

Development Management Sub Committee

Wednesday 20 May 2020

**Application for Planning Permission 19/04744/FUL
at Comely Bank Road, Edinburgh,
Rebuild 1912 South Boundary wall of the former Grange &
Academics Trust playing field. Restore in its original form
and position fronting Comely Bank Road. The wall will be
built using any surviving and retrievable original stone with
new matching squared rock-faced red sandstone with half-
round copes, all bedded in hot-mixed lime mortar.**

Item number

Report number

Wards

B05 - Inverleith

Summary

The development does not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997. The proposal will not contribute towards the creation of a sense of place as it shall incongruously interrupt a new area of public realm which delivers significant visual and community amenity benefits. The proposal would fail to preserve the character and appearance of the conservation area as it is not characteristic of the area and information which demonstrates that the proposal can be accommodated without detrimental impacts on protected trees has not been provided. The application site and its surroundings are at risk of flooding and information which demonstrates consideration of mitigation has not been provided.

The proposal is contrary to the Local Development Plan. There are no other material considerations to outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LEN06, LEN12, LEN21, NSG, NSGD02, OTH, CRPINV,

Report

Application for Planning Permission 19/04744/FUL at Comely Bank Road, Edinburgh, Rebuild 1912 South Boundary wall of the former Grange & Academics Trust playing field. Restore in its original form and position fronting Comely Bank Road. The wall will be built using any surviving and retrievable original stone with new matching squared rock-faced red sandstone with half-round copes, all bedded in hot-mixed lime mortar.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site consists of a thin, long strip of land lining the southern boundary of a mixed used development approved under planning application 12/03567/FUL. It lies at the western edge of Stockbridge on the northern side of Comely Bank Road. A row of mature trees sit in very close proximity to the application site.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

4 October 2012 - conservation area consent granted for the demolition of part of the walls along Comely Bank Road, Portgower Place and North Park Terrace (application reference 12/03567/CON)

2 July 2014 - planning permission granted for the 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 (application reference 12/03567/FUL)

Main report

3.1 Description of the Proposal

It is proposed to erect a wall measuring approximately 2 metres in height and 145 metres in length. Matching squared rock-faced red sandstone with half-round copes will supplement retrievable original stone and materials will be bedded in using hot-mixed lime mortar.

It will occupy the same position as the now removed boundary wall which marked the southern extent of the former Grange and Academics Trust playing field. It shall sit to the north of the row of mature trees and to the south of the mixed used development approved under planning application 12/03567/FUL.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal preserves or enhances the character and appearance of the conservation area;
- b) the proposal will contribute towards a sense of place;
- c) it will have a damaging impact upon protected trees;
- d) it would increase flood risk for the application site or its surroundings;
- e) it raises any issues with respect to transport and road and pedestrian safety and
- f) public comments have been addressed.

a) Character and Appearance of the Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

Inverleith is described by the Conservation Area Character Appraisal as having, *"a mature landscape structure with large trees in gardens and open spaces. There is a high proportion of open spaces to built environment. There are panoramic views to Edinburgh Townscape and topographic features. A high landscape quality overall with trees and woodland cover creating a setting for the built environment. High quality public amenities in terms of recreational resources, access and visitor tourist attraction"*.

With respect to the streetscape, *"broad generous streets are typical of the area, sometimes with surprisingly narrow footways. This is a reminder of their historic role as broad carriage drives but can lead to a feeling of car and parking dominance where road markings and junction details are not sensitively handled"*.

It is acknowledged that this section of the conservation area has gone through significant change with the ongoing erection of the mixed-use development. However, that development seeks to re-inforce some of the essential characteristics of the conservation area notably the broad generous streets and high-quality public realm. Erecting the wall in this location would undermine the enhancement of the conservation area that the new development has delivered. It would have a dominating impact on the streetscape and would adversely affect the appearance of the conservation area. In terms of character, the re-introduction of a wall in this location harks back to a time when a wall made sense to enclose the playing field; this is no longer required, and the wall would appear as a feature now at odds with its context.

Insufficient information has been provided to show that the proposal can be accommodated without adverse effects to trees, which are an integral feature of the Inverleith Conservation Area. Preservation of the conservation area's character and appearance would require these trees to be retained and it has not been suitably demonstrated that this will be achieved.

The proposal does not comply with LDP Policy Env 6 as the wall would not preserve or enhance the character or appearance of the conservation area and insufficient information has been provided to show that the protected trees which contribute positively to the character and appearance of the conservation area will be preserved.

b) Design Quality

Local Development Plan (LDP) Policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. 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 it has special importance.

Paragraph 151 of the LDP clarifies that the policy applies to all new development. The purpose of LDP Policy Des 1 is to encourage innovation in the design and layout of new buildings, streets and spaces provided the existing quality and character of the immediate and wider area are respected and enhanced and local distinctiveness is generated.

Construction of the mixed used development approved under planning application 12/03567/FUL is ongoing. Its report of handling states that *the design incorporates improvements to public realm with the creation of a plaza style area to the Comely Bank Road frontage. This creates a positive and active space for the community. It creates townscape interest and provides a positive new character. The widening of the street is common in other parts of the city. It would create a new built up edge, set back from the main road with an area of new public space which creates an attractive form of development on the edge of a densely built up area.*

The report of handling goes on to state that the *proposed plaza area fronting Comely Bank Road contributes towards a sense of place to make an environment that is pleasant, easy to move around and welcoming. This is south facing so will benefit from good levels of sunshine. The space has areas of seating and spill out space for the users of the commercial units and rugby facilities. The area to the western end of Comely Bank Road creates an attractive more open public space with seating and will create an attractive entrance point to the front of the development site and the edge of Stockbridge town centre. It has a large area of paving which leads into the existing streetscape and helps the building integrate with the surrounding area.*

The construction of a wall directly in front of the now constructed plaza area would significantly constrict its ability to be a positive and active space for the community. It would reduce the development's integration with the streetscape and would not contribute towards a sense of place, restricting this valuable new area of public realm. It is further noted that the approved building was designed so that the shopping street of Raeburn Place would be continued with small retail units opening directly up onto the public realm. The formation of the wall directly in front of these retail units would introduce an alien and incongruous feature to the expanded shopping street.

The proposal does not comply with LDP Policy Des 1 as it would not contribute towards a sense of place.

c) Trees

LDP Policy Env 12 states that development will not be permitted if it is likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The proposal would be constructed in very close proximity to a row of mature trees which are protected by virtue of their location with a conservation area and worthy of retention.

The Council's Arboricultural Officer assessed the proposal. The provision of further information relating to ground works was requested so that the wall's impact on trees could be firmly established. The applicant stated that the wall had been demolished by the Council and the existing footings were covered over with tarmacadam by the developers of the adjoining site. Accordingly, the precise status of the existing footings is not known, though the applicant considers they were not 'grubbed up' and that they remain in place. They further stated that the insertion of simple rubble arches or lintels to span over tree roots will be carried out if this should be necessary.

In response, the Council's Arboricultural Officer stated that full details of all proposed ground works would be required prior to determination in order to ensure that the proposal would not have a damaging impact on the trees. This has not been provided.

The proposal does not comply with LDP Policy Env 12 as insufficient information has been provided to demonstrate that the proposal will not have a damaging impact on trees protected by virtue of their location within a conservation area.

d) Flood Protection

LDP Policy 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself, impede the flow of flood water or be prejudicial to existing or planned flood defence systems.

The Scottish Environmental Protection Agency (SEPA) flood mapping shows that the application site either lies within or is adjacent to an area at risk of a 1 in 200 and 1 in 1000-year fluvial flood event. No information has been provided to show that the proposal will not increase flood risk to the surrounding area including the mixed used development approved under planning application 12/03567/FUL.

The proposal does not comply with LDP Policy Env 21 as insufficient information has been provided to demonstrate that proposal will not increase flood risk for the application site or elsewhere.

e) Transport and Road and Pedestrian Safety

The Council as Roads Authority assessed the proposal. It objected on the grounds that the application site forms part of the "road" and is adopted for maintenance by the Council as a "public road" as defined by the Roads (Scotland) Act 1984.

Land ownership is not a material planning consideration. The response of the Council as Roads Authority has been included for reference only and no weight has been given to its comments. It is considered that the re-instatement of a wall will have no impact on road or pedestrian safety.

f) Public Comments

345 public comments were received, 277 in objection and 68 in support.

Material Comments- Objection

- Would significantly impact upon protected trees - this is addressed in paragraph 3.3 a) and c);
- Would restrict access to the mixed used development approved under planning application 12/03567/FUL and the new public plaza / open space which will be created - this is addressed in paragraph 3.3b).

Material Comments - Support

- Would improve the amenity of the conservation area - this is addressed in paragraph 3.3a);
- Would improve road and pedestrian safety - this is addressed in paragraph 3.3e).

Conclusion

The development does not comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997. The proposal will not contribute towards the creation of a sense of place as it shall incongruously interrupt a new area of public realm which delivers significant visual and community amenity benefits. The proposal would fail to preserve the character and appearance of the conservation area as it is not characteristic of the area and information which demonstrates that the proposal can be accommodated without detrimental impacts on protected trees has not been provided. The application site and its surroundings are at risk of flooding and information which demonstrates consideration of mitigation has not been provided.

The proposal is contrary to the Local Development Plan. There are no other material considerations to outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Local Development Plan Policy Des 1 in respect of Design Quality and Context as it will not create or contribute towards a sense of place.
2. The proposal is contrary to Local Development Plan Policy Env 6 in respect of Conservation Areas - Development as erecting the wall in this location would undermine the enhancement of the conservation area that the new adjacent development has delivered. It would have a dominating impact on the streetscape and would overall fail to preserve the character and appearance of the conservation area.
3. The proposal is contrary to Local Development Plan Policy Env 12 in respect of Trees as insufficient information has been provided to show that the proposal will not have a damaging impact on protected trees worthy of retention.
4. The proposal is contrary to Local Development Plan Policy Env 21 in respect of Flood Protection as insufficient information has been provided to show that the proposal will not increase a flood risk for the application site or elsewhere.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

345 letters of representation were received, 277 in objection and 68 in support. Material planning considerations raised are summarised in paragraph e) of section 3.3 of this report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The application site is located within the Urban Area as identified by the Edinburgh Local Development Plan and the Inverleith Conservation Area.

Date registered

1 November 2019

Drawing numbers/Scheme

01,02,03,04,05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

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and position fronting Comely Bank Road. The wall will be
built using any surviving and retrievable original stone with
new matching squared rock-faced red sandstone with half-
round copes, all bedded in hot-mixed lime mortar.**

Consultations

City of Edinburgh Council as Roads Authority (24 April 2020) - Object to the Application

It is understood that whilst this may not be a material planning consideration transport objects to the planning application for the following reason:

1. It is understood that the wall forms part of the "road" and is adopted for maintenance purposes by the Council as a "Public Road" as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant.

The applicant should note that the Council as roads authority has objected to the proposed development. The grant of planning permission does not imply the agreement of the Council as Roads Authority.

