

# Development Management Sub-Committee Report

**Wednesday 24 August 2022**

**Application for Planning Permission  
The Grange Club, 7 Portgower Place, Edinburgh**

**Proposal: Installation of 2 tennis courts covered by an air supported dome; 2 padel tennis courts covered by steel frame structures with associated works to provide new access paths, fencing, landscaping and tree removal work. (as amended)**

**Item – Committee Decision  
Application Number – 21/06513/FUL  
Ward – B05 - Inverleith**

## **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because 30 letters of objection have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Outcome of previous Committee**

This application was previously considered by Committee on 29th June 2022

Site visit - This application was continued by the Committee for a site visit. The application is returning to Committee for a decision.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall are in accordance with the development plan.

It will not be detrimental to the architectural character, setting or historical interest of listed buildings and will preserve the character and appearance of the Conservation Area.

It will not result in unreasonable impacts on neighbours' living environment. A reduced reliance on car usage is encouraged and use of sustainable modes of transport. No specific road or pedestrian safety issues will occur.

The scheme brings a public benefit through delivery of publicly accessible sports facilities.

Loss of trees is minimised, and measures are incorporated to protect the retained landscape on-site. Appropriate replacement planting will provide mitigation for their loss.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The proposal site is an area of open grassland located within the grounds of the Grange Cricket Ground, which is to the south east corner. It is bordered by trees and ancillary buildings to the sporting use of the grounds.

The 'Arbor Green' site has been historically associated with sporting facilities. Originally, it hosted the Coates Curling Club and laterally the Tanfield Bowling Club.

In 2006, the east side was developed into 'Arbor Green Nursery', with the remaining site unused.

To the south and south-east of the site, there is residential development on Raeburn Mews and Raeburn Place. The latter street contains commercial uses at ground floor forming part of the Stockbridge Town Centre. A number of listed buildings are located here including 40-46 Raeburn Place (even numbers) which are early 19th century category B listed two-storey buildings of consistent architecture.

East of this, are properties 28 - 34 A Raeburn Place (even numbers). Early 20th century two-storey villas with basements and attics. These buildings are individually C-listed, but form part of a B listed grouping. 30, 32 and 34 have a north-facing outlook where the site lies broadly beyond this.

2-26 Raeburn Place are 4-storey B listed buildings which fall outwith the immediate context of the site.

St Bernard's Row is south-east of the site where detached 19th century B listed villas (property numbers 18, 20) are near the edge of the applicant's grounds.

Beyond this is a two-storey B listed terrace, (no. 8-16 even numbers). Thereafter, the building height of B listed 2-6 St Bernards Row increases mirroring adjacent built form at this corner with Raeburn Place.

To the north, are additional outdoor tennis courts with the cricket grounds beyond this. A large expanse of open greenspace is bordered by landscaping and high stone boundary walls.

To the west lie open tennis courts with the Category A listed cricket pavilion (ref: LB43497, date: 12/6/19996) adjacent.

The wider grounds of the Grange Club is mainly designated open space however the proposal site is identified as being within the urban area.

The site lies within the Inverleith Conservation area.

## **Description Of The Proposal**

The proposal is for construction of an indoor sports facility including two tennis courts and two padel courts to the north.

The tennis facility would be a tensioned, opaque fabric structure, externally coloured in a green patterning with a white roof. It would be a curved dome form, of maximum height of 11 metres, length of approximately 38 metres and width of 31 metres.

The padel facility would also have a curved, canopy structure constructed with a tensioned membrane on top of a dark coloured steel frame enclosed by glass panelling and mesh fencing at each end of the court. An upper section would be open around the court. Its maximum height would be 9 metres, length of 21 metres and width of 12 metres.

The dimensions of the courts are based on the Lawn Tennis Association and Tennis Scotland guidelines and would be lit internally.

The facilities would be open from 0800-2200 daily in line with other tennis and squash facilities at the Club. Both club members and the wider community would be able to access the new indoor facilities on a pay-to-play basis.

Regular access to the courts would only be from the main club via Portgower Place.

The access point on Arboretum Avenue to the main cricket ground for deliveries, which also acts as secondary public escape facility from the ground, as required under Health and Safety legislation during cricket internationals, is maintained.

## **Revised plans**

-Fabric of tennis dome structure revised from translucent to opaque membrane skin material (to omit light spill) and increase in green patterning on external finish.

-Position of mechanical plant relocated to north side of tennis courts.

-Revised lighting spill plans and noise mitigation plans.

-Additional daylight and sunlight information

## **Supporting Information**

- Design and Access Statement
- Flood Risk and Drainage Impact Assessment
- Tree Survey and Arboricultural Impact Assessment
- Noise Impact Assessment

## **Relevant Site History**

12/02076/FUL

The Grange Club  
7 Portgower Place  
Edinburgh  
EH4 1HQ

Construction of two additional squash courts, new repositioned groundsman's shed and one floodlight artificial tennis court.

Granted

20 August 2012

12/02076/VARY

The Grange Club  
7 Portgower Place  
Edinburgh  
EH4 1HQ

Non material variation to planning permission 12/02076/VARY - minor adjustments to details and positioning.

VARIED

3 September 2013

## **Other Relevant Site History**

There have been various other planning applications in the Grange Cricket Ground. The detail of these can be viewed on the City Council's planning portal.

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Historic Environment Scotland

Flood Planning

Environmental Protection

Archaeology

Sportscotland

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 19 January 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 28 January 2022;

**Site Notices Date(s):** 25 January 2022;

**Number of Contributors:** 109

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
  
- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- 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 harm the listed building and its setting?**

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment - Setting

*Grange Cricket Club Pavilion*

The site forms part of land associated with Grange Cricket Club. The category A listed cricket pavilion (reference: LB43497) is located west of the site separated by outdoor tennis courts. The pavilion was opened in 1895 and contains good architectural detailing including a landmark tower on its east side.

There are some views of this building from the surrounding area. It occupies a more visible location from some vantage points to the north, including Inverleith Park. From the east side on Arboretum Avenue, it is largely screened by existing trees at the site boundary.

The proposal will be positioned to the east of this building, and it is acknowledged that its overall footprint will be large. Its scale will be partly visible however its level of prominence reduced by the site's topography and natural landscaping.

Distance will be retained between the site and this historical asset, with existing tennis courts in between.

This position to the south-west corner will ensure the new buildings are sufficiently spaced from this historical asset. In this regard, it will avoid interfering with wider views of the pavilion.

In light of the above, the proposal will not have a detrimental impact on the architectural character, historical interest or setting of this listed building.

*St Bernards Row and Raeburn Place*

To the south are several listed buildings on St Bernard's Row and Raeburn Place.

40-46 Raeburn Place and 30, 32 34 Raeburn Place have a north-facing outlook where the site lies beyond in the immediate vicinity. In addition, 18-20 St Bernards Row are positioned to the south east edge of the applicant's grounds.

There are some existing views from the cricket grounds and adjacent street onto these properties' rear elevations. This side of the buildings are visible to a greater degree from these spaces during the autumn.

The proposal will reduce certain views onto this side of the buildings.

However, whilst the development will be a large structure, it will be of proportionate scale to surrounding built form and space is retained to this historic environment.

Its location to the north will avoid interfering with the principal elevations, or formal approaches to these listed buildings.

In light of this, the proposal will not be to the detriment of their architectural character, historical interest or overall setting of these listed buildings.

Furthermore, separation distances retained of at least 35 m to all other listed buildings (including 28 - 34 A Raeburn Place, 2-26 Raeburn Place and 2-16 St Bernards Row) will prevent any material impact on the setting of these historical assets.

### **Conclusion in relation to the listed building**

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

#### **b) The proposals harm the character or appearance of the conservation area?**

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 a considerable variety of architectural styles, unified by the use of traditional local building materials.

To the north, the conservation area is defined by large expanse of open, landscaped greenspace. To the south, are older buildings that form part of the historic environment.

The site occupies a more discreet location to the south-east corner of the applicant's grounds. It is a more peripheral area of greenspace, set back from the public view and separated by existing landscaping, ancillary buildings and the nursery.

The development will clearly differ from surrounding historic built form.

However, the site is located within an area of land used for recreational purposes. The buildings are of functional appearance, materials and scale designed to suit their future, sporting use. This use is compatible with the existing sporting use of the grounds.

The footprint of the development will be large. However, the buildings are set back from the site boundaries with space retained to the surrounding historical context.

The curved dome form of the development will help reduce its overall mass. The external colour of the tennis facility, with use of a variety of shades of green patterning will help integrate the building with surrounding natural landscape.

The proposal minimises tree loss on-site and the retained specimens will preserve the green, leafy characteristics of the conservation area.

New hedging is proposed, and this will help integrate the site into the natural landscape of the area.

The opportunity for re-planting larger scale trees in proximity to the tennis facility is limited.

However, the wider grounds in the applicant's ownership is large therefore further planting in this space will provide mitigation for loss of these trees.

### **Conclusion in relation to the conservation area**

The proposal is of an appropriate design, scale and form that will preserve the character and appearance of the conservation area.

Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### **c) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 3, Env 6, Env 9, Env 12, Env 18, Env 19, Env 21
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7
- LDP Transport policies Tra 2, Tra 3, Tra 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 6.

#### Listed Building and Conservation Area

This has been assessed in sections a) and b).

The proposals comply with LDP policy Env 3 and Env 6.

#### Open Space Protection

Env 18 states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- a) there will be no significant impact on the quality or character of the local environment
- b) it is a small part of a larger area, or of limited amenity or leisure value and there is over provision of open space in the area
- c) the loss would not be detrimental to the wider network; its continuity or biodiversity value and either
- d) there will be local benefit; either alternative provision or improvement to a public park or other open space or
- e) the development is for a community purpose and its local benefit outweighs the loss.

The site is an area of open greenspace. It is of some amenity value, as it contributes to the natural, green landscape which is evident locally.

However, it is located in near proximity to a large expanse of greenspace and forms a small part of the applicant's grounds. It is separated from the cricket fields to the north by ancillary buildings and landscaping.

Overall, the site characteristics read as a more peripheral part of the wider, open green landscape.

There is good access to open space nearby. Inverleith Park, a large greenspace (north) and King George Park; a local greenspace (west), as identified in Council's Open Space Strategy, are in close proximity to the site.

In regard to the above, is a small part of a larger area and there is an over provision of open space nearby.

Its loss will not have a significant impact on the quality or character of the local environment.

It appears separated from the larger expanse of greenspace on-site, therefore it will not be detrimental to the continuity of the wider greenspace network.

No specific biodiversity impact has been identified as explored below.

There is community benefit through delivery of indoor tennis facilities available to the public.

The historical sports use of the site for curling and formerly bowling has ceased.

The space could still be used for recreational purposes, however there is a community benefit of delivering a publicly accessible indoor weather-protected sports facility.

Having regard to its limited scale and peripheral, enclosed location, this public benefit outweighs its loss.

The proposal therefore complies with policy Env 18 as it accords with criteria a), b), c) and e).

#### Protection of Outdoor Sports Facilities

Env 19 states loss of playing field will be permitted where one of the following criteria apply:

- a) the development is ancillary to the site's principal use
- b) it involves a minor part of an outdoor sports facility and would not adversely affect the use of the remaining site for these purposes.
- c) alternative sports facility is provided of equivalent value with similar or better accessibility, or existing provision improved as compensation
- d) there is excess of sports pitches to meet current / future demand and site can be developed without detriment to overall quality of provision.

Furthermore, supporting paragraph 195 in the LDP states outdoor sports facility provision must be considered as a city-wide resource and in terms of its contribution to local needs. In addition, there needs to be a significant improvement in quality.

The site does not currently operate as a complete outdoors sports facility due to its reduced size following the adjacent development and car parking.

There is therefore no likelihood of its previous sporting use returning to the site.

In this regard, the proposal does not involve loss of a playing or sports field and the tennis facility will help improve provision of sports facilities in the area.

Sportscotland has been consulted on the proposals and raise no objection.

Therefore, the proposal accords with the overall objectives of Env 19.

### Design

Des 1 requires development to create or contribute to a sense of place based on an overall design concept that draws on positive characteristics of its surroundings.

Des 3 requires development to incorporate existing characteristics and features worthy of retention on site and in the surrounding area.

Des 4 requires development to have a positive impact on surroundings; the character of the townscape, landscape and existing views. This includes regard to height and form; scale and proportions; position of buildings / features; materials and detailing.

The proposed development is of functional design to suit future sporting use. Its appearance will clearly be distinguishable from the mainly historic local environment.

In this context, its footprint will be large. However, its height will be in proportion to buildings nearby and its curving dome form reduces its overall mass. It will be set in from the boundaries of the site. Retained landscaping will help reduce its visibility in longer views. The external green patterning of the tennis facility will help to integrate development into its landscaped surroundings.

The loss of six trees to the north side will reduce natural landscape features on-site. Existing trees are positive characteristics of the natural landscape evident in the area.

However, the layout minimises loss of trees and retained specimens on-site will help protect the local landscape character. Further replacement planting will help contribute to natural landscape in the wider area.

In light of the above, the proposal complies with policy Des 1, Des 3 and Des 4.

### Amenity

Des 5 refers to development being granted where it is demonstrated that the amenity of neighbouring developments is not adversely affected and future occupiers have acceptable levels of noise, daylight, sunlight privacy or immediate outlook.

The EDG refers to daylight to windows being measured by the Vertical Sky Component (VSC). Adequate levels will be achieved, where new development does not rise above a 25° line drawn taken in section from the horizontal mid-point of an existing window.

Sunlight to gardens is measured using the 45 degree test. Sunlight to gardens may be affected if a 45 degree line drawn on a site boundary is intersected by new development.

Furthermore, private views are not protected, however immediate outlook of the foreground of what can be seen from within a building may be. Unless there are exceptional circumstances, this means that new development that blocks out the immediate outlook of a dwelling must be avoided.

The applicant has submitted daylight cross sections detailing the position of the proposed development in relation to nearest residential property on Raeburn Mews and Raeburn Place. The cross sections demonstrate compliance with the above EDG criteria. Therefore, no unreasonable impact on daylight to these windows will occur as a result.

In addition, the distance retained between the proposed development and all other residential property windows will prevent any material loss of daylight.

In regard to sunlight, the submitted cross sections demonstrate compliance with the 45 degree criteria for residential property to the south and south-west. Therefore, no unreasonable impact on sunlight to the adjacent gardens will occur as a result.

It is recognised the scale and position of the proposal would alter outlook from the rear of adjacent residential properties. However, the retention of private views reliant on outlook across adjacent land cannot be protected under planning legislation.

Furthermore, the dome will be set in from the boundaries of the site. In tandem with its curved form, this will reduce its overall mass of the structure as viewed from adjacent property.

In regard to privacy, sports use of the land will bring additional activity.

The access paths into the facilities are located away from the adjacent residential property. In tandem with the scale of the proposal and existing boundary treatments this will not give rise to any material loss of privacy to neighbouring occupiers.

Environmental Protection has been consulted on the proposal and raise no objection. Additional information was sought to assess impact of the proposal on the amenity of adjacent residential property.

The applicant has submitted a Noise Impact Assessment (NIA) detailing levels of potential noise from plant machinery and the recreational use. The position of the plant has been re-located to the north side of the tennis courts; increasing its distance from residential property. The NIA demonstrates that noise from these aspects can be contained to within acceptable thresholds.

Furthermore, the site is part of a wider area of land where there are tennis courts in existing proximity to residential property. It is the intention that the new facilities would be open from 0800-2200 daily, in line with existing sports facilities at the club.

As an indoor facility, the proposal is likely to be used all year round as opposed to more seasonal months on existing outdoor courts. However, the enclosed structures will help contain noise from internal activity, whilst it is not anticipated that noise generated from this recreational use is likely to be unreasonable or materially different to existing sporting use in the grounds.

In regard to lighting, the revised design of the dome structure incorporates an opaque membrane skin and the applicant has confirmed this design change will result in zero light-spill onto adjacent property. In addition, plans demonstrate that light spill from the padel courts to the north of the site will not fall on residential property given the separation distances retained.

In regard to noise, a condition has been applied that noise mitigation measures proposed shall be installed and operational prior to first use of the tennis and padel court facilities. Noise is also controlled under separate Environmental Protection legislation and an informative has been included in respect to plant noise meeting the NR25 criteria.

In light of the above, proposal will not result in any adverse impact on neighbouring amenity therefore complies with LDP policy Des 5.

### Trees

Env 12 refers to development not being permitted that is likely to have damaging impact on protected trees or trees worthy of retention unless necessary for good arboricultural reasons.

The applicant has submitted a tree report and arboricultural impact assessment in support of the proposals.

The development will involve loss of six trees to the north side to accommodate the padel facility and access path. Trees proposed for removal include three category B trees (mature common lime, early-mature sycamore and western red cedar) two category C trees (young common ash and lawson cypress) and a category U tree (golden chain).

The submitted design statement states a number of these trees present health and safety issues to the maintenance yard and restrict air and light flow at the north east corner of the existing tennis courts.

As a grouping, these trees make positive contributions to the natural landscape evident in the area. There is therefore a presumption against their loss. In this regard, the proposal does not comply with this policy as it will result in loss of trees worthy of retention.

13 trees on-site will be retained which help contribute to the natural landscape of the area. A tree protection plan has been submitted with measures to safeguard these specimens during construction activity.

Land within the applicant's ownership is large, and it is considered appropriate replacement planting could be carried out in this area as mitigation for this tree loss.

The detail of this re-planting is to be submitted prior to works starting and a condition has been applied to this affect.

### Biodiversity

Env 16 refers to development not being permitted that would have an adverse impact on protected species.

The submitted tree report outlines trees on-site have been inspected for their bat habitat and roosting potential.

It was found that all specimens on-site have a low likelihood of supporting bats. No evidence was found on-site of protected species.

Furthermore, the existing bowling green is of limited ecological value.

In light of this, it is not anticipated that the proposal will have an adverse effect on European protected species.

However, there is potential for hazards to species during construction activity and the applicant should be mindful of this.

An informative has therefore been included that a nesting bird check should be undertaken on site by a suitably qualified ecologist, in order to prevent impacts on nesting birds and minimise any wider ecological impact from the proposal.

Overall, the proposal will not be to the detriment of protected species in accordance with LDP policy Env 16.

### Transport

LDP policy Tra 3 set out the requirements for private cycle parking as set out in the EDG.

LDP policy Tra 4 states that cycle parking should be provided near building entrances and be of an appropriate design.

Transport objectives seek to promote travel by sustainable means and minimise impacts of car journeys.

The EDG refers to cycle provision for leisure centres however there is no specific guidance for indoor tennis facilities.

It is anticipated that number of users at any time will be relatively low, as only four courts are proposed. In addition, given the nature of the use, users will likely be at the facility for relatively short periods of time.

Four Sheffield cycle stands are proposed accessed via footways leading to the site entrance and exits. This short stay provision is appropriate in terms of design and numbers for this facility.

The facilities would have access to the main car park of the club to the west of the site via Portgower Place.

The lack of additional car parking spaces is appropriate in this location as it is accessible by public transport. Public transport is nearby with Lothian bus services (24, 29) in close walking distance on Raeburn Place.

In addition, given the limited number of courts no specific impacts on the wider roads network is anticipated.

The access point via Portgower Place is primarily as a car park for the nursery. It will continue to be for used for deliveries to the main cricket ground and emergency egress only.

This does not materially differ from existing access arrangements. No specific road safety issues arise as a result of the proposal.

In light of the above, the proposal complies with the objectives of LDP transport policies. The site is located in a sustainable location and encourages travel by sustainable modes of transport.

### Sustainability

Des 6 (Sustainable Buildings) states permission will only be granted for development which meets carbon dioxide emission targets and incorporates features that reduce or minimise environmental resource use and impact. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets.

To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process.

The site is in an urban area with good public transport links, allowing a reduced reliance upon the car. Sustainable modes of transport are encouraged through cycle storage provision.

The proposal complies with the objectives of LDP policy Des 6.

### Flooding

Env 21 refers to development not being granted that would lead to increase in flood risk.

LDP policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

SEPA mapping systems indicates the site has a medium level of surface water and flood risk from the site.

The applicant has submitted a flood risk and drainage impact assessment in support of the application.

The Council's Flood Prevention Team has raised no objection on receipt of additional flow paths diagrams.

Overall, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

### Archaeology

Policy Env 8 (Protection of Important Remains) and LDP policy Env 9 (Development Sites of Archaeological Significance) aim to protect archaeological remains.

The City Archaeologist has been consulted on the proposals and commented as summarised below:

The site forms part of the historic Victorian Grange Tennis Club, Coates Curling Pond and latterly bowling club. The proposed drainage system is positioned on land formerly part of Victorian indoor tennis courts.

The site is therefore within an area of archaeological potential and a condition is recommended for a programme of archaeological work to be submitted and approved prior to commencement of works.

Subject to submission and approval of this information required by condition, the proposal complies with LDP policy Env 8 and Env 9.

### **Conclusion in relation to the Development Plan**

Overall, the proposal complies with the Local Development Plan.

It will not be detrimental to the architectural character, setting or historical interest of listed buildings and will preserve the character and appearance of the Conservation Area.

It will not result in unreasonable impacts on neighbours' living environment. A reduced reliance on car usage is encouraged and use of sustainable modes of transport. No specific road or pedestrian safety issues will occur.

The scheme brings a public benefit through delivery of publicly accessible sports facilities.

Loss of trees is minimised, and measures incorporated to protect the retained landscape on-site. Appropriate replacement planting will provide mitigation for their loss.

### **d) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal helps encourage improvements in health and wellbeing through provision of a publicly accessible sports facility.

It is located in a sustainable location as it is accessible by bus services in close walking distance to the site.

The scale, form and design protect the historic environment, the amenity of existing development and minimises tree loss.

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

NPF 4 - Draft National Planning Framework 4 has been consulted on but has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

The proposal provides disabled access across the site. A new access path will link to the sport facilities on-site and connect to the wider grounds of the applicants to the west side.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

##### *Letters of objection*

##### *material considerations*

- Contrary to LDP policy: Addressed through section (c)
- Listed Buildings: Addressed in section (a) - Listed Buildings
- Conservation Area: Addressed in section (b) - Conservation Area
- Scale, form and design: Addressed in section (b) and (c) - Conservation area and design
- Views: Addressed through sections (a) and (b)
- Amenity: Addressed in section (c) - Amenity
- Noise, disturbance and lighting: Addressed in section (c) - Amenity

- Health and well-being through amenity impacts: These matters cannot quantifiably be assessed under this proposal however associated amenity impact has been addressed in section (c) - Amenity
- Trees: Addressed in section (c) - Trees
- Flooding: Addressed in section (c) - Flooding
- Biodiversity: Addressed in section (c) - Biodiversity
- Environmental impact: Addressed in section (c) - Sustainability, Trees and Biodiversity
- Transport impact: Addressed in section (c) - Transport
- Road and general safety issues: Addressed in section (c) - Transport
- Proposed community use : Addressed in section (c) - Open Space Protection
- Neighbour Notification: Neighbour notification has been carried out in accordance with relevant legislation.
- Consultation: This is a local development and is not subject to statutory public consultation. Additional consultation would be a matter for the applicant or developer which cannot materially be assessed as part of this planning application.
- Incomplete / inaccurate information in regard to site and surroundings: The planning authority has assessed the submitted documents and considers that they are sufficient to accord with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

#### *non-material considerations*

- Potential alternative sites
- Noise and disturbance through construction activity
- Impact on educational opportunities of nursery
- Price of using facilities

#### *Letters of support*

#### *material considerations*

- Appropriate design for use: Addressed in section (a) and (c) - Conservation area and design
- Community benefit / local access: Addressed in section (c) - Open Space
- No impact on residential amenity: Addressed in section (c) - Amenity
- Impact on health and well being supported through national policy: Addressed in section (d) - SPP

### **Conclusion in relation to identified material considerations**

The proposal helps encourage improvements in health and wellbeing through provision of a publicly accessible sports facility.

It is located in a sustainable location as it is accessible by bus services in close walking distance to the site.

The scale, form and design protect the historic environment and the amenity of existing development.

Tree loss is minimised, and measures incorporated will help protect natural landscape.

The design has regard to improving the site's accessibility for all users.

In light of the above, the proposals do not raise any issues in relation to other material considerations identified.

## **Overall Conclusion**

The proposal complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall are in accordance with the development plan.

It will not be detrimental to the architectural character, setting or historical interest of listed buildings and will preserve the character and appearance of the Conservation Area.

It will not result in unreasonable impacts on neighbours' living environment. A reduced reliance on car usage is encouraged and use of sustainable modes of transport. No specific road or pedestrian safety issues will occur.

The scheme brings a public benefit through delivery of publicly accessible sports facilities.

Loss of trees is minimised, and measures incorporated to protect the retained landscape on-site. Appropriate replacement planting will provide mitigation for their loss.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

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

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

4. (a) A site survey (including initial desk study as a minimum) must be carried out to demonstrate that, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning authority.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the Planning authority prior to occupation of the development.

5. Prior to first use of the tennis and padel court facility, the noise mitigation measures including the 3 metre timber fence and position of mechanical plant shall be installed and operational as per the approved plan reference 13 A.

6. Prior to commencement of the development, a detailed landscape plan for replacement planting of trees on land within the applicant's ownership as shown in approved plan reference 01 shall be submitted to and approved in writing by the Local Planning Authority.

The landscape plan shall thereafter be fully implemented within six months of completion of the development.

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard protected trees.
4. In order to ensure the site is made safe for the proposed use.
5. In order to safeguard neighbours amenity.
6. In order to provide mitigation for the loss of trees on-site.

## **Informatives**

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.

3. 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.

4. Works should be undertaken between October to February outwith the nesting bird season. If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing. Should it be necessary to clear ground during the bird nesting season the flat roofs of the building should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before work starts.

5. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

### **Background Reading/External References**

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 29 December 2021**

### **Drawing Numbers/Scheme**

01-02, 03B, 05A, 06, 07B, 08A, 09A, 10, 11A, 12A, 13A,14 A, 15B, 16A

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Lewis McWilliam, Planning Officer  
E-mail:[lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland  
COMMENT: No comments on the proposals.  
DATE: 4 February 2022

NAME: Flood Planning  
COMMENT: No objections.  
DATE: 18 March 2022

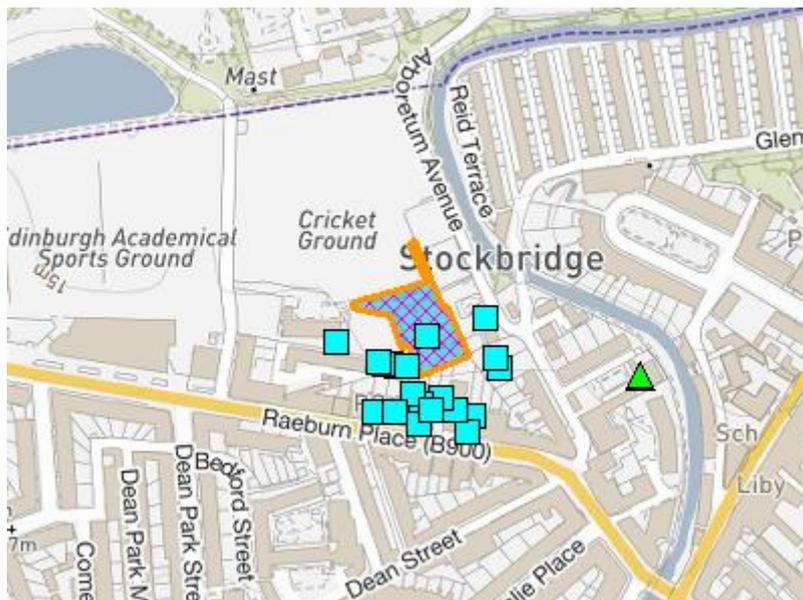
NAME: Environmental Protection  
COMMENT: No objections subject to condition in regard to installation of plant noise mitigation measures.  
DATE: 16 May 2022

NAME: Archaeology  
COMMENT: No objections subject to condition for the submission of a programme of archaeological works prior to commencement of development.  
DATE: 31 January 2022

NAME: Sportscotland  
COMMENT: No objection.  
DATE: 16 May 2022

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

### Location Plan



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