Edinburgh the fine city it is and the planning policies say they should be conserved.

### **b. Views from the pond at Inverleith Park**

The protected views and vistas from the pond area of Inverleith Park will be greatly affected. The protection is for vistas as well as views; not just small cones of vision but the sweep of the wonderful vista from the pond across the rugby field to the city - not just to the skyline but to the pattern of townscape with a large expanse of green grass and trees in front. This particular view is used to demonstrate the beauty of the area in the Conservation Area Character Appraisal. The high stadium as proposed would spoil it. A smaller lower stadium, better sited, would minimise the impact. This famous view is displayed on a long board at the top of the pond area; it is so well loved that people want to stand and look and identify features in it. The applicant shows computer mock-ups of what it will be like but in practise the stadium would be much more prominent than shown. The highest part of the roof, in particular, will appear taller. Look at the goal posts now there, and imagine the stadium (which is metres higher) going across. Note, too, how the views from the lower areas of the pond will be even more compromised than those from the rise behind.

The **Conservation Area Character Appraisal** and the **Guidelines on Key Views** state these views should be protected.

*'The views back to the City skyline from numerous points within the area...are spectacular due to the prevalence of significant areas of open space. The conservation area contains some of the most attractive areas of open space in the City.'*

## Summary

The Community Council has shown that the proposed development is contrary to planning policy, and we ask that it be rejected. Clearly, the EAC need new sporting facilities, but these should not be created in a way that inflicts harm on the local community, as the present proposals would. The Stockbridge community and the EAC, with the help of our local Councillors, should work together to find an acceptable solution.

Yours sincerely

Stephen Brennan

Chairman of Stockbridge and Inverleith Community Council. 8th November 2012

## APPENDIX

Planning policies indicating that the proposal Application No. 12/03567/FUL is contrary ‘in principle’ to the policies both of the Local Development Plan and Scottish Government. The relevant sections that apply to this application are listed in the following sections

### **1. Planning policy details relevant to Open Space**

SPP 40 *‘There is a presumption against development on open spaces which are valued and functional’*

41 *‘Only where there is **strong justification** should open space protected by the development plan be developed either partly or fully for a purpose unrelated to use as open space.*

### **Protection of Existing Open Space**

#### **ECLP Policy Os 1 - Open Space Protection**

*Proposals involving the loss of open space will not be permitted unless it is demonstrated that:*

- *there will be no significant impact on the quality or character of the local environment*
- *the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area and*
- *the loss would not be detrimental to the wider network including its continuity or biodiversity value and either*
- *there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space or*
- *the development is for a community purpose and the benefits to the local community outweigh the loss.*

#### **ECLP 4.8 Open Space Objectives**

Objectives of the ECLP for open space are:

*‘To protect open spaces of amenity, leisure and recreational importance and value for sport and outdoor activities as part of a comprehensive network of provision;*

*‘To secure the provision of more open space for recreation, amenity and other social needs’*

**The Edinburgh Local Plan at 5.6 says;**

*This policy seeks to protect all open spaces, both public and privately owned, which contribute to the amenity of their surroundings and the city, which provide or are capable of providing for the recreational needs of residents and visitors or which are an integral part of the city’s landscape and townscape character and its biodiversity...It will be more important to protect open spaces in the future, as the population of parts of the city increases and brings added pressure on existing resources. The Council will only consider limited releases of open space to development in exceptional circumstances...*

## Protection of Existing Playing Fields

### ECLP Policy Os 2 - Playing Fields Protection

*In addition to the requirements of Policy Os 1, the loss of some or all of a playing field or sports pitch will be permitted only where one of the following circumstances applies:*

- the proposed development is ancillary to the principal use of the site as a playing field*
- the proposed development involves a minor part of a playing field and would not adversely affect the use or potential of the remainder for sport and training*
- an alternative playing field is to be provided of at least equivalent sporting value in a no less convenient location, or existing provision is to be significantly improved to compensate for the loss*
- the Council is satisfied that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.*

*At 5.7 Playing field provision must be considered as a city-wide resource and in terms of its contribution to local needs. The Council's assessment of provision in the city as a whole has concluded that the amount of pitches, whether or not in public ownership or publicly accessible, is equivalent to the need.... On this evaluation, the loss of pitches to development cannot be justified in principle.*

*At 5.3 the **Edinburgh City Local Plan** states that **the Scottish Government's SPP 11** advice urges 'that open space which is valued or used... is not permanently lost to other forms of development. Strong justification must therefore be provided before development involving the loss of a playing field is approved.'*

### Scottish Planning Policy SPP11 – Open Space

*'Only where there is strong justification should open space be developed either partly or fully for a purpose unrelated to use as open space.'*

*'Poor maintenance and neglect should not be used to justify development of open space which may otherwise be potentially functional and valued.'*

**SPP 11.45** *Playing fields are an important resource for sport and can have a key role within the community. Key material considerations will be the open space strategy and (where one exists) playing fields strategy.*

### Open Space Strategy and Audit

The proposed site is protected as a playing field in the Open Space Strategy and Audit.

## **2. Policies on Preservation of Conservation Areas and Listed Buildings**

### **Edinburgh City Local Plan Policies**

#### **ECLP at 4.11:**

*A character appraisal has been completed for each conservation area identifying key characteristics which must be respected. These are **material considerations** in the consideration of planning applications.*

#### **ECLP Policy Env 6 - Conservation Areas - Development**

*Development within a conservation area will be permitted which:*

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*
- b) preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area and*
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.*

### **Edinburgh and Lothians Structure Plan**

Policy ENV 1C says:

*'Development which would harm the character, appearance and setting of the following designated built or cultural heritage sites, and/or the specific features which justify their designation, should be resisted...*

Policy ENV 1D says:

*" Development affecting the following regional or local areas of natural heritage and built environmental interest, or their settings, will only be permitted where it can be demonstrated that:*

- a. The objectives and overall integrity of the designated area will not be compromised; or*
- b. The social or economic benefits to be gained from the proposed development outweigh the conservation or other interests of the site...*

There is much Council planning advice on Conservation Areas:

*'To preserve the Conservation Area, the council will implement, and enforce its policy regarding protection of these areas:*

- There will be careful control over all development in the conservation area and the surrounding area to protect the character.*
- Permitted development will also be carefully controlled. All development proposals will be considered for their impact on the natural heritage value of the area. Plans will be prepared to protect and enhance these sites.*
- Any alterations or new development will be carefully considered and will not be accepted if likely to lead to a loss of amenity or a damaging affect on the quality of the area.'*

*In relation to proposals within the conservation area, for example, development will only be allowed where all features that contribute to the special character and appearance of the area are retained. Development proposals in the conservation area are required to take into account the area's special interest and how its character and appearance may be preserved or enhanced.*

*Proposals affecting listed buildings are considered for their effect on their character, including their setting.*

### **Inverleith Conservation Area Character Appraisal**

*'The views back to the City skyline from numerous points within the area are spectacular due to the prevalence of significant areas of open space.'*

*'The Grange Club and Edinburgh Academy cricket grounds in Raeburn Place, host to the first ever rugby match between Scotland and England in 1871, are not easily visible behind their high stone boundary, wall but provide an important break in the building line along the main road and form a visual link through the fine line of mature trees on their boundary to Inverleith Park to the north'.*

*'The conservation area is characterised by panoramic views from various locations to the topographic and townscape features characterising Edinburgh'*

*'The effect of through traffic and parking on residential streets is a significant issue for local residents and the quality of the historic environment.'*

*'Development proposals in the conservation area are required to take into account the area's special interest and how its character and appearance may be preserved or enhanced.'*

### **The Inverleith Conservation Management Plan**

Objectives are to:

*'Ensure that development proposals contribute to the special character and appearance of the Conservation Area'.*

*'Ensure new development strengthens the context of the existing Conservation Area, respecting the residential amenity, topography, physical features, views and vistas:'*

*'Ensure that the townscape character of parks and green spaces in the Conservation Area is not eroded by new development'*

*'Ensure that the scale, design and materials of new development reinforce and protect the setting of individual buildings, the special character of the Conservation Area, and protect key views'.*

And *'Original architectural features should be preserved wherever possible'.*

### **Scottish Government Planning Policy on Conservation Areas.**

**The SPP at para 115 says:** *'Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area'*

## **The Setting of a Listed Building - the Raeburn House Hotel**

### **ECLP Policy Env 3 - Listed Buildings – Setting**

*Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.*

### **Edinburgh and Lothians Structure Plan (Approved June 2004)**

Policy ENV 1C says:

*‘Development which would harm the character, appearance and setting of the following designated built or cultural heritage sites, and/or the specific features which justify their designation, should be resisted.*

- *Listed Buildings’ ...*

### **Scottish Historic Environment Policy SHEP**

1.14. *The policy of Scottish Ministers is that:*

- a. actions taken in respect of Scotland’s historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;*
- b. there should be a presumption in favour of preservation of individual historic asset and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and*

1.15. *The conservation of any part of Scotland’s historic environment should:*

*c. be carried out in accordance with a conservation plan, which brings together all of the information and research necessary to guide the proposed action’*

3.40 *There is, therefore, a presumption against demolition or other works that adversely affect the special interest of a listed building or its setting. (This would apply to the demolition of the 90m of stone wall frontage.)*

## **3.Policies relevant to retail/commercial development on Open Space in a Conservation Area**

**ECLP Policy Ret 7** applies.

*Planning permission will be granted for entertainment and leisure developments in other locations provided it:*

*‘does not lead to an unacceptable increase in traffic locally’; ‘safeguards existing character’; ‘the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents’.*

## **Scottish Planning Policy SPP8**

39. In addition, where the proposed development is not consistent with the development plan, the assessment should ensure that all the following considerations are met;

- A sequential approach to site selection has been used (see paragraphs 15 to 23).
- There is no unacceptable individual or cumulative impact on the vitality and viability of the network of centres identified in the development plan (see paragraphs 10 to 14, 17 and 35).
- The proposal will help to meet qualitative and quantitative deficiencies identified in the development plan (see paragraphs 14, 24 to 26 and 34).
- The proposal does not conflict with other significant objectives of the development plan or community planning strategies.

### **ECLP Policy Policy Ret 2 - Town Centres**

Planning permission will be granted for retail development within a town centre (see Table 8.1 and the Proposals Map), where it has been demonstrated that:

1. there will be no significant adverse effects on the vitality and viability of the city centre retail core or any other town or local centre
2. the proposal is for a development that will be integrated satisfactorily into the centre and will help to maintain a compact centre
3. the proposal is compatible, in terms of scale and type, with the character and function of the centre
4. the proposal will reinforce the range of facilities and the vitality and attractions of the centre
5. the proposal will help to improve the accessibility of the centre for all transport modes.

Planning permission will be granted for retail development on sites which adjoin the boundary of a town centre or are within comfortable and easy walking distances of its primary frontages if it is clear that no suitable sites are available within the town centre itself, and subject to considerations 1 to 5 above.

### **ECLP Ret 4 - Local Centres**

Planning permission for retail development in or on the edge of a local centre will be permitted provided the proposal:

- a) can be satisfactorily integrated into the centre
- b) is compatible, in terms of scale and type, with the character and function of the centre
- c) makes a positive contribution to the shopping environment and appearance of the centre
- d) would not have a significant adverse impact on the city centre retail core or any town centre.

Proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre will not be permitted.

## **Policies for Entertainment and Leisure Uses and Developments**

### **ECLP Policy Ret 7 - Entertainment and Leisure Developments - Other Locations**

Planning permission will be granted for entertainment and leisure developments in other locations provided:

1. all potential Central Area, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable
2. the site is or will be made accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally
3. the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character
4. the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

### **Food and Drink Establishments**

**ECLP at 8.43** The provision of food and drink establishments in areas where people live is a recognisable component of urban living. However, such uses can cause a number of problems for local residents. Particular care will be taken to prevent an excessive concentration of hot food shops, pubs and bars

**ECLP Policy Hou 8:** *Inappropriate Uses in Residential Areas.*

*'Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted.'*

**And ECLP at 6.31** *The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions.'*

## **4. Traffic**

The impact of traffic is mentioned in many policies where there is concern for public amenity. The Inverleith Conservation Area Appraisal says it is significant: *'The effect of through traffic and parking on residential streets is a significant issue for local residents and the quality of the historic environment'*.

## **5. Noise**

The impact of noise is mentioned in many policies where there is concern for public amenity. eg Policy Hou 8 - Inappropriate Uses in Residential Areas and 6.31 - see above under Retail.

## **6. Policies on Design**

**ECLP Policy Des 1 - Design Quality and Context**

*'...Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.'*

*At 3.5 ..the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.*

### **ECLP Policy Des 3 - Development Design**

*Planning permission will not be granted for development which might compromise the effective development of adjacent land or the comprehensive development and regeneration of a wider area as provided for in a master plan or development brief approved by the Council.*

*Development will be permitted where it is demonstrated that:*

- 1. it will have a positive impact on its setting, having regard to the positioning of buildings on the site, their height, scale and form, materials and detailing, wider townscape and landscape impacts and impacts on views*
- 2. features worthy of retention on the site and in the surrounding area, including potential views, have been identified and incorporated into the design to enhance visual interest and a sense of place*
- 3. the amenity of occupiers or neighbours will not be materially harmed, by effects on privacy, daylight, sunlight or immediate outlook*

*3.8 ...but consideration must also be given to how it impacts on neighbouring properties and the surrounding townscape..*

*1.27 The emphasis of policies generally in the Plan is on a satisfactory and harmonious integration of new development with the existing*

*1.28 In addition, the height of new building may need to be held in check or suppressed where necessary so that the city's topography and valley features such as the Waverley Valley can continue to be reflected in its roofscapes.*

*3.28 Proposals for development that would be conspicuous in wider views of the city will be subject to special scrutiny, to ensure that important views are not impaired.*

## **7. Protection of Views and Vistas**

See the Council's : **Guideline on the Protection of Key Views**