

Development Management Sub Committee

Wednesday 16 June 2021

**Application for Planning Permission 21/02355/FUL
At Edinburgh Academy Prep School, 10 Arboretum Road,
Edinburgh**

To erect a temporary outdoor structure to create a concert venue for the Edinburgh International Festival's classical music series on the sports field of Edinburgh Academy Junior School for performances in August 2021. The venue will be a recognised Temporary Structure, regulated under Temporary Demountable Structures V4).

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposed temporary nature of the development is considered to be acceptable in this location. The scheme has been designed to respond to the COVID Emergency whilst still supporting the delivery of an Edinburgh International Festival in 2021. The proposal complies with the Edinburgh Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES05, LEN06, LEN03, LRET08,

Report

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Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is the playing fields on Edinburgh Academy Junior School located on the eastern side of Arboretum Road. The site is positioned to the southern side of the existing Edinburgh Academy buildings. There are residential properties located along the southern and western boundary of the wider Edinburgh Academy site. To the east is the nursery land associated with the Botanical Gardens.

32 Inverleith Place is to the south west of the application site and is a category B listed building (reference LB29152 - listed 29/04/1977).

This application site is located within the Inverleith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the temporary erection of an outdoor structure within the sports field area of Edinburgh Academy Junior School.

The proposed venue structure will measure 100m x 30.5 m and will be 14.4m at it's highest. The structure will have part opened sides. There will be a stage located towards the western edge of the structure. Backstage facilities will also be provided in

small marquees and box office facilities and temporary toilets provided on the eastern edge of the site. No food or beverage provisions will be available on site. No parking would be available.

Audience seating will be positioned within the venue structure at agreed social distanced positions. The capacity of the venue will be 670.

The site will be occupied from 12th July to allow for a build out of the facility with rehearsal scheduled for 6th August. The performances will take place between the 7th to 29th August with two concerts planned most days. There will also be 4 days of afternoon performances, the earliest starting at noon. Of the total number of 23 performances days the number of concerts will be as follows-

- 1 concert - 8 days;
- 2 concerts - 13 days;
- 3 concerts - 2 days.

All concerts will be concluded by 9.45 pm with earlier finishes on 9 occasions.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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) there will be any adverse impact to the setting of any adjacent listed building and no significant harm to the character and visual amenity of the conservation area;

- b) the principle of development is acceptable;
- c) there is any adverse impact on residential amenity and transport; and
- d) Representations raise issues to be addressed.

a) Impact on Historic Environment

Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."

The document states that where development is proposed it is important to:

- "identify the historic assets that might be affected;
- define the setting of each historic asset; and
- assess the impact of any new development on this".

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

One property to the south of the application site at 32 Inverleith Place is category B listed. The proposed structure is located away from any boundary with this property. The temporary nature of the proposals ensures that the setting of the listed building is maintained.

Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The temporary nature of the structure is a material factor in the assessment of any impact on the character or appearance of the conservation area. The outdoor structure will be located within the playing fields away from any main views or vistas within the conservation area. There is no impact on the conservation area from the proposals.

b) Principle of Development

Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) sets out that the following is permitted development:

"The use of land (other than a building or land within the curtilage of a building) for any purpose, except as a caravan site, on not more than 28 days in total in any calendar year, and the erection or placing of moveable structures on the land for the purposes of that use."

The Planning Committee considered a report on the 19th May 2021 which considered the Planning response to Festival Installations as part of a Post COVID recovery plan for 2021. The report highlighted the Scottish Government's Chief Planner's letter of March 2021 which encouraged a more relaxed approach to planning enforcement to allow business to diversify and continue to operate during the pandemic. The report also outlined the scenarios where a planning application would be sought to allow further scrutiny of the proposals. This included where a public green space would be used, there is no history of festival uses on the site and proximity to residential properties.

The proposed installation on the playing fields at Edinburgh Academy would extend beyond 28 days and because it is near dwellings requires an application for planning permission in accordance with the above report. The time period allows for a significant build with performances limited to only 23 days.

Policy Ret 8 Entertainment and Leisure Developments - Other Locations of the LDP sets out criteria to assess proposals for entertainments and leisure uses for sites outwith the town centres. The policy states:

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

- a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable*
- b) the site is or will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally*
- c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character*
- d) 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.*

The City Centre is normally used for the type of concerts that will be held in this installation but due to Coronavirus Restriction, this is not possible this year. Criterion a) of the policy is met in these circumstances. Transport aspects in relation to criterion b) are considered below. Given the temporary nature of the installation, the positioning of the structure ensures it integrates adequately into its surroundings. Criterion c) is therefore met. Impacts of noise and disturbance in relation to criterion d) are considered below.

The principle of the use of the site at Edinburgh Academy is acceptable to allow an alternative to the Usher Hall and to maintain an International Festival presence in the City. The temporary nature of the proposal is supported in this location.

c) Impact on Residential Amenity

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development. The application site has residential properties to the southern and western boundaries.

The proposed venue has been positioned centrally to the Academy playing fields and away from the boundaries of the residential properties. The concerts have been designed around an acoustic orchestra performance. Any amplification of music will be limited to a bespoke system called Soundscape. The system does not use directional speakers, but instead a series of small roof based speakers. The majority of any dB generated is from the orchestra itself with the sound system only generating an additional 3db to 6 db. On balance it is considered that the limited number of concerts combined with the acoustic performances will have a limited impact on the residential amenity of the adjacent properties.

The venue will be limited in capacity to 670 and not 1000 as detailed within a number of letters of representation. The number of concerts will also be scheduled not to exceed 40 which is less than stipulated in some of the letters of representation. The number of performances and venue capacity have been developed taking into account any public health requirements until COVID Legislation. This would be covered as part of any separate licensing process.

Transport Implications

A number of objections raise concerns the the proposals will increase traffic volumes within the area. The applicants have responded by advising that there will be no onsite parking from the proposals. The event website will be set up to promote sustainable measures of transport.

It is acknowledged that there will be a short terms alteration to the residential character of the site due to the influx of patrons to the venue. However, it is considered that these are exceptional times and the site has been developed to limit the impact on residential amenity.

d) Letters of Representation

Material Objections

- impact of sound and noise from concerts;
- access - parking issues - impact of 4 concerts in 1 day;
- development should not take place on a sports fields;
- impact on privacy from people passing in street;

Support

- Arts have suffered an opportunity to support;
- Absence of EIF has had an adverse impact on Cultural Life;
- Support Innovations in responding to pandemic;
- Imaginative way of maintaining events;
- Timing of performances acceptable.

Non - Material Comments

- Noise disturbance from contractors setting up;
- Should revert to the Usher Hall;
- Financial Benefit to the School;
- COVID Impact from large gathering.

Conclusion

The proposed temporary nature of the development is considered to be acceptable in this location. The scheme has been designed to respond to the COVID Emergency whilst still supporting the delivery of an Edinburgh International Festival in 2021. The proposal complies with the Edinburgh Local Development Plan. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The development hereby permitted shall be permitted during 2021 only and all structures shall be removed from the site within 4 weeks of the final performance.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 14th May 2021. A total of 31 letters of representation were received which include 21 letters of objection and 10 letters of support.

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 site is located within the urban area.

Date registered

30 April 2021

Drawing numbers/Scheme

1 - 5,

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Elaine Campbell, Team manager

E-mail: elaine.campbell@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Appendix 1

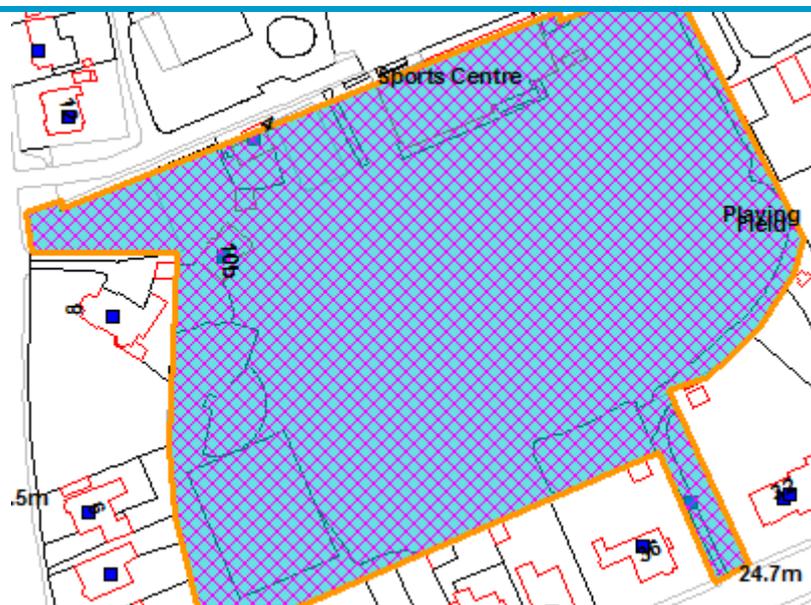
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Consultations

No consultations undertaken.

Location Plan



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