

Development Management Sub Committee

Wednesday 31st July 2013

**Application for Planning Permission 12/03567/FUL
At The Edinburgh Academical Club, 11A Portgower Place,
Edinburgh**

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 (revised scheme 2)

Item number

Report number

Wards

A05 - Inverleith

Links

[Policies and guidance for this application](#)

SPP, LPC, CITOS1, CITOS2, CITE1, CITE3, CITE5, CITE6, CITE7, CITE9, CITE12, CITE16, CITE17, CITE18, CITH8, CITR2, CITR7, CITR12, CITT1, CITT2, CITT4, CITT5, CITT6, OTH, NSDCAH, NSLBCA, NSMDV, CRPINV, CRPNEW, NSADSP, NSP, NSGD02,

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Executive summary

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Summary

The proposal would be a departure from the Edinburgh City Local Plan in that it would not fully meet the requirements of policies Os1a) and Env6a) regarding the significant impact on the quality or character of the local environment in terms of open space and the preservation or enhancement of the special character or appearance of the Inverleith Conservation Area. Justification for allowing a departure is acceptable in this case. Whilst there would be a change in character in terms of a sense of openness, a new character would be created by the proposal, and this would contribute to a new and attractive sense of place within the area. The proposal meets the requirements of parts b) to d) of policy Os1, and parts b) and c) of Env6 of ECLP.

The proposal is 'edge of centre' and the shopping street of Raeburn Place would be continued with the proposals; its rhythm of smaller units being echoed in the design. The proposal meets the terms of policy Ret2 and Ret6 of the Edinburgh City Local Plan.

The proposal complies with policy Des3 and Des5 by setting the building back to create a hard landscaped, attractive space in front of the building providing a valuable new area of public realm. The building in terms of its height, scale and form, materials and detailing would result in a positive form of development. Elements of the wall to Comely Bank Road frontage have been incorporated into the design.

The proposals would not diminish the historic interest of the nearby listed building. Its setting in an open landscape would be affected but this must be balanced against the already approved extensions for the building and the positive impact the detailed design of the proposal has on the street scene.

There would be no adverse impact on views. The proposal complies with the local plan policies which seek to protect these. There would be no adverse impact on the New

Town Conservation Area or the New Town Gardens Designed Landscape. Trees along Comely Bank Road frontage would be retained and protected.

In terms of Transport requirements sufficient information has been provided to determine the application; there would be no adverse impact in terms of parking, traffic and servicing of the development as a result of the proposed development. Conditions and legal agreements proposed will ensure the proposal meets Transport requirements. The proposal is acceptable in terms of its effect on the amenity of the area and with the use of suitable conditions, these will ensure that residential amenity is protected.

The proposal is acceptable in terms of drainage and flooding.

The use of appropriate conditions and legal agreements will ensure an acceptable form of development.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

The application is subject to a legal agreement for developer contributions.

Equalities impact

This application was assessed in terms of equalities and human rights. The impacts are identified in the assessment section (i) of the main report.

Sustainability impact

The application meets the requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

As a major application, the development was subject to statutory pre-application consultation.

In accordance with The Planning etc. (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 1 May 2012. Copies of the Notice were also issued to:

- Inverleith and Stockbridge Community Council;
- All ward councillors;
- Inverleith Neighbourhood Partnership;
- Stockbridge library;
- Warriston Residents Association;
- Ann Street Society;

- St Bernards Crescent Association;
- Dean Village Association;
- Dean Park Crescent Association;
- Maidencraig Residents Association; and
- Inverleith Society.

Community consultation events were held throughout May and June 2012. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Buildings Standards Online services.

A pre-application report on the proposals was presented to the Committee on 4 July 2012 . The Committee requested that the key issues include the requirement for a high quality design, a retail impact assessment, clarification of the uses within the clubhouse and clarification of the playing surfaces.

The proposals were submitted to the Urban Design Panel on 30 May 2012. Full details of the response can be found in the consultations section.

Publicity summary of representations and Community Council comments

Scheme 1

The application was advertised on 19 October 2012. Letters have been received from 1142 representators of whom 649 object and 493 support the scheme.

Scheme 2

The application was advertised on 22 March 2013 on receipt of minor changes. 648 letters were received, 588 to object and 60 to support.

Representations objecting to the proposal include comments from The Cockburn Association, The Friends of Inverleith Park, The Architectural Heritage Society of Scotland, Sarah Boyack MSP, Mark Lazarowicz MSP, The Inverleith Society, a letter and petition from 'Save Stockbridge' with 3236 signatures, and a shopkeepers petition with 34 signatures. One letter from a commercial premises has been signed by 17 individuals.

Material representations objecting to the proposal:

- Adverse effect on character of Conservation Area
- Setting of listed building
- Effect on World Heritage Site
- Design issues
- Scale
- Effect on views
- Transport issues
- Impact of retail and other commercial uses
- Effect on playing field and open space
- Amenity issues
- Infrastructure issues

Other material issues-

- full Environmental Impact Assessment is required;
- green space function of pond area of Inverleith Park compromised;
- need has not been established on planning grounds;- public consultation was not meaningful;
- widespread public concern; petition of over 3,000 signatures;
- visualisations and plans not accurate;
- contrary to policy Ret6 as it is a leisure/ entertainment development not within a town centre;
- major part of development not for a community purpose- function rooms/ retail/ business are private and for hire;
- contrary to South East Scotland Development Plan;
- scheme unchanged since public consultation;
- already community facilities in area;
- adverse effect on wildlife;
- not a sustainable development;
- previous approval/ smaller scheme more acceptable without commercial elements;
- supporting information inaccurate.

Scheme 1 Material representations supporting the proposal:

- Principle of development ;;
- Regeneration;
- Design;
- Views;
- Amenity;
- Sensitivity;
- Transport.

Other material comments-

Not susceptible to flooding, infrastructure improvements, better drainage to pitches, various details should be conditioned, sustainable and environmentally sensitive.

Inverleith and Stockbridge Community Council comments:

Inverleith and Stockbridge Community Council objects to the application. Comments are on increased traffic, parking problems, loss of amenity, contrary to development plans and Government policies, loss of public views, loss of open space, loss of a sports pitch, adverse impact on Stockbridge town centre, adverse effect on character of conservation area, position, and the size and design not being appropriate. In addition the Community Council state that an unacceptable precedent will be set if the development is allowed on an area of open space, alternative proposals are available and no need has been shown for private income stream for the development.

Scheme 1 Non material comments:

- remove current eyesore;
- empty stadium a lot of the time;
- land could be sold for other uses if not developed for rugby;
- business plan or accounts not published to identify need;
- risk assessment should be carried out for fire brigade and police;
- parking restrictions not enforced;
- other Edinburgh museums struggling;
- commercially driven scheme;
- development of Inverleith Park next;
- Edinburgh Academicals could use land they have at Arboretum Avenue;
- improving drainage should be done anyway;
- other alternatives e.g. Grange Cricket Club merger;
- rubble etc. should be removed;-
- alcohol consumption leads to rowdy behaviour;
- coaching could continue to youth etc. without having to build the stadium;
- club rugby not popular sport in Scotland;
- record of poor mismanagement at site;
- upgrading of pitch at Inverleith...way of making up loss of one full size pitch;
- rugby players who support scheme don't live in area;
- exaggeration of facts from campaigners;
- retail development will provide income for running the sports clubs and is critical to the survival and growth of the rugby club;
- open private outlook from flats effected;
- objections misplaced;
- de valuation of property;
- title deeds prohibit construction of any non sport related building;
- historical and cultural case given is narrow and biased towards rugby;
- historic site;
- consultation with locals not wide enough;
- views of locals not taken into account;
- loss of livelihood;
- construction traffic problems;
- letters from rugby players biased;
- Inverleith Park upgrade proposals backhand way to replace lost pitch;
- ground should be cleared of new stadium and restored if these plans fail once developed;
- objections are misplaced;
- club will have to move to another site;
- historic traditions will continue;
- financially high risk scheme;
- wall owned by Council;
- council tax should be reduced if approved; public money will need to be used to improve footpaths, crossing etc;
- museum better at Murrayfield; other museums struggling;
- proposal will prevent potential insensitive development like a supermarket, petrol station or shopping centre;
- press accounts alleging 'cosy' relationships with planning officers questions good faith;

- scheme a ruse to obviate original objections;
- Council should not be seen to hand over public property to private developer;
- foul play and pressure tactics;
- impact on subsidence of flats in area due to changing water courses.

Scheme 2

Scheme 2 was advertised on 22nd March 2013. Letters have been received from 648 representators of whom 558 object to the scheme and 60 support the scheme.

Of those objecting comments include those from Inverleith and Stockbridge Community Council, 'Save Stockbridge' and The Friends of Inverleith Park,

Material representations objecting to the proposal

Material representations objecting to the proposals reflect those comments made above for Scheme 1. The main point made was that the revisions were minor detailed changes which did not overcome objections already made.

Other points raised include:-

- Conservation area issues:
- Amenity issues:
- Design issues:
- Transport issues:

Material letters in support:

- wall changes will improve conservation area;
- improved usable public space to Comely Bank Road frontage;
- views to park improved;
- materials improved;
- positive revisions;
- reworking of vehicle park acceptable;
- commercial unit sit well back;
- improved design changes; positive quality development;
- North Park Terrace changes welcome;
- improved community facilities.

Non material representations:

- Unruly behaviour of fans.

Background reading / external references

- [To view details of the application go to](#)
- [Planning and Building Standards online services](#)

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1. Background

1.1 Site description

The site lies at the western end of Stockbridge, to the north of Comely Bank Road. It is bound to the east by Portgower Place, the west by North Park Terrace and the north by Inverleith Park. It is currently in use by the Edinburgh Academicals Club as a recreational green space comprising 2 rugby pitches and a cricket ground. It currently has capacity for up to 5,000 standing spectators although crowds are generally between 350 and 900 for major home matches. It has been operating as such since 1854. The site has an area of 3.57 hectares and is mostly within the Inverleith Conservation Area. The boundary of the New Town Conservation Area is directly to the east of the site and includes a small section of the site. This area is within the boundary of the New Town Gardens Designed Landscape.

Sandstone walls enclose the site on all sides. They are approximately 2.5m high on the playing field side and approximately 1.8m high on the road side. There are access points (vehicular and pedestrian) along Portgower Place and North Park Terrace. The section of wall along Comely Bank Road is leaning towards the sports ground and there is evidence of horizontal and vertical cracks along its length. Within the playing field there is a 6m high steel fence which is approximately 1.5m from the wall and is bracketed off the wall.

There are portacabins to the south west corner which are used as a clubhouse, changing facilities, and for associated social uses. The area between the portacabins and Comely Bank Road is used informally for car parking for approximately 30 cars. Covered informal spectator terraces are to the west of the site along the boundary with North Park Terrace. The pitch on the site has 4 existing 18 metre high masts with floodlights.

There are 21 mature London plane trees in the pavement along Comely Bank Road which are in close proximity to the existing wall. These are included in the Inventory of Heritage Trees. Two small trees grow against the west boundary of the sports ground. There are 11 trees within Inverleith Park just beyond the northern site boundary.

North Park Terrace is at a higher level than the application site. Portgower Place provides access to Inverleith Park.

The Raeburn House Hotel (unoccupied) lies immediately to the east of the site. It fronts the site onto Raeburn Place and is category B listed (ref no 29590). It was listed on 27 October 1965. This is currently under development. There are 2 and 3 storey residential properties along North Park Terrace to the west which face towards the playing fields. Inverleith Park lies on higher ground to the north. There are 4 storey tenements on the opposite side of Comely Bank Road (the continuation of Raeburn Place to the south) which are mainly in residential use; some have commercial uses on the ground floor. On the opposite side of Portgower Place is a four storey tenement building at the junction of Portgower Place and Raeburn Place; the ground floor is in commercial use, the upper floors are residential. There is a short terrace of 2 storey houses beyond this and further beyond this are tennis courts and the Grange cricket ground.

This property is located within the Inverleith and New Town Conservation Areas.

1.2 Site History

The relevant planning site history is:

August 2007- enforcement investigation closed concerning the erection of temporary portacabins and a car park. The works were temporary in nature and did not require planning permission as they were facilitating the implementation of an existing planning permission (07/00518/EOPDEV).

2008 - the previous clubhouse and associated buildings along Portgower Place were demolished.

May 2012 - case closed for Enforcement Notice served in connection with the erection of portacabins, formation of a car park and new pedestrian and vehicular access off North Park Terrace without planning permission. The case was closed as a PAN was submitted for development of the site which is the subject of this current planning application (11/00702/EOPDEV).

4 October 2012 - an application was submitted for Conservation Area Consent to demolish part of the walls along Comely Bank Road, Portgower Place and North Park Terrace (12/03567/CON). This is pending determination.

Other relevant history- adjacent site at Raeburn House Hotel (112 Raeburn Place):

8 June 2011 - Committee was minded to approve a planning application for extensions to the existing hotel and provision of a new members clubhouse (all to operate with hotel liquor license), and alterations to boundary wall at Raeburn House Hotel. This scheme was proposed by the Edinburgh Academicals Club in conjunction with Festival Inns following the demolition of the old clubhouse in 2008. The scheme was not implemented (10/03246/FUL).

17 June 2011 - listed building consent was granted for the conservation and repair of B-Listed Georgian villa, currently used as hotel, extension to existing hotel and provision of a new members clubhouse and alterations to boundary wall (10/03246/LBC).

9 July 2012 - listed building consent was granted for extensions and renovation of the existing hotel at Raeburn Place to form a 10 bedroom boutique hotel with bar and restaurant facilities (12/00576/LBC).

3 August 2012 - planning permission was granted to extend and renovate the existing hotel at Raeburn Place to form a 10 bedroom boutique hotel with bar and restaurant (12/00573/FUL).

2. Main report

2.1 Description Of The Proposal

The proposed development comprises:

- 1) the erection of a seated spectator stand;
- 2) a building to house clubhouse facilities, commercial units, a museum, licensed premises and function space;
- 3) sports pitch realignment with floodlighting; and
- 4) external landscaping and surfacing works.

1) A stand with seating for approximately 2478 spectators would extend along part of the southern site boundary and wrap around onto part of the eastern site boundary. It would have a floor area of 1784 sq.ms.

It would comprise terraced seating with a Glulam canopy over. This comprises curved timber beams.

The main entrance into the stands and clubhouse would be from Comely Bank Road opposite the junction of Dean Park Street. There would also be entrance points off Portgower Place.

Materials: Concrete columns, Glulam timber frame, metal frame in dark grey, standing seam metal roofing in dark grey, and double glazed curtain walling.

2) A building to house new clubhouse facilities, a museum, retail/ commercial units, function suites, kitchen, bar/ lounges and corporate boxes.

The building would lie along the southern edge of the site, and wrap around the existing building at the junction of Portgower Place, continuing up along the eastern part of the site along Portgower Place.

The building would have 2 floors. The ground floor would have a total floor area of 6207sq.m. It would have a gross internal floor area of 4,781 sq.m. Retail/ commercial elements would comprise 9 units with a total floor area of 1780sq.m. The range of uses sought is for use class 1 (retail), class 2 (financial, professional or other services), class 3 (food and drink) or class 4 (business).

An audio visual and administration area at the main entrance would have a combined floorspace of 236sq.m. The remainder of the ground floor of the building would be for club use with changing, training and gym facilities for players and club members.

At first floor level, corporate boxes would be provided along the east part of the site. These would have a total floor area of 443sq.m. A museum would be provided with a floor area of 308sq.m. Function suites, bar/ lounges and a cafe with a combined floor area of 894 sq.m. would be provided along the Comely Bank Road section. A kitchen is also proposed.

Materials: Natural stone (buff) to Comely Bank Road frontage, reconstituted stone in white to Portgower Place frontage; double glazed curtain walling; metal frame (dark grey); flat sheet metal panels (dark grey), glass balustrade, re-constituted stone fins in white.

3) A new full sized rugby pitch, 2 mini rugby pitches, training pitches, a cricket square and cricket nets.

The sports pitches will be re-laid and improved. New underground drainage would be provided. A full size rugby pitch will be provided measuring 120m by 70m.

Two mini rugby pitches, each measuring 52m by 35m are proposed. A cricket square is proposed to the south west of the grounds. An all weather running track will be provided between the stand and the main pitch. The pitches will have natural grass surfaces.

New floodlighting to the sports pitches is proposed comprising 4 x 20m high masts for the full sized rugby pitch. Each column would have 15 floodlights.

Each training/ mini pitch would have 3 x 16metre high columns. Of these 2 of the columns would have 3 floodlights; one would have 2 floodlights.

Sport safety fencing is proposed to the west of the site for use with cricket. This is demountable.

4) New public space would be created along the Comely Bank frontage by the widening of the footpath and the part removal of the existing wall. Four planted beds which incorporate seated areas would be created.

Sections of the existing wall would be demolished. Other sections would be reduced and rebuilt to 800mm in height; both faces of the wall would be exposed. The foundations and under building of the wall would be retained below the paved areas outwith the planters. The remaining surround to the planters would be finished in folded steel plate in powder coated dark grey. Seated areas would be provided along the north and south edges of the planted areas facing the commercial units and Comely Bank Road. These would be provided by hardwood slats on a galvanised and painted steel frame. The beds between the seating would be planted with common box hedge and ground cover plants.

The existing plane trees would be retained and enclosed by planters finished in setted trim and resin bound gravel.

A servicing area would be provided to the west of the building with access off North Park Terrace. This would be enclosed by walling with bin stores incorporated along a section of the wall. The existing vehicular access point at the junction of North Park Terrace and Comely Bank Road will be repositioned and enlarged to provide an entry point for delivery vehicles. A small number of on street parking bays will be adjusted to

suit the new access points. There would be controlled access gates at the entrance to the servicing area. The existing vehicular access points off Portgower Place will be repositioned to provide access to the new car and coach parking area and for occasional access to the ground for maintenance vehicles.

A car parking area would be provided to the east of the site. This would have parking for 50 cars and 3 coaches. Three of the car parking spaces would be for disabled drivers. Access to this would be from 2 access points off Portgower Place. New tree planting will be provided in the car park area.

Eleven cycle parking racks for 22 bikes would be provided on the Comely Bank Road frontage for the commercial units use and on the Portgower Place 14 cycle racks would be provided (28 bike spaces) for use by club members, players and officials.

Surface materials: Surface areas would comprise Caithness natural stone and stone cubes to Comely Bank Road frontage. Main pedestrian entrances are to be in silver grey granite stone slab paving. The servicing area and car parking area will be finished with Marshalls silver grey paving.

Previous Scheme

The scheme has been revised. The revised scheme includes the retention/rebuilding of part of the boundary walls and alterations to landscaping along Comely Bank Road frontage; the repositioning of the access on North Park Terrace; building design alterations; landscaping amendments to Comely Bank Road frontage/ junction of North Park Terrace to include a plaza area; the removal of the embankment to the east side of pitches along Portgower Place; the use of natural stone on Comely Bank Road elevations and use of white reconstituted stone for the Portgower Place elevations; and revised car park surface material.

The application has been screened under the Environmental Impact Assessment Regulations which concluded no full EIA was required.

In support of the planning application the following documents have been submitted:

Planning Statement;
Design and Access Statement (revised March 2013);
Sustainability Statement;
Conservation Statement;
Structural Condition Report on Boundary Walls;
Tree Report and Arboricultural Implications Assessment;
Transportation Statement (revised March 2013);
Additional Traffic Survey of tennis event (June 2013);
Viability Statement;
Retail Impact Assessment;
Public Consultation Statement;
Public Consultation Statement letters of support;
Public Consultation Statement- Appendix A- stage 1 display material;
Public Consultation Statement- Appendix C- stage 2 displays material;
Surface Water Management Plan and Strategy Report (revised March 2013);
Ecology and Floodlighting;
Flood Risk Assessment;
Geo-Environmental Desk Study reports part 1;

Air Quality report;
Acoustic report;
Bat Roost and Floodlighting Strategy.

In addition an independent assessment of the methodology of CEC Transport's consideration of the application was carried out.

These documents are available to view on the Planning and Building Standards Online Services.

2.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

Do the proposals preserve the building or its setting or any features of special architectural or historic interest which it possesses? If not, there is a presumption against the granting of consent. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extension as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

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

2.3 Assessment

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

- a) the principle of development, including uses, is acceptable;
- b) the proposals preserve and enhance the character and appearance of the Inverleith Conservation Area, the New Town Conservation Area and the New Town Designed Landscape, or the setting of the nearby listed building;
- c) the proposed layout, scale, design and materials are acceptable;
- d) the proposal has any impact on key views and the Outstanding Universal Value of the World Heritage Site;
- e) there is any adverse impact on the amenity of neighbours;
- f) the impact on infrastructure is acceptable;
- g) the development is sustainable;
- h) the comments have been taken into consideration;
- i) the proposals have any equalities or human rights impacts and;
- j) there are any other material planning considerations.

a) Principle of Development

The Development Plan for the application comprises the Strategic Development Plan for Edinburgh and South East Scotland 2013 and the Edinburgh City Local Plan 2010.

In the adopted local plan, the majority of the site is designated as an area of open space. An area of approximately 600sq metres to the north of the existing Raeburn House Hotel is within the Urban Area. The site is 'edge of centre' of the Stockbridge

Town Centre. The site has been in use as a sports ground since 1854 and therefore the principle of using the site for a sports ground/ sports related facility is established.

Key considerations in terms of the principle of development are open space and sports pitch provision, the location of retail and other commercial uses, the location of leisure uses, and potential economic benefits.

Open space:

The proposals affect a playing field and will therefore be considered against relevant criteria in both policies Os1 and Os2 of the Edinburgh City Local Plan.

Policy Os1 seeks to protect all open spaces, both public and privately owned, which contribute to the amenity of their surroundings and the city. There are 5 criteria, 4 of which need to be met.

The development would result in the loss of open space which fronts Comely Bank Road/ Raeburn Place and Portgower Place. Policy Os1 part a) does not support loss of open space unless it can be demonstrated that there will be no significant impact on the quality or character of the local environment. The open space currently makes a positive and significant contribution to the character of the local environment; in particular, the open playing fields contribute to the character of Inverleith Conservation Area. There would be a loss of approximately 17% of the playing fields as a result of the new building proposed (taking account of the demolition of existing clubhouse buildings and stand). There would be some impact on townscape character as the sense of openness experienced from Comely Bank Road would be altered.

The proposal complies with Os1 part b) as interpreted using the Open Space Strategy because the loss of non-publically accessible open space here will not lead to a deficiency in terms of the Strategy's standards, nor remove a realistic opportunity to remedy any deficiency.

The proposal complies with Os1 part c) as the open space lost does not contribute to the continuity of the green network or biodiversity value.

The proposal has potential to comply with Os1 part d) provided improvements can be made to open space nearby. The proposals would result in improvements to the existing pitches which would enhance the sports facilities on site; there would be installation of new drainage and the provision of a main pitch, 2 mini pitches and the installation of the cricket circle. The applicants have agreed to make a financial contribution to upgrade facilities at Inverleith Park. This is discussed in more detail below.

To meet the terms of this policy, criteria a), b), c) and either d) or e) must be met to comply with Policy Os1. The proposal meets the criteria in parts b) to d) but is contrary to part a) due to its impact on the character of the local environment. This however needs to be balanced against other positive factors such as improvements to public realm which are discussed in part c) of the assessment.

Policy Os2 of the Edinburgh City Local Plan requires 1 of 4 criteria to be met to comply. Criterion Os2c) is relevant which requires the loss of some or all of a playing field or

sports pitch being permitted only where '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 development involves the loss of 1 full sized rugby pitch. This loss would need to be compensated for to meet the requirements of policy Os2c).

The applicant has submitted a range of pitch upgrade proposals for Inverleith Park. The Open Space Audit identifies the pitches here as being grade 'B' as they are not suitable to be upgraded or managed as multi-pitch venues. However, the applicant has agreed to make a financial contribution of £98,450 to improve the Inverleith Park pitches. This would deliver significant improvements to the existing surface creating a more robust and higher quality playing surface. This has the support of CEC Culture and Sport, and SportScotland_ The proposal therefore complies with policy Os2c). The existing pitches at the site will be improved, and the pitches at nearby Inverleith Park will be upgraded to compensate for the loss of the full sized pitch at the site.

Retail uses:

The proposal is 'edge of centre' in the Edinburgh City Local Plan. The site adjoins the boundary of the town centre and is within comfortable walking distance of the primary frontage. Since the proposal is 'edge of centre', there is a requirement to consider alternative locations under the sequential test and this has been carried out. The applicants have considered alternative locations for retail. Of the 8 vacant units in the centre, none, either in isolation or in combination with adjacent vacant units, is greater than 150 sq.m. GFA floorspace. There are therefore no existing vacant units that are capable of accommodating the proposed development.

The Retail Impact Assessment (RIA) submitted is based on the proposed floorspace of 1,780 sq.m. retail (gross) and is less than the 2,500 sq.m. threshold for undertaking a RIA referred to in Scottish Planning Policy. The proposal is for a mix of uses, including class 1 (retail), class 2 (financial, professional and other services), class 3 (food and drink), and class 4 (business). In terms of retail categories, 712 sq.m. (40%) is for convenience goods, and 1,068 sq.m. gross (60%) is for comparison goods. The assessment has assumed that all floorspace is for retail; it may be that all of these units are developed for retail or none at all.

Edinburgh City Local Plan policy Ret2 states that planning permission will be granted for retail development on a site which adjoins the boundary of a town centre or is within comfortable and easy walking distance of its primary frontages if it is clear that no suitable sites are available within the town centre itself, and subject to 5 considerations contained within the policy. These shall be looked at in turn below.

Ret 2a) considers whether the proposal will have a significant adverse effect, either individually or cumulatively with other developments, on the vitality and viability of existing centres within the intended catchment of the proposal.

The direct adverse retail impacts on Stockbridge town centre are as follows:

- 2% impact on convenience goods shops.
- 1% impact on comparison goods shops.

There will be impacts on retail floor space outwith Stockbridge Town Centre but within the primary catchment area of the development. These are identified to be in the region of 2 to 3% for convenience goods shops and the Waitrose supermarket. As these shops are outwith the centre these are not protected by retail policy.

Sensitivity analysis tests a variety of scenarios such as having a higher proportion of convenience and comparison space, decreasing the amount of trade diverted from shops within the primary catchment area and increasing/ decreasing sales densities. The sensitivity analysis undertaken for the proposal shows that even in the worst case scenario, the vitality and viability of Stockbridge would not be adversely affected.

Impacts on other defined centres will be insignificant.

Ret 2b) considers whether the proposal is for a development that will be integrated satisfactorily into the centre and will help to maintain a compact centre.

The proposed retail units fronting onto Comely Bank Road would effectively form an extension to Stockbridge Town Centre and maintain a compact centre, complying with Policy Ret 2b) of the Edinburgh City Local Plan.

The proposal will complement the uses in the existing centre and will provide a continuation of ground floor vibrancy along this section of Comely Bank Road.

Ret 2c) considers whether the proposal is compatible, in terms of scale and type, with the character and function of the centre.

The town centre has a range of convenience and comparison goods shops and there is a good range of independent traders. The proposal is of a scale and type that is compatible with the town centre, meeting criterion c). A condition could be added to any consent given that unit size is restricted to reflect the character, scale and type of units within the existing town centre.

Ret 2d) considers whether the proposal will reinforce the range of facilities and the vitality and attractions of the centre.

Stockbridge is showing a number of positive signs which include a diverse range of operators and low vacancy rates. It is an attractive centre and is well served by independent stores. The proposal would form an effective extension to Stockbridge and add to the range of facilities and the vitality of the centre with modern, efficient units of up to 500 square metres.

Ret 2 e) considers whether the proposal will help to improve the accessibility of the centre for all transport modes.

The primary catchment area is confined mainly to Stockbridge and the immediate area. Stockbridge attracts visits from a much wider area. However, realistically most trips, in particular for convenience shopping, are likely to be by those who live within immediate area. Stockbridge is served by a reasonable bus service. There is parking available locally.

In summary, the proposal meets the requirements of policy Ret2 of the Edinburgh City Local Plan; there are no other suitable sites within the centre in which the units could

locate, it will not have an adverse impact on the vitality or viability of existing centres in the catchment area, it can be integrated with the existing centre, the proposals are compatible with the scale, type, character and function of the centre, it will reinforce the range of facilities at the centre, and help improve accessibility.

The question of out of date information has been raised by some objectors. The applicant states that this is in reference to the use of the Edinburgh Area Retail Needs Study (EARNs report) 2005 which is the only comprehensive assessment of turnover commissioned by the Council. Sensitivity tests have been used and have concluded that the impact of the development is low. All other sources of data used in the assessment are based on 2010-2012 data, and EARNs has a limited role in the RIA.

There is no requirement for the applicants to demonstrate a need for the commercial units to support the long term viability of the sports club. The assessment of whether retail units are acceptable in this location is based on the development plan policies.

Leisure uses:

Local Plan policy Ret7 requires that permission will be granted for entertainment and leisure developments in other locations provided that all potential Central Area, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable. The site is or will be made accessible by a choice of means of transport and will not lead to an unacceptable increase in traffic locally; it can be integrated satisfactorily into its surroundings with high quality design and will not lead to a significant increase in noise, disturbance and on street activity.

The use of the site for sporting activities is long established at this site and the proposals will provide improved leisure facilities for sporting activities and also tourist activities by the inclusion of the proposed museum. Issues of design, traffic and amenity are discussed in sections (b), (c), (e) and (f) below.

Scottish Planning Policy (SPP) and the draft SPP (April 2013) are material planning considerations in the determination of this planning application. The existing policy and the new draft attach weight to economic benefits of proposed development particularly the creation of new jobs and recognising and responding to economic and financial conditions. The applicant states that the proposed development would create almost 100 full time equivalent jobs, most of which would be within Edinburgh. The scheme would enable the continuation of the Edinburgh Academicals clubs. The use would enable the continuation and improvement of sporting facilities for various age groups and is supported by Scottish Rugby. Visit Scotland support the scheme for the economic benefits of spreading tourism through the museum and function suite facilities.

In conclusion, the proposals meet the requirements of parts b) to d) of policy Os1 of the Edinburgh City Local Plan. However the proposals would reduce the sense of openness the playing fields provide from Comely Bank Road. The development of this part of the site will not meet the terms of policy Os1a) due to the impact they will have on the character of the local environment. However this needs to be balanced against other potential benefits the scheme offers in terms of public realm improvements. This is discussed in detail in assessment c). The development would meet the requirements of policy Os2 provided a financial contribution is secured to enable the upgrading of facilities at Inverleith Park. The retail/ commercial units would form a natural extension to the Stockbridge Town Centre and would not have an adverse effect on this centre or

other centres in the area in terms of retail policy, the leisure elements of the development proposal would meet the principal requirements of policy Ret7; and the development would meet the aims of the draft Scottish Planning Policy encouraging economic growth.

b) Listed Building and Conservation Area considerations

The relevant Edinburgh City Local Plan policies are Env3 Listed Building- setting, Policy Env5 Conservation Areas- demolition of buildings, Env6 Conservation Areas- development, and policy Env7 Historic Gardens and Designed Landscapes.

Setting of Listed Building

The Raeburn House Hotel (formerly known as Somerset Cottage) is directly to the east of the site and fronts Raeburn Place at the junction of Portgower Place. It is described as significant in the context of the Raeburn Estate as its façade is an excellent example of an Edinburgh suburban villa of its date. It is important in townscape terms as the 'right marker' at the approach to the Raeburn Estate from the west. The building is currently being extended with proposals approved in July and August 2012 which include a large rear extension and a side extension which adjoin the application site boundary.

This proposal will wrap around close to the listed building and will affect its setting, as the open character around the building will be lost. However, the open setting has already been affected to a degree by the approved extensions which extend the hotel to the west and rear (north); these are 2 storey in height at the rear.

In terms of height, the main block of the proposal relates well to the height of the hotel. It carries through the eaves line and the hotel roof projects above the proposed flat roof. The massing steps down from this height so that the main retail façade is only slightly taller than the side pavilions of Raeburn House. Whilst the seated stadium will project higher than the listed building, this element of the proposals will be set back into the site away from the extended parts of the hotel and will not overpower its height.

The design of the proposal, whilst modern and in contrast to the traditional listed structure, has some geometric form which relates well to the frontage of the adjacent Georgian building. The proposed materials and their palette will complement the tone of materials in Raeburn House Hotel.

The proposals would not diminish the historic interest of the nearby listed building. Its setting in an open landscape would be affected but this must be balanced against the already approved extensions for the building and the positive impact the detailed design of the proposal has on the street scene.

Conservation Area Impact

Edinburgh City Local Plan policy Env6 states that development within a conservation area or affecting its setting 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.

Inverleith Conservation Area

The Inverleith Conservation Area Character Appraisal is described as including the following: *'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.'*

Its spatial structure is characterised as *'being layered with sports fields and grounds associated with a number of private schools located both within and without the area. The principal feature of the urban fabric is its finger like development, incorporating a wide variety of styles and ages.'* This part of the Inverleith Conservation Area is characterised by detached Victorian houses sitting in their own grounds. The townscape pattern follows a loose grid pattern with a prevalence of open space and garden ground to the houses, emphasising the spaciousness of the whole area.

The architectural character in the villa streets are complemented by the profusion of mature trees, extensive garden settings stone boundary walls and spacious roads. A range of outdoor activities are available at Inverleith Park, and other playing fields in the conservation area cater for various sporting activities.'

It continues, *'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 application site's playing fields contribute significantly to the character of the area. The development proposed would alter this as it would result in the development of part of an area of open space which makes a positive contribution to the character of the area, as stated in the Inverleith Conservation Area Character Appraisal. The development on the open space would change the character of the area as the sense of openness provided by the open playing fields would be lost from Comely Bank Road. The proposal would not therefore comply with ECLP policy Env6a). However, the site lies on a busy and main thoroughfare through the city; there are some commercial units directly opposite the site and the Stockbridge Town Centre is directly to the east. The Comely Bank Road frontage is densely developed around the site. The proposal creates an extension to the commercial centre further along Comely Bank Road and creates a denser character along this edge of the Inverleith Conservation Area. 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 proposed development results in the loss of open space along the eastern edge of the sports ground. This area has already received planning approval for development as part of a previous consent.

The green break in the building line is an important visual feature of the area and defines the area between Stockbridge and Comely Bank. The Conservation Area Character Appraisal acknowledges the important visual link to the park from the urban area particularly from the southern side of Comely Bank Road. Whilst a large proportion of the Comely Bank Road frontage would be developed, the applicant has kept the visual link from Comely Bank Road towards the park by creating a low level landscaped area at the western end of the site which enables some views to be maintained across the grounds towards Inverleith Park. The removal and part reduction of the wall along Comely Bank Road would enable an open area to be provided adjacent to the street; this would create a more open feel to the street frontage.

The scale of the development is appropriate in this context. The building respects the building line of frontages along Comely Bank Road, the height is kept to below that of existing tenements on Comely Bank Road and the corner of Portgower Place. The stadium is set back further into the site so any impact of the stadium from public viewpoints along the main road is minimised. The proposals which front Portgower Place are of appropriate scale and height.

The design of the development is modern and complements the buildings in the surrounding area well. The materials proposed are appropriate for this part of the conservation area. The criteria for ECLP policy Env6c) are met.

In summary, the development of this part of the playing fields and the loss of the sense of openness towards Inverleith Park across the frontage of Comely Bank Road would not maintain or enhance the special character of the Inverleith Conservation Area.

However, the proposal maintains a visual link to Inverleith Park to the west of the site from Comely Bank Road. The proposed building would not be out of character with the adjacent/ immediate area surrounding the site to the south, east and west, and the scheme creates a new more open area of public realm which is a positive contribution to the street scene. The Comely Bank Road frontage is densely developed around the site and the proposals reflect this character along the 'edge' of the Inverleith Conservation Area. A positive new character is created.

The proposal would not comply with policy Env6a) of the Edinburgh City Local Plan as the proposal is not consistent with the Inverleith Conservation Area Character Appraisal and the special character would not be preserved. The proposal would create a new and positive character to the edge of the Inverleith and New Town Conservation Areas.

New Town Conservation Area

Whilst the majority of the application site is within the Inverleith Conservation Area, a small section of the application site, a section behind the Raeburn House Hotel, sits within the New Town Conservation Area. The Inverleith Conservation Area and the New Town Conservation Areas also border each other so there is an impact on setting.

The New Town Conservation Area Character Appraisal describes this conservation area's townscape as *'a mix of town houses and tenemental buildings, usually following a sloping topography and adopting a general uniform height with only church spires projecting above them.* The architectural character is further described as *'typified by formal plan layouts, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are generally three or four storeys, with some four or five storey corner and central pavilions'.* The specific reference to Stockbridge in the Appraisal is as a *'a neighbourhood shopping centre primarily based around small shop units in Raeburn Place...The majority of the property remains in residential use.'*

The character and appearance of the New Town Conservation Area is one which is more urban and developed than Inverleith. In particular, Raeburn Place comprises of development of a variety of building heights including tenements. It is part of the Stockbridge Town Centre and therefore an active street with a mix of commercial and residential uses as well as a busy transport corridor. The application proposals to introduce development and commercial uses further along Raeburn Place is more in keeping with the character and appearance of the New Town Conservation Area. The proposals preserve and enhance the character and appearance of this conservation area and comply with policy Env 6 of the Edinburgh City Local Plan.

Wall and Trees

A Tree Survey and Arboricultural Implications Assessment (AIA) has been submitted with the application. There are 21 trees within the public footpath along Comely Bank Road; two small trees (a silver birch and a whitebeam) grow against the west boundary of the sports ground, and a further 11 trees (whitebeam, common alder and sycamore) are located within Inverleith Park just beyond the northern site boundary.

The Inverleith Conservation Area Character Appraisal refers to *'the high quality landscape overall with trees and woodland cover creating a setting for the built environment.'*

The row of London planes along Comely Bank Road are a significant landscape feature within the street scene. They are included on the Council's List of Heritage Trees by virtue of their size, age, historic or cultural significance. They are all in the region of 16-18 metres in height with canopies that extend 7-10 metres; some extend over the full width of Comely Bank Road. The survey recommends crown management of the trees and re-instatement of the footway along Comely Bank Road to remedy tree root disturbance to the surfacing. Trial pits dug as part of the AIA found that the boundary wall and level change have restricted root spread from beneath the footway into the sports ground. The tree survey concludes that the proposed spectator stand, retail units and museum along Comely Bank Road are set to the north of the identified root protection area and are unlikely to have a damaging effect on the existing trees. This is subject to the protective measures, construction exclusion zone, proposed methods of working and professional supervision outlined in the submitted AIA. The applicant has confirmed that utilities would be taken via the proposed vehicular access to the

southwest of the site, therefore avoiding the existing Comely Bank trees. The proposed construction compound is also outwith the root protection areas.

The Inverleith Conservation Area character appraisal states that 'The stone boundary walls and railing are a key feature within the conservation area and they should be repaired and reinstated where appropriate.'

The wall is a positive feature of the Inverleith Conservation Area. The Structural Condition Report (Harley Haddow, 2012) submitted with the planning application finds the existing stone boundary wall to Comely Bank Road is unstable and would need to be taken down.

The wall has been inspected by the Council which found it to be in a poor state of repair with missing and loose masonry. It found large areas of wall (mostly to the rear) have large areas of displacement, cracked and missing masonry. Also due to signs of root growth showing through the footpath, they advise to have the foundations checked for its entirety and the footpath surfacing addressed. The report concludes that the wall needs to be taken down and rebuilt in line and levelled in several areas.

The revised proposal to lower sections of the wall to approximately 800mm in height would provide definition between the proposed civic space and traffic on Comely Bank Road, retain part of the walled character of the conservation area and provide informal seating. These sections of wall enhance the space where they face onto. Limited sections of complete removal would assist in minimising the risk of damage to the existing trees. The works are however, not without some risk and appropriate supervision and follow up monitoring of tree condition would be required.

New Town Conservation Area and New Town Gardens Designed Landscape

The small section of the site is within and on the edge of the New Town Conservation Area and New Town Gardens Designed Landscape. The impact on these designations is insignificant. The development proposal is mainly on the edge of the New Town Conservation Area which is characterised in the Stockbridge area of its importance as a regional shopping centre, the presence of satellite shopping in Stockbridge, the West End and Broughton/ Leith Walk, the strong and continuing presence of residential community outwith the central area and the flexibility of use of original townhouses.

The individual New Town Gardens are generally enclosed by the formal geometry of streets within the New Town and would remain unaffected. Only a minor and insignificant part of the site is within the New Town Gardens Designed Landscape. New development should fit within and complement the urban grain and massing characteristics of the area they are located in, through the use of native deciduous tree planting and by reinforcing the standard plot widths and height of street elevations, even where larger packages have been assembled. The character appraisal insists that new development within the area is of the highest design quality. The proposed development fits in with and complements the urban grain and massing characteristics of the area it is located in. Height of street elevations are retained, and appropriate materials are proposed. Native deciduous tree planting is proposed and is appropriate. The development would have a minor and acceptable impact on the New Town Conservation Area and New Town Designed Landscape.

c) Design

In terms of design, the development must meet the terms of policy Des1 of ECLP which states that *'planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living or working environment. Design and context should be based on an overall design concept that draws upon positive characteristics of the surrounding area to create or reinforce a sense of place, security and vitality. 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.'*

In addition policy Des3 of ECLP permits development which demonstrates that it meets a number of detailed design criteria.

Development should 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. The proposal would introduce a building on the site which is currently open space and provides an important break in the building line along the main road; it forms a visual link through trees to Inverleith Park to the north. This is important as it creates a significant break in the built up street of Comely Bank Road/ Raeburn Place. The road is an important part of the conservation area because of its prominence as a busy route within the city. The proposed stand and associated facilities will impact on this character by changing the sense of openness to one of enclosure. The sense of openness can also be perceived from the side streets of Dean Park Street and Comely Bank Place. Due to the positioning of the building, the proposal will have more limited impact on Comely Bank Place but it will change the view from Dean Park Street by changing the sense of openness.

This change should be weighed against other policies within the local plan which seek to achieve a positive urban design and also with the broader agenda of placemaking set out in Government Policy statements such as Designing Places and Designing Streets. In addition and as outlined in assessment b), the applicant has kept the visual link from Comely Bank Road towards Inverleith Park by creating low level landscape works at the western end of the site which enables views to be maintained across the grounds towards the park.

The sense of openness will also be lost from Portgower Place. Though it is a less frequented route than Comely Bank Road/ Raeburn Place, it forms an important entry into Inverleith Park. There is a previous unimplemented planning consent for development of this part of the site for similar uses.

In terms of height, scale and form, the development has a positive impact. The height generally matches that of its surroundings. The landscape and visual appraisal submitted with the application sets out to quantify and evaluate the change to the existing townscape and visual amenity both during the summer and winter months. Cross sections show the height of the development sitting below the height of the tenements on the opposite side of Comely Bank Road. The maximum height of the stadium is 27.5 metres high; the eaves height of the tenements on Comely Bank Road is 30.1 metres high and the top of the ridge has a height of 33.15 metres.

The commercial units and club facilities building will sit down lower than the maximum height of the Raeburn House Hotel and the tenements on Portgower Place.

The stadium roof will sit higher than the maximum height of 2 storey properties on Portgower Place; the ridge height of these properties is 30.75 metres and they have an eaves height of 23 metres. The height of the proposed roof generally relates to that of these 2 storey properties being just 1.5 metres higher. The stadium roof will be higher than the 2 storey property on North Park Terrace by approximately 1 metre. There is good separation between the application site building and the height relates well generally.

The listed building is lower than the maximum height of the stadium by 1.81 metres. The stadium has been set back into the site, so the effects of this height increase will be minimal.

The line of sight study submitted shows the roof of the stadium will only be visible to a minor degree from certain viewpoints on the opposite side of Comely Bank Road; from Portgower Place and other areas along Comely Bank Road, it will not be visible from eye level.

The scale of the building is appropriate. It would create a harmonious townscape with the proportions of the building creating a sympathetic relationship between existing and new development. The building lines set by facades of adjacent buildings on Comely Bank Road/ Raeburn Place are retained. The scale of the shops commercial units proposed are small scale and in design terms echo the shop units within the existing Stockbridge centre. In order to emanate this character, it is recommended that a condition is added to any consent given to prevent one large unit being created against this character. The proposal addresses the street in a positive way to help create a sense of place, with urban vitality and community safety.

The style of the building is modern and does not seek to copy the traditional design of the buildings nearby but rather complements these; the building integrates into its surroundings well. The development is of high quality and appropriate design and enhances the character and appearance of the area around it.

The proposed roof for the stand is supported by a visually elegant Glulam timber structure. The design of the development aims to reduce visual impacts by setting the spectator canopy largely outwith lines of sight along surrounding streets by using the Glulam timber beams and via the glazed and recessed first floor.

Natural stone is proposed to the frontage along Comely Bank Road and white reconstituted stone is proposed along Portgower Place; this reflects the white render used at the rear extensions currently under construction at the rear of the Raeburn House Hotel. The materials proposed harmonise with those on surrounding buildings.

In terms of design of external spaces policy Des5 of ECLP is relevant. This permits development where 'all external spaces, including streets, footpaths, civic spaces, other open spaces and boundary treatments have been designed as an integral part of the scheme as a whole.' 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. Planting areas, the retention of mature trees and the retention of part of the original wall enhance the quality and distinctiveness of this area. Surface materials are of high quality and appropriate in the Inverleith Conservation Area.

The car parking area to the east of the site has appropriate surface materials and is set within a landscape setting with additional tree planting and hedging to soften its impact.

Surface material for the proposed new pitches will be natural grass; only the running track will be of all purpose material.

Flagpoles are proposed to the Comely Bank Road frontage and along Portgower Place. It is recommended to avoid visual clutter, that a condition is added to any consent to restrict the number of these to a maximum of 3 per frontage.

Lothian and Borders Police have made a number of comments on detailed aspects of the proposal. These have been drawn to the applicant's attention; they would not be required by planning condition.

Urban Design Panel (UDP)

The report of the Edinburgh Urban Design Panel can be viewed in the Planning and Building Standards Online Services. In summary, the UDP support the desire to find an appropriate and financially viable form of development to enable the rugby club to remain at the site. The Panel was split in its support for the proposal at pre-application stage. It expressed concern about the impact of the proposal on the character of existing townscape in particular, the loss of open space and loss of the existing townscape character of moving from a tenemental street to a villa in an open landscape setting. In support, the Panel considered the proposed solutions for developing the site as an appropriate response for the site given the context and constraints.

In conclusion, whilst there would be a change in character in terms of a sense of openness, a new character would be created by the proposal and this would contribute to the new and attractive sense of place within the area. The shopping street of Raeburn Place would be continued with the proposals, its rhythm of smaller units being echoed by the design; by setting the building back this has created a hard landscaped, attractive space in front of the building providing a valuable new area of public realm. The building in terms its height, scale and form, materials and detailing, wider townscape and landscape impacts and impacts on views would result in a positive form of development.

d) Impact on key views and the Skyline of the Edinburgh World Heritage Skyline Site

Policy Env1 of the ECLP states that 'development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh as a World Heritage Site or would have a detrimental impact on the Site's setting will not be permitted.'

Policy Des3a) also requires new development to have a positive impact on 'wider townscape, and landscape impacts and impacts on views.'

Development should not impact adversely on the essential qualities of Edinburgh's profile and views.

The Landscape and Visual Appraisal submitted with the application evaluates the change to the existing townscape both during summer and winter views. It describes the changes in the character of the available views resulting from the development, and the changes in the visual amenity of the visual receptors.

Inverleith's layered structure of significant areas of open space establishes an open foreground to panoramic views back towards the city. This pattern of land use and the extensive viewing opportunity it offers is recognised as an essential characteristic of the Inverleith Conservation area. The section on Key Views in the Edinburgh Design Guidance seeks to safeguard views across the site to the City's skyline including the dome of West Register House, Edinburgh Castle, Castle Rock and Tolbooth St John's Spire, the stepped rooflines of the New Town and Arthur's Seat (viewcones N2a, N2b and N2c).

Views from the banking of Inverleith pond are protected as viewcones defined in the Edinburgh Design Guidance (viewcones N2b and N2d). There is a natural amphitheatre of the landform of this dramatic outlook towards the World Heritage Site, and this is partly enabled by the open foreground of the sports ground and Inverleith Pond.

The applicant has shown that the proposed development would result in the introduction of a large structure in the middle ground of valued views back to the city from Inverleith Park. They have demonstrated how the roof of the stadium would sit down lower than the tenements on Comely Bank Road. There will still be a view to the top of the tenement creating a layered pattern of buildings in the foreground of the built-up area. The illustrations submitted indicate that whilst the foreground will change, there remain clear views over the city skyline. The broad remainder of the sports ground to the fore and middle ground would be retained. Views to Edinburgh skyline would remain; the sky space would on the whole not be breached.

The proposal would meet the requirements of policy Env1 of the ECLP and would not have a detrimental impact on the setting of the World Heritage Site. The proposal complies with Des 3a) as it would have a positive impact on views.

e) Amenity of neighbours

Edinburgh City Local Plan policy Hou8 states that developments which would 'have a materially detrimental effect on the living conditions of nearby residents will not be permitted.'

The applicants have submitted an acoustic report which presents a noise impact assessment for the development proposed. The criteria for assessment of noise from operational activities include music breakout, spectator noise and plant noise. The nearest houses to the site are those on the opposite side of the road in Portgower Place. There are residential flats on the opposite side of Comely Bank Road and houses to the west of the site on the opposite side of the road in North Park Terrace.

The proposed function suites will be used for various events and conferences etc. but exact numbers of events per year are not yet finalised. Environmental Assessment

state that calculations based on the proposed building fabric and construction detail, in conjunction with an electronic noise level limiter (limiting music in function rooms to a reverberant level of 93dBA), predict that the requirement that music is 'inaudible' in nearby dwellings would be achieved. Mechanical ventilation will be designed so that it will not be necessary to open any windows or doors for ventilation and windows overlooking the pitch will be sealed. There will be 3 doors between any function room and the outside of the building facing east and south; 2 doors where it faces west. Noise limiters and music cut-off switches will be fitted to provide further noise controls. All plant noise can be controlled by conditions.

The noise report concludes that noise from the spectator stands has been predicted at the neighbouring houses. The main area of concern in terms of noise is from crowd noise during matches on the occupiers of residential properties on North Park Terrace. The noise report states that there is little that can be done to mitigate noise from large numbers of spectators in the stands during matches; the level of significance assigned to the predicted spectator noise in accordance with PAN1- 2011 Technical Advice Note is 'large/ very large'. The current and historic use of the land as a rugby ground has hosted large events in the past. There are no existing planning restrictions which limit the capacity of the site in terms of number of spectators. There are a limited number of events proposed each year. The site at present has the same noise issues when events are on.

Environmental Assessment has been advised that the maximum number of spectators at the sports ground would be 5000; this would increase the noise level at North Park Terrace by 5-10dB. This type of event is only expected to take place around 20 times a year (taking into account the 14 home games plus one-off events and exhibition matches) and only for around 90 minutes on each occasion. The applicants state that the ground is currently used for 14 major home matches every year which attract between 350 and 900 spectators. They state that over the next 5-10 years the aim is that numbers attending home matches would rise up to an average of 3,000 to 3,500 with a maximum target of 5,000 spectators. The applicants state that in the past there have been 2-3 'exhibition matches' per year with a maximum of 5,000 spectators. All home matches at present are on Saturday afternoons but with floodlighting for the field some games may be played on Friday or midweek evenings. In addition to the major home matches, there will be second/third/fourth XV teams playing at the ground (sometimes all at once) every Saturday between August and early May but these matches do not attract large crowds. They plan for training to take place on Monday, Tuesday, Wednesday and Thursday evenings (and sometimes more) all year round. The report clarifies that as the game becomes more professional (in the next 5-10 years), it is anticipated that training will occur more during the day.

Juniors will use the pitch predominantly on Sunday and Friday afternoons and for training weeks during the holidays. With the new development, cricket will return in the summer months (May-September) with a home game every week, possibly during the evening. There are currently also some one off events which may also occur in the future. For example the Edinburgh 10's attracted a crowd of approximately 1600 over one Saturday.

The entrance and egress system is similar to that adopted in the previous approved scheme; this allows customers to exit directly onto Comely Bank Road without having to go into Portgower Place. Environmental Assessment has advised that potential noise by customers leaving late at night on Portgower Place has been adequately addressed as customers leaving on foot after 23:00 will leave via the west elevation leading

directly onto Comely Bank road. The number of people using the facilities will be controllable by way of licensing conditions. It would be unenforceable to impose a limit on spectator capacity at the sports ground.

Plant noise can be dealt with by condition. A noise level of NR25 should be achieved inside adjacent properties.

In conclusion, Environmental Assessment has no objection to the proposals in terms of potential noise.

Policy Env18 of ECLP seeks to prevent no significant adverse effects for health, the environment and amenity in terms of air quality. The applicants have submitted an Air Quality report which assesses the emissions to air from road traffic on Raeburn Place. It notes that the current levels of air quality meet the prescribed objectives in the surrounding area and that there will not be significant increase in traffic due to this proposed development. Transport is satisfied with this traffic prediction, based on the existing use of the site as a sports field, events occurring on Saturday day times and only 50 car parking spaces being provided. The assessment indicates that current levels of air quality adjacent to the site are within the air quality objectives and the results indicate that there will be little or no increase in levels of nitrogen dioxide or PM10 due to additional vehicles accessing the site. Environmental Assessment finds the scheme acceptable in terms of air quality subject to the implementation of a Green Travel Plan as detailed by Transport Planning.

Environmental Assessment was consulted with the additional information and traffic survey which took place for the tennis event in June 2013. Environmental Assessment states that the additional information submitted in the traffic survey which took place at the tennis event in June confirms that the scheme is acceptable in terms of air quality.

The floodlighting impact report demonstrates that the floodlighting proposed will not cause excessive and/ or additional illumination and/or glare on residential properties living areas in the area surrounding the development. There are floodlights at the site at present and the use of these are not controlled by planning condition.

In terms of potential overshadowing and loss of daylight, the development will not have an adverse impact on neighbouring residential property. Overshadowing will occur to the Raeburn House Hotel; that to the west will fall onto the building including the new extensions and that to the north will fall onto the building and extensions car parking area and bin store areas. There would no detrimental harm caused to amenity as a result of this. There would be no adverse loss of privacy to neighbouring property as a result of the development. The proposals meet the requirements of daylighting, overshadowing and privacy terms of the Design Guidance.

In summary, the proposed development will have an impact on neighbouring residential amenity in terms of noise, smells, light pollution, air quality and overshadowing. However, the use of the site as sports pitches has been long established and there are no planning conditions which restrict spectator numbers at the site. Noise from plant, machinery etc. can be controlled by suitably worded conditions. Issues such as general street noise and disturbance can be dealt with through more appropriate statutory legislation. Air quality impacts are acceptable, and the effects of floodlighting are appropriate. There would be no adverse overshadowing, loss of sunlight or loss of privacy to neighbouring residential property as a result of the proposed development. The proposal is acceptable in terms of the effect on amenity.

f) Impact on infrastructure

Transport

Edinburgh City Local Plan policy Tra1 is relevant. This states that planning permission for development which would generate significant travel demand on suitable non-central area site, having regard to:

- a) The accessibility of the site by modes other than the car;
- b) The contribution the proposal makes to Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use; and
- c) Impact of any travel demand generated by the new development on the existing road and public transport networks.

Major travel generating developments will be encouraged to locate in the identified town centres and employment centres, provided that the scale and nature of the development is such that it can be reached conveniently by a majority of population in its catchment area by regular and frequent public service transport services or on foot.

- a) The accessibility of the site by modes other than the car;

The site is located on the edge of Stockbridge town centre. It lies on a key route through the Stockbridge area. The site is well connected to a range of local services and facilities by a network of footways.

The site is accessible by cyclists. Raeburn Place/ Comely Bank Road is not shown as a main cycle path in the CEC Explore Edinburgh by Bike maps. There are main cycle paths within close vicinity to the site both within Stockbridge and in Inverleith Park; Portgower Place is classed as a quieter road linking cycle routes.

Lothian buses operate in the area; there is a bus stop directly in front of the site on Comely Bank Road. Bus routes 24, 29 and 42 pass directly in front of the site. In addition, there is a bus route no.36 which passes through the centre of Stockbridge to the east of the site. There are 4 additional bus routes to the west of the site on Deanhaugh Street and Orchard Brae.

The applicant states that travel to the site from outside Edinburgh could be supported by rail, coach and 'park and ride' services. The site is therefore well placed and accessible by modes of transport other than the car.

- b) The contribution the proposal makes to Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use;

The Draft Travel Plan indicates that attendees at conferences held during the working day will be advised to travel by public transport. This matter will be considered in more detail when the detailed travel plan is developed. It is recognised that some attendees will use a car and there is uncontrolled parking in the area. Parking will be available outwith the controlled times in adjacent streets for patrons attending these events.

c) Impact of any travel demand generated by the new development on the existing road and public transport networks:

The applicants have submitted a Transport Statement with the planning application. Whilst trip generation or capacity assessments were not requested in the Transport Statement the applicant was asked to carry out traffic counts of the surrounding main roads to enable an assessment to be made of the traffic impacts on match and non-match days, and during the week. The Council holds data in respect of traffic and pedestrian movements for other sporting events in the city along with operational information with respect to all signal controlled junctions in the vicinity, and this data was compared with the information supplied in the applicant's transport submission.

The methodology was independently assessed by a transport consultant and it was advised that if the traffic flow impacts were deemed to be low, there was not a need for a full Transport Assessment.

The submitted transport information compares match day and non-match day traffic and estimates the levels which might reasonably be attributable to the activities of the Club. The recorded traffic was on a match day with an attendance of around 500 spectators, on 1 September 2012.

It is the case that attendance at current Scottish Premiership games rarely exceeds 500; although an Edinburgh 'derby' match may attract crowds of up to 1000. Heriots, Watsons and Stewarts Melville have stands which accommodate approximately 2000 spectators and their current crowds are similar to those attending matches at the applicant's site. Whilst in the short term a small increase in attendance at regular matches may be expected due to the improved facilities, it is not anticipated that this increase will result in a significant increase in traffic on the Raeburn Place / Comely Bank Road corridor. Indeed there is no indication of a significant 'match day' increase in traffic flow on the main public transport corridors / local shopping centres adjacent to the sporting venues in the city which regularly attract much larger crowds (i.e. on Gorgie Road and Easter Road).

The proposed development could attract other matches where larger crowds are expected. They recommend a suitable condition/informative is attached to any approval which requires the applicant to advise the Council's event planning team and police traffic management section to arrange traffic and pedestrian management at larger events. A suggested threshold of 1,000 is anticipated as the initial threshold. This is added as an informative.

If regular crowds of 2,500 or above do become the norm, there will be an increased level of footfall in the local area on Raeburn Place and Comely Bank Road. This is likely to take place in the hour before kickoff and the 30 minutes after the game has finished, as is experienced in the vicinity of the Hearts and Hibs stadiums. Observation on match days at these 2 latter venues indicates that large groups of pedestrians occasionally spill on to the carriageway and, after the match, traffic is sometimes required to 'give way' to the spectators. This leads to some delay being experienced by bus, and other road users, albeit for a short period. An examination of the Council's database indicates that this increase in pedestrian traffic does not lead to an increase in road traffic injuries. It is also the case that attendance at these football matches is around 4 to 6 times those of the seated capacity at the proposed Raeburn Place redevelopment.

Data collated by the developer's transport consultants indicates that on match days with existing attendances an increase of around 70 vehicles per hour is experienced along the Raeburn Place/Comely Bank Road. This increase is within the operational capacity of the road and approximately 100 vehicles fewer than the weekday evening peak flow. Larger crowds at sporting events in the city do not lead to a 'straight line' further increase and suggests that spectators park further way and walk and that general traffic avoids the route when matches are scheduled.

It is expected that, if larger events are staged at the site, any spectators arriving by car would use available on street parking in East Fettes Avenue, Fettes Row, Comely Bank and possibly as far as Craighleith. However, the applicant has indicated in the Draft Travel Plan submitted with the Transport Statement that spectators will be strongly encouraged to travel by public transport to matches. Transport officials therefore expect a robust travel plan to be submitted should planning permission be granted.

Policy Tra4 of ECLP seeks development to comply in terms of parking provision set out in supplementary guidance. Policy Tra5 seeks provision of cycle parking as set out in the supplementary guidelines.

Parking provision on site within the application boundary is for 50 cars and 3 coaches. This car parking will be for players and officials only and the visiting team coach and compares with a current site provision of around 30 spaces for cars. The spaces are not provided for general use by spectators. The existing ground has capacity for approximately 30 spaces which are informally provided. This level and type of provision is in line with that provided at other stadiums and is considered adequate.

Transport officials state that on-street parking in the vicinity of the development has sufficient capacity to meet demand in accordance with the Council's parking standards for a development of small shops in this zone. However, their view is that there is insufficient capacity for a single 'metro' size supermarket. It is recommended that the gross floor area of individual units is restricted to a maximum of 500sq.m. This reflects the threshold set out in the Council's parking standards for retail units.

Cycle parking number, specification and location are acceptable and meet parking standards.

Servicing of the retail/ commercial units is anticipated from Comely Bank Road. This is a similar situation to existing units in Stockbridge town centre. Waste collection will be from the service area to the west. These arrangements are acceptable and are supported by Transport officials.

The central government document which a number of objectors quoted with respect to Traffic Assessments is issued by Transport Scotland as guidance only. A Transport Assessment is a comprehensive document which seeks to set out the transport impacts of a major development expected to generate many additional trips, on a regular basis, on the road and transport network. In many cases, a Transport Assessment is not considered necessary and a Transport Statement is requested. The principal difference between these documents is largely that a Transport Assessment sets out detailed modelling of the impacts on the operation of selected signal controlled and other junctions in the vicinity of the development.

A Transport Statement supplemented with local traffic counts would be sufficient to enable a comparison to be made with traffic intelligence held by the Council. However, further a traffic survey was undertaken by the applicants for the tennis event held at the end of June at the site. These examined parking levels on selected streets and traffic levels at two sites on two different Saturdays one of which had an event, and the other was non event. Overall, direct parking impact on the surveyed streets was less than might have been expected from an event attracting a relatively large number of visitors. Transport officials advises that observed traffic flows at the two sites indicate there was no significant difference between the tennis event and non event with Saturday with peak flows all but identical. It should be noted that flows on the rugby event in 2012 were higher in the period 2-3pm prior to kick-off than on other Saturdays; these were however, below the weekday peaks. Transport officials concludes that whilst the surveyed tennis event is not entirely representative of a rugby event, the data supports the view that the impacts on the local road network of an event attracting around 2,500 spectators are at acceptable levels and these findings support the recommendation made by Transport officials.

In summary, the proposal would enable travel to the site by other modes of transport that are not a car, the submission of a draft travel plan will meet the objectives of the local transport strategy, and the amount of traffic generated on the network as a result of the proposal would not have an adverse impact on the transport network in the area. In terms of parking the proposal meets the Council's standards. A financial contribution is required for a contribution of £30,000 to provide real time information at two bus stops in the vicinity of the development, the progression of a traffic regulation order and a stopping up order of £2,500 for each relating to the area of road currently occupied by the wall on Comely Bank Road. Transport Planning also requires the upgrading of the western footway on Portgower Place; this can be achieved via the contributions to public realm. These would be required by legal agreement.

Drainage and Flood Risk

Policy Env17 of the ECLP does not allow development which would a) increase a flood risk or be at risk of flooding itself, b) would impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the proposals map as areas of importance for flood management, or c) be prejudicial to existing or planned flood defence systems.

Parts a) and b) are the relevant parts of this policy for this proposal. A Flood Risk Assessment has been submitted with the planning application. This states that the 1 in 200 year return period event has been considered for the site in addition to the risk of flooding from various other flood sources. The report concludes that due to the local landform, the site is unlikely to be directly inundated by fluvial flood waters from the Water of Leith; it is considered to be at a low to medium risk. It continues that the site is at medium to high risk of inundation due to poor infiltration following a prolonged period of rain which may result in surface ponding in the north east of the site.

A car parking area and landscaping is proposed in this area; the proposals will not displace flood water onto neighbouring areas. SEPA confirm that the site is not at risk of flooding from the Water of Leith; a stone wall is on the eastern site boundary, and Portgower Place is at a higher ground level which separates the site from the Water of Leith.

The applicants have submitted a Surface Water Management Plan and Strategy Report. The report states that there is an existing surface water culvert adjacent to the north boundary of the site and surface flows will discharge to this culvert. The car parking area and entrance courtyard area will be constructed in porous paving. Filter trenches are proposed to the entrance courtyard area and the roof of the building.

Bridges and Structures confirm that the proposals are acceptable in terms of drainage and flood risk. Scottish Water has no objections to the proposed development. The foul and surface water drainage proposals are acceptable.

In terms of drainage and flood risk, the proposals are acceptable.

g) Sustainability

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total	80	80

The proposal meets the essential criteria. In addition the applicants have provided a commitment to further sustainability measures as set out in the desirable elements. Additional measures include the provision of a Combined Heat and Power system (CHP) which will provide space heating and hot water. This can also export power to the grid. Also, no tropical hardwoods will be used for the development.

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of the Edinburgh Design Guidance.

h) Public comments

Scheme 1

The application was advertised on 19 October 2012. Letters have been received from 1142 representators of whom 649 object and 493 support the scheme.

Scheme 2

The application was advertised on 22 March 2013 on receipt of minor changes. 648 letters were received, 588 to object and 60 to support.

Representations objecting to the proposal include comments from The Cockburn Association, The Friends of Inverleith Park, The Architectural Heritage Society of Scotland, Sarah Boyack MSP, Mark Lazarowicz MSP, The Inverleith Society, a letter

and petition from 'Save Stockbridge' with 3236 signatures, and a shopkeepers petition with 28 signatures. One letter from a commercial premises has been signed by 17 individuals.

Scheme 1

Material objection comments:

Effect on character of Conservation Area issues (addressed in assessment b):

- contrary to Local Plan policy and Scottish Planning Policy;
- adverse effect on character and scale;
- contrary to objectives of CA character appraisal and management plan;
- loss of open 'pause' to park beyond;
- wall should be retained and can be repaired (independent survey should be carried out); a neighbour has submitted a survey of the wall with their representation;
- historic significance of Stockbridge- pond, urban village, skyline;
- contrary to policy Env6 of ECLP;
- trees on Comely Bank Road would not survive; birch trees should be retained;
- permanent change to village atmosphere and nature of Stockbridge.

Effect on setting of nearby listed building (addressed in assessment b) and e):

- adverse effect of setting of listed building; see Reporters decision for Raeburn House Hotel 2005 scheme.
- building will be dwarfed/ overpowered and overshadowed;
- building important in townscape terms/ open setting.

Effect on World Heritage Site (addressed in assessment d):

- risk to World Heritage site status;
- views of castle will be ruined/ World Heritage city.

Design issues (addressed in assessment c):

- uniform frontage of retail units and large areas of glazing unsympathetic;
- out of character and appearance of area. Natural beauty of special importance destroyed;
- ultra modern design is not in keeping with local architecture;
- position of stand least preferable option from spectators point of view; position driven by desire for retail along Comely Bank Road;
- wall to Comely Bank Road should be retained;
- too high;
- too large; out of scale; overdevelopment;
- continuous/ ribbon development and continued tunnel effect. Effect on building line;
- contrary to local plan policies and Government advice;
- dense area; need open space.
- building not 'see through'; internal walls;
- signage proposals need care;

- design typical of other areas;
- compromise development of neighbouring land;
- community security reduced;
- demountable fencing visually unattractive.

Scale (addressed in assessment c):

- this size is not needed. Average crowd 200-250 ;highest attendance 500-800;
- stadium dormant when not in use.
- unsubstantial information on numbers;
- safety a concern when huge crowds.
- Effect on Views (addressed in assessment c) and d):
- canopy and lighting very visible;
- views from Inverleith Park damaged;
- key views to Edinburgh skyline adversely effected;
- materials, modern design, colour, lighting will make building prominent;
- open views from Comely Bank Road lost.
- view from Dean Park Street significantly affected.

Transport issues (addressed in assessment f):

- transport statement is inaccurate;
- congestion;
- increase in traffic;
- deterrent to cyclists and pedestrians;
- inadequate parking;
- emergency vehicles hampered;
- bus route will be delayed;
- access difficult for lorries, vans and coaches; dangerous on North park terrace;
- residents parking removed on North Park Terrace;
- inadequate bus service therefore more car usage;
- access for unloading/ loading is minimal- disruption to street;
- impact of traffic from June tennis event should be monitored;
- danger to vehicles and pedestrians.

Impact of retail and other commercial uses (addressed in assessment a):

- retail too close to city centre;
- contrary to Edinburgh Local Development Plan policies;- adverse impact on existing shops and businesses;
- out of scale and type with the traditional shop units in Stockbridge;
- out of centre and creep of shops into residential area;
- empty units in Stockbridge already; this would worsen;
- already well catered for by independent stores;
- large shopping centre at Craigleith; no need for more retail;
- regeneration of Stockbridge not required;
- proposal more retail/ commercially focused than on sport;
- large part not for community use;
- high number of charity shops;

- unreliable justification in terms of population growth;
- should be for office use only;
- omissions in RIA e.g. Coop and Scotmid stores omitted.
- not an effective extension to Stockbridge.

Effect on playing field and open space (addressed in assessment a):

- loss of playing fields;
- loss of green space. 30% of existing open space will be lost;
- stand in entirely wrong place. Should be abreast the length of pitch;
- does not accord with development plan policy on open space and playing field protection;
- reduction in sports area; loss of a rugby pitch;
- sports ground; commercial development is inappropriate;
- green space function of pond area of Inverleith Park will be compromised.

Amenity issues (addressed in assessment e):

- disturbance from patrons leaving the premises controlled by management is not enforceable;
- noise and disturbance from traffic, late night noise, crowds of people/ disruption on match days, servicing of units;
- increase in crime;
- family and residential area disturbed;
- empty stadia are dispiriting;
- floodlighting;
- risk to windows from balls;
- function suites etc. use for weddings etc. outwith match days;
- light pollution from building

Infrastructure issues (addressed in assessment f):

- strain on local infrastructure;
- drainage problems exacerbated;
- flooding issues; closeness to floodplain.

Other materials issues (addressed in assessment j):

- already community facilities in area;
- adverse effect on wildlife;
- not a sustainable development.

Scheme 1

Material support comments:

Principle of development (addressed in assessment a):

- improvements to Inverleith pitches of benefit;
- benefits to sports including at a Scottish and National level for future generations;

- preferable to keep green space/ open land/ playing fields than it be developed for houses for example;
- better facilities for sports and spectators;
- benefit to local community; provides a focus;
- youth groups/ children community development.

Regeneration (addressed in assessment a):

- job creation;
- economic development to community;
- more people attracted to Stockbridge; support local business;
- small business space needed;
- more variety of shops;
- tourist destination;
- supports long term growth of centre;
- natural extension to Stockbridge town centre;
- museum an asset;
- develop as a hub for Stockbridge.

Design (addressed in assessment c):

- aesthetically pleasing;
- ugly dangerous wall removed;
- remove current eyesore;
- sympathetic and well designed;
- open, lighter feel along Comely Bank Road;
- urban feel of Stockbridge maintained;
- sustainable and environmentally sensitive (g);
- help reduce crime;
- space to front of Comely Bank Road will enhance the area;
- fits into urban landscape; - scale and mass respectful to area; not too large;
- modern and long lasting design;
- appropriate materials;
- sense of openness with use of glazing;
- not too big; almost same size as stands at Inverleith, Golden acre, Myreside and Meggetland.

Views (addressed in assessment d):

- only partial views lost;
- views to castle and skyline maintained;
- views of Inverleith Park not affected.

Amenity (addressed in assessment e):

- cricket matches in Stockbridge have attracted crowds of over 5,000;
- disruption is minimal; existing residential amenities are maintained;
- crowds of 2,500 are infrequent.
- Sensitivity (addressed in assessments b and j):

- not sensitive in archaeological or ecological terms
- trees retained; helps soften impact;
- conservation area will be enhanced;- nearby listed buildings not affected; extensions to Raeburn House Hotel not sympathetic.

Transport (addressed in assessment f):

- good pedestrian and bike access;
- parking will not be a problem;
- good public transport links.

Other (addressed in assessment f):

- not susceptible to flooding;
- infrastructure improvements;
- better drainage to pitches.

Inverleith and Stockbridge Community Council comments

Inverleith and Stockbridge Community Council object to the application for reasons of traffic, parking problems, loss of amenity, contrary to development plans and Government policies, loss of public views, loss of open space, loss of a sports pitch, adverse impact on Stockbridge Town centre, adverse effect on character of conservation area, position, size and design not being appropriate were made. These are addressed in assessments b,c,d,e and f.

In addition the Community Council raised the following issues:

- an unacceptable precedent will be set if the development is allowed on an area of open space. (Loss of open space dealt with in assessment a);
- there are alternative options, for example a smaller stadium with raising of money/ income from elsewhere;
- failed to show need for private income stream for the development (this is not a material planning consideration).

Scheme 1

Non material comments:

- Risk assessment should be carried out for fire brigade and police;
- parking restrictions not enforced;
- other Edinburgh museums struggling;
- commercially driven scheme;
- development of Inverleith Park next;
- Edinburgh Academicals could use land they have at Arboretum Avenue;
- improving drainage should be done anyway;
- other alternatives e.g. Grange Cricket Club merger;
- rubble etc. should be removed;
- alcohol consumption lead to rowdy behaviour;
- coaching could continue to youth etc. without having to build the stadium;
- business plan or accounts not published to identify need;-upgrading of pitch at Inverleith...way of making up loss of one full size pitch;

- siting of stadium least preferable option from spectators point of view;
- rugby players who support scheme don't live in area;
- commercially driven scheme;
- exaggeration of facts from campaigners;
- open outlook from flats effected;
- de valuation of property;
- title deeds prohibit construction of any non sport related building;
- consultation with locals not wide enough;
- views of locals not taken into account;
- land could be sold for other uses if not developed for rugby etc.;
- loss of livelihood;
- construction traffic problems;
- letters from rugby players biased;
- Inverleith Park upgrade proposals backhand way to replace lost pitch;
- ground should be cleared of new stadium and restored if these plans fail once developed;
- objections are misplaced;
- club will have to move to another site; land sold and used for alternative development;
- historic traditions will continue.
- smokers gathering outside building;
- financially high risk scheme;
- wall owned by Council;
- council tax should be reduced if approved; public money will need to be used to improve footpaths, crossing etc.
- museum better at Murrayfield

The breakdown of areas from which the letters were received is as follows.

12/03567/FUL (Scheme 1) – 649 objections – postcode breakdown		
EH4	440	67.80%
EH1	6	0.92%
EH2	1	0.15%
EH3	143	22.03%
EH5	6	0.92%
EH6	7	1.08%
EH7	8	1.23%
EH8	3	0.46%
EH10	6	0.92%
EH11	1	0.15%

EH12	11	1.69%
EH13	1	0.15%
Outwith Edinburgh	16	2.46%

Letters of objection received from Mark Lazarowicz MP and Sarah Boyack MSP.

The following petitions objecting received:

- Save Stockbridge (3236 signatures)
- Shopkeepers' Petition (34 signatures)
- Wasp Studios (17 signatures)

12/03567/FUL (Scheme 1) – 493 Support – postcode breakdown		
EH4	198	40.16
EH1	5	1.01%
EH2	2	0.40%
EH3	58	11.76%
EH5	40	8.11%
EH6	24	4.87%
EH7	9	1.83%
EH8	1	0.20%
EH9	19	3.85%
EH10	16	3.25%
EH11	3	0.61%
EH12	26	5.27%
EH13	1	0.20%
EH14	6	1.22%
EH15	2	0.40%
EH16	3	0.61%

EH18	1	0.20%
EH28	1	0.20%
EH30	2	0.40%
Outwith Edinburgh	81	16.43%

Scheme 2

Material objection comments:

Material objections raised for scheme 2 similar issues as scheme 1. The main point was that the revisions were minor detailed changes to the first scheme which did not overcome objections already made. Other points raised include-

Amenity (addressed in assessment e)- litter, rubbish, vermin, shop alarm noise, light pollution from shops, air quality, noisy training sessions, unruly behaviour, increase in deliveries, ball strike to North Park Terrace/safety fencing inadequate, larger loading area, public space created at North Park Terrace would increase people gathering here with noise etc.

Design issues (addressed in assessment c)- design typical of many other areas, change of materials not enough, visually dominant, compromise development of neighbouring land, community security will be reduced, over-development, demountable sports safety fencing poor visual impact.

Transport (addressed in assessment f)- site used for parking by the Grange, residents parking needs to be moved on North Park Terrace, impact on traffic from tennis event should be carried out, inadequate travel plan, not an enhancement/full transport assessment needed.

Wall and trees (addressed in assessment b)- token dwarf wall unacceptable, Birch trees should be kept.

Representations have been made that a full Environmental Impact Assessment is required for a professional rugby stadium. The proposal was screened under the Environmental Impact assessment Regulations and it was concluded that a full EIA was not required. Some state that public consultation was not meaningful and the scheme did not change following public consultation. Pre-application consultation is undertaken by the applicant. This is an additional measure and does not take away the right of individuals and communities to express formal views during the planning application process. Circular 4/2009 Development Management Procedures states that the prospective applicant is under no obligation to take onboard community views, or directly reflect them in any subsequent application.

The issue of inaccurate plans and visualisations has been raised by some representees. Visualisations have been taken at eye level.

The breakdown of areas from which the letters were received is as follows:

12/03567/FUL – Scheme 2 – 558 objections – postcode breakdown		
EH4	362	64.88%
EH1	1	0.18%
EH2	1	0.18%
EH3	118	21.15%
EH5	8	1.43%
EH6	5	0.90%
EH7	9	1.61%
EH8	4	0.72%
EH9	1	0.18%
EH10	5	0.90%
EH11	1	0.18%
EH12	10	1.79%
EH13	2	0.36%
EH14	1	0.18%
EH15	1	0.18%
Outwith Edinburgh	21	3.94%

12/03567/FUL – Scheme 2 – 60 support - postcode breakdown		
EH4	21	35%
EH3	11	18.33%
EH5	6	10%
EH7	2	3.33%
EH8	1	1.67%
EH9	3	5%
EH10	2	3.33%

EH11	1	1.67%
EH12	3	5%
EH16	2	3.33%
Outwith Edinburgh	8	13.33%

i) Equalities and Human Rights

The proposals were assessed in terms of Equalities and Human Rights. The proposals will result in a positive impact through improved access to sports facilities to improve health, improved access for education, improvement of facilities available in the area, improvements to individual, family and social life by providing sports and leisure facilities, and the continuation of use of a well used sports facility. Access to the building will be level and will incorporate an accessible entrance and level public areas, with upper floor accessible by lift. Disabled parking spaces are provided. Potential infringements include increase in pollution from traffic, noise and crowds which may affect health, concern about physical security on match when large crowds will congregate, impacts on standards of living though increased noise, traffic, air pollution, odours and floodlighting. These factors have been taken into account of as part of the assessment and merits of this application and are addressed in assessments a), e) and f).

An Equality and Rights Impact Assessment can be viewed on the Planning and Building Standards online services.

j) Other Material Considerations

Archaeology

The proposed scheme is regarded by City Archaeology as having a low-moderate impact upon potential surviving archaeological remains relating to the development of the section of the New Town. A suitable programme of archaeological excavation is required to be undertaken prior to development in order to record, excavate and analyse any significant surviving remains that may be disturbed.

Therefore a condition shall be attached to any permission to ensure that a programme of archaeological works is undertaken prior to construction.

Ecology

The site is not located within or adjacent to a designated site of nature conservation value. The development is not likely to have any significant impacts on ecology at the site. A survey for bats was carried out in June 2012. This assesses the potential adverse effects on bats in the existing walls at the site as a result of the development proposed. The report also considered the proposed floodlighting and the effect this could have on bat population. The development has been assessed as likely to have very low potential impact upon bats. The Ecology report recommends that all new

lighting should be designed to comply with current industry best practice to minimise light pollution and that a re-check of the walls takes place prior to works commencing.

Public Realm

Policy ECLP Des3 j) states that 'development will be permitted where it is demonstrated that a contribution to the improvement of the public realm in the vicinity has been considered, for example, through its redesign or the provision of public art.'

The site and the proposals are subject to this policy. Based on the floor area of the building, a contribution of £250,000 would be required for improvements to public realm in the vicinity of the site. This is likely to involve footpath re surfacing of those footpaths which are adjacent to the site. This would also include the footpath resurfacing required by Transport for the western side of Portgower Place.

The proposed development in itself creates a new and attractive area of public realm to the Comely Bank Road frontage. The contributions to upgrade the footpath surfaces would further enhance the area. It is recommended that up to £250,000 is required by Section 75 Agreement with any unused money being returned to the developer within a specified time period.

Conclusion

The current site is in use as a sports ground, and has been in this use for many years. There is no planning history for the use of the site as a sports ground and therefore no planning restrictions in terms of the numbers of crowds which can attend events at the site.

The principle of the development meets the requirements of parts b) to d) of Os1 of the ECLP. The development meets the requirements of policy Os2 as existing playing field provision will be significantly improved to compensate for the loss of a pitch at the site. The retail/ commercial elements of the proposal will form a natural extension to Stockbridge Town Centre; they would not have an adverse effect on this centre or other centres in the area and will encourage economic growth.

The proposal developed close to the existing listed building adjacent to the site would result in the loss of its open landscape setting. However, the height of the development relates well to the building, and its design, whilst modern and in contrast to the traditional listed structure, would have some geometric form which relates to its frontage and uses materials which relate well to the traditional building. The proposal whilst affecting its setting would create a modern building which addresses the traditional listed structure in a way which would not diminish its historic interest.

The proposal results in a change to the character of the immediate area and the character described in the Inverleith Conservation Area Character Appraisal. There would be a reduction of the sense of openness. In this respect, the proposal would not meet the requirements of ECLP policy Os1a) or Env6a). However, the scheme presented, in terms of its layout and design, has some positive elements which contribute and create a new and attractive environment in this area on the edge of the Inverleith Conservation Area boundary. The part of the development on the Comely Bank Road frontage on a busy main route through the city, which is on the edge of a town centre, and on the edge of a densely built up area would not be out of place. The building would be set back from the road, with an open public area to the front. It would

fit in well with and complement this part of its surrounding area in terms of height, scale, massing, detailed design and materials. Furthermore, the applicant has retained the sense of openness from Comely Bank Road at the western end of the development with views maintained across towards Inverleith Park.

The Heritage trees to the frontage of Comely Bank Road will be retained. The part retention of the existing walls, including their foundations, will not only retain some of the historical value of the wall, but will also assist in preventing damage to these trees.

The development has incorporated an attractive, and valuable new area of public realm to the Comely Bank Road frontage. It would open up this area to create a lighter, active area, with use of seating and additional planting to provide an attractive environment at the western approach to Stockbridge Town Centre.

Key views and the World Heritage skyline are shown to be retained; the proposed development would not have an adverse effect on these designations.

The development will have an impact on amenity of neighbouring residential properties in terms of noise, smells, light pollution, air quality and overshadowing. The use of the ground for sport has been long established; there are no planning restrictions currently on the site in terms of restrictions on crowd numbers. There could therefore be similar effects of crowd noise and disturbance, lighting and air quality from the existing use of the site. There are similar commercial uses as proposed on the ground and upper floor of the building in the vicinity of the site. Environmental Assessment is satisfied there would be no adverse effect on the amenity of neighbouring property.

The applicants have submitted a Transport Statement with the application and carried out a further survey of traffic at the Tennis event which took place at the site at the end of June. The data supports the view that the impacts on the local road network of an event attracting around 2,500 spectators are at acceptable levels. The draft travel plan submitted with the application states that spectators will be strongly encouraged to travel by public transport and this will be required by legal agreement. Based on the information submitted by the applicant and the data held by the Council in respect of traffic and pedestrian movements for sporting events in the city, and the operational information on signal controlled junctions in the vicinity. It is concluded that there will be no adverse impact in terms of parking or traffic levels associated with this development.

There will be no adverse impact on flood risk or drainage at the site as a result of the development. There will be no adverse impact on bats.

Conditions attached to the consent would ensure trees are protected, the amenity of neighbouring property is protected, the character of Stockbridge and level of parking for the commercial/ retail units are maintained, details of final materials are considered. The legal agreement will ensure the upgrade of Inverleith Park pitches, improvements to public realm, and will meet transport requirements.

In conclusion, the proposal would be a departure from the Edinburgh City Plan in terms of policy Os1a) and Env6a). However, the justification for allowing a departure is acceptable in this case for the reasons given above. The development would meet the requirements of other local plan policies and non statutory guidance with the use of appropriate conditions and legal agreements. It would be an appropriate form of

development in this setting. There are no material considerations which outweigh this conclusion.

3. Recommendations

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

3.2 Conditions/reasons

Conditions:-

1. 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 Head of Planning and Building Standards, having first been agreed by the City Archaeologist.
2. Prior to the commencement of works on site, specification and detailed drawings of adequate scale, indicating the arrangement of material junctions on external elevations, shall be submitted for the written approval of the Head of Planning and Building Standards.
3. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for the written approval of the Head of Planning and Building Standards.
4. The approved tree works shall be carried out prior to the commencement of all other site operations and in accordance with BS 3998:2010 Tree Work Recommendations and the approved Arboricultural Implications Assessment and Method Statement dated October 2012. No other tree works or removal shall be carried out without the prior written approval of the Head of Planning and Building Standards.
5. Prior to the commencement of development, tree protective measures, in accordance with the approved Tree Protection Plan drawings numbered MLA-TPP-01A, MLA-TPP-02A and MLA-TPP-03A and the Arboricultural Implications Assessment and Method Statement dated October 2012, will be implemented and maintained for the duration of the construction period. No unauthorised materials, equipment or building shall be located or stored within the construction exclusion zone, nor shall any unauthorised access or trenches be taken through it. In addition, development shall not commence until a detailed scheme of Arboricultural supervision has been submitted to and approved in writing by the Head of Planning and Building Standards, confirming the qualified arboriculturalist appointed to oversee all Arboricultural works and protection.
6. The approved site landscape scheme EFR.AR.(PL)025_B and approved external works to Comely Bank Road shall be implemented within six months of completion of the development.
7. Prior to works commencing on site, a landscape management plan shall be submitted to and approved in writing by the Head of Planning and Building Standards.
8. The completed landscape scheme shall be maintained by the applicants and their successors in accordance with the approved landscape management plan. This shall

include the replacement of any plant stock which fails to survive for whatever reason within a period of 5 years from implementation, to ensure its establishment in accordance with the approved landscape scheme.

9. The development shall be completed in accordance with all of the construction and other details specified in sections 7 to 10 in the submitted Noise Impact Assessment (October 2012).

10. 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.

11. The development shall be designed and constructed so that any noise associated with the electrical substation complies with NR20 when measured within any nearby living apartment with the windows open for adequate ventilation.

12. No more than three flagpoles shall be erected on each street frontage. Details of the location of these will be agreed in writing by the Head of Planning and Building Standards prior to their erection.

13. The maximum gross floor area of individual commercial / retail units on the ground floor fronting Comely Bank Road shall be limited to a maximum of 500sqm each.

14. Hours of operation of the floodlighting system shall be restricted to 0800 hours to 2200 hours daily.

15. A draft Travel Plan shall be submitted to the Head of Planning and Building Standards prior to occupation of the building and a final Travel Plan shall be submitted to the Head of Planning and Building standards within 12 months of that date.

Reasons:-

1. In order to safeguard the character of the statutorily listed building.

2. In order to enable the Head of Planning & Building Standards to consider this/these matter/s in detail.

3. In order to ensure a high quality of external building materials.

4. In order to safeguard protected trees.

5. In order to safeguard protected trees.

6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

8. In order to ensure that the approved landscaping works are properly established on site.

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

10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to safeguard the amenity of neighbouring residents and other occupiers.
12. To avoid visual clutter.
13. To support the aims, objectives and policies of Edinburgh City Council's Local Transport Strategy and Edinburgh City Local Plan policies on parking requirements and retail developments to reflect the character of Stockbridge town centre.
14. In order to safeguard the amenity of neighbouring residents and other occupiers.
15. To support a sustainable form of development.

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. The development shall be carried out in accordance with the measures identified in the approved Sustainability Statement Form. The applicant should submit a Self Declaration Form to the Head of Planning and Building Standards on completion and prior to occupation unless otherwise agreed.
4. The applicant shall enter into a suitable legal agreement in respect of the following:
 - i) Public realm;
 - ii) Pitch upgrade works at Inverleith;
 - ii) Transport infrastructure improvements; and
 - iv) Provision for replacement street tree planting to semi-mature woodland as required.
5. The applicant shall advise the Council's event planning team and police traffic management section to arrange traffic and pedestrian management of large events (those expected to attract over 1,000 spectators).
6. 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.
7. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. conservation area consent, have been obtained.
8. The proposed lighting should be directed only to where it is needed; light spillage should be minimised through the design of the luminaire and by using appropriate

hoods, cowls, louvres and shields to direct light to the intended area only. UV filtering should be fitted to the floodlights to reduce their attractiveness to nocturnal insects.

**Statutory Development
Plan Provision**

Edinburgh City Local Plan

The majority of the site is designated as an area of open space. An area of approximately 600sqmetres to the north of the existing Raeburn House Hotel is within the urban area.

The majority of the site is within the Inverleith Conservation Area. A small section of approximately 170 sq metres directly to the rear of Raeburn House Hotel is within the New Town Gardens Conservation Area, and the Edinburgh New Town Gardens Designed Landscape.

The northern half of the site is within an Area of Importance for Flood Management.

The Stockbridge Town Centre boundary extends along a small section of the frontage of the site along Raeburn Place/ Comely Bank Road.

Date registered 4 October 2012

Drawing numbers/Scheme 1,2,3a-13a,12,14,15a-24a,27a,28-29,30a,31,32,41-43,
Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Relevant policies of the Edinburgh City Local Plan.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

Policy OS2 (Playing Fields Protections) sets criteria for assessing the loss of playing fields.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

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.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Ret 7 (Entertainment and Leisure Developments – Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Other Relevant policy guidance

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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 and landscape, in Edinburgh.

Appendix 1

Consultations

Transport comment 08/07/2013

I confirm that Transport has no objections to the proposed application subject to the following being included as conditions or informatives or secured by legal agreement as considered appropriate:

- 1. the applicant to advise the Council's event planning team and police traffic management section to arrange traffic and pedestrian management at larger events (those expected to attract over 1,000 spectators);*
- 2. a draft travel plan to be submitted to the Council prior to first occupation and a final travel plan to be submitted within 12 months of that date;*
- 3. a limit to be imposed on the maximum floor area of individual retail units to 500m²;*
- 4. consent should not be issued until the applicant has entered into a suitable legal agreement to provide:*
 - a. a contribution of £30,000 for provide real time information at 2No. bus stops in the vicinity of the development;*
 - b. a suitable upgrading of the western footway on Portgower Place;*
 - c. a contribution of £2,500 to be provided to progress a suitable stopping up order relating to the area of road currently occupied by the wall on Comely Bank Road;*
 - d. a contribution of £2,500 to progress a suitable traffic order to amend the waiting and loading restrictions in North Park Terrace in the vicinity of the proposed vehicle entrance.*

Reasons (see Notes below):

- 1. for the safety and convenience of road users;*
- 2. to support the objectives, aims and policies set out in the City of Edinburgh Council's Local Transport Strategy and Edinburgh Local Development Plan Proposed Plan;*
- 3. to support the City of Edinburgh Council's Parking Standards For Development Management;*
- 4.a. to support the Council's transport policies;*
- b. for the safety and convenience of pedestrians;*
- c. to clarify the ownership and maintenance responsibility for the wall;*
- d. for the safety and convenience of road users.*

The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Notes:

- 1. Stadium/Match day operation:-*

The submitted transport information (see note 3) compares match day and non-match day traffic and estimates the levels which might reasonably be attributable to the

activities of the Club. The recorded traffic was on a match day (versus Gala) with an attendance of around 500 spectators, on 1 September 2012. The capacity of the proposed stand is 2,500 and the applicant has stated that it is anticipated that attendance at regular Club rugby games can be grown with the provision of the new facilities.

However, the attendance at current Scottish Premiership games apparently rarely exceeds 500, although it is understood that an Edinburgh 'derby' match may attract crowds of up to 1000. Heriots, Watson's and Stewarts Melville have stands which accommodate approximately 2000 spectators and their current crowds are in the same order as those attending matches at Raeburn Place.

Therefore, whilst a small increase in attendance at regular matches may be expected due to the improved facilities, it is not anticipated that this increase will result in a significant increase in traffic on the local roads.

It is, of course, possible that the applicant's development will attract other matches where larger crowds could be expected and it is therefore recommended that a suitable condition/informative is attached to any approval requiring the applicant to advise the Council's event planning team and police traffic management section to arrange traffic and pedestrian management at larger events. It is suggested that an anticipated attendance of 1000 is the initial threshold – which can be reviewed in light of experience. The cost of the traffic and pedestrian management which the Rugby club will require to pay for such an event as detailed in the revenue budget report approved by the Council in February 2013.

If regular crowds of 2,500 or above do become the norm, it is anticipated that there will be an increased level of footfall on the footways, in Raeburn Place and Comely Bank Road, in the hour before kickoff and the 30 minutes after the game has finished, as is experienced in the vicinity of the Hearts and Hibs stadiums. Observation on match days at these 2 latter venues indicates that pedestrians occasionally spill on to the carriageway and, particularly after the match, traffic is sometimes required to 'give way' to the spectators. This obviously leads to some delay being experienced by bus, and other road users, albeit for a short period. An examination of the Council's database indicates that this increase in pedestrian traffic does not lead to an increase in road traffic injuries (see appendix A). It is also the case that attendance at these football matches is around 4 to 6 times those of the seated capacity at the proposed Raeburn Place redevelopment.

Data collated by the developers transport consultants, at our request, indicates that on match days with existing attendances an increase of around 70 vehicles per hour is experienced along the Raeburn Place/Comely Bank Road. This increase is within the operational capacity of the road and approximately 100 vehicles fewer than the weekday evening peak flow. Appendix B shows that larger crowds at sporting events in the city do not lead to a 'straight line' further increase and suggests that spectators park further away and walk, and that general traffic avoids the route when matches are scheduled.

Experience indicates that spectators at Tynecastle park in the uncontrolled parking areas to the west or within the extended Controlled Parking Zone to the east. At Easter Road there is a similar pattern with parking around Leith Links to the North or Hillside to the South. It is expected that, if larger events are staged at Raeburn Place, any spectators arriving by car would use available on street parking in East Fettes Avenue, Fettes Row, Comely Bank and possibly as far as Craighleith.

However, the applicant has indicated in the draft travel plan submitted with the transport statement that spectators will be strongly encouraged to travel by public transport to matches. Transport therefore expects a robust travel plan to be submitted.

Parking Provision on site within the application boundary is for 50 cars and and 1 coach. This car parking will be for players and officials only and the visiting team coach and compares with a current site provision of around 30 spaces for cars. This level and type of provision is in line with that provided at other stadiums and is considered adequate.

2. Retail and other uses

An examination of usage of the on-street parking in the vicinity of the development (see appendix C) indicates that there is generally sufficient capacity to meet demand in accordance with CEC parking standards for a development of small shops in this zone. However there is insufficient capacity for a single 'metro' size supermarket and it is therefore recommended that the gross floor area of individual units is restricted to a maximum of 500m². This reflects the threshold set out in the Council's parking standards for retail units.

The draft travel plan indicates that attendees at conferences held during the working day will be advised to travel by public transport. This matter will be considered in more detail when the detailed travel plan is developed. It is recognised that some attendees will nonetheless use a car and there is uncontrolled parking opportunity on East Fettes Avenue etc as detailed above. Parking will be available outwith the controlled times in adjacent streets for patrons attending these events.

3. Supporting Transport Information

It should be noted a Transport Assessment is a comprehensive document which seeks to set out the transport impacts of a major development expected to generate many additional trips, on a regular basis, on the road and transport network. In many cases a Transport Assessment is not considered necessary and a simplified Transport Statement is requested. The principal difference between these documents is largely that a Transport Assessment sets out detailed modelling of the impacts on the operation of selected signal controlled and other junctions in the vicinity of the development.

In this case a Transport Statement was considered sufficient to examine the likely impact of the proposed development. The Council holds data in respect of traffic and pedestrian movements for other sporting events in the city along with operational information with respect to all signal controlled junctions in the vicinity. However, as noted in 1 above, the developer was asked to carry out traffic counts on the surrounding main roads to enable an assessment to be made of the traffic impacts on match and non-match days and during the week.

The central government document which a number of objectors quoted with respect to Traffic Assessments is issued by Transport Scotland as guidance only and does not make it mandatory for a council to request a Transport Assessment from a developer. Councils are expected to make local decisions and in this case a professional judgement was made that a Transport Statement supplemented with local traffic counts would be sufficient to enable a comparison to be made with traffic intelligence held by

the Council. In practice, depending on the type of development, the boundaries between Transport Assessments and Transport Statements are a matter of judgement. The key point is that the information supplied is sufficient, in conjunction with other information, for Council officers to assess the impacts of any proposal and to form a view as to what recommendations to make to the Planning Service.

Addendum; Tennis Event – 20 to 23 June 2013

Further to the transport information supplied in support of the application, surveys were carried out by the applicant's transport consultants in relation to the tennis event on 20 to 23 June 2013. These examined parking levels on selected streets and traffic levels at two sites on Saturday 15 June (non-event) and Saturday 22 June (event).

Parking - examination of the parking levels indicates that there appeared to be an increase in parking demand due to the tennis tournament but that this demand was probably tempered by the already high levels of residential parking, i.e. low availability of spaces. However, this picture was not consistent across all the surveyed streets with Comely Bank Road / Raeburn Place having lower parking levels on the event Saturday compared to the non-event Saturday. This may have been influenced by local knowledge of the event meaning that residents parked elsewhere or that there was a higher turnover of vehicles.

Overall, direct parking impact on the surveyed streets was less than might have been expected from an event attracting a relatively large number of visitors.

Traffic – observed traffic flows at the two sites indicate that there was no significant difference between the tennis event and non-event Saturdays with peak flows all but identical. It should be noted that these Saturday flows appear to be significantly lower than some weekday peak flows but that the flows on the rugby event Saturday in 2012 were higher in the period 2-3pm prior to kick-off than other Saturdays. These were, however, below the weekday peaks.

It should be noted that the surveys carried out represent a sample of streets and may not have covered streets experiencing significant impacts from events. Similarly there may be other factors on the road network, such as vehicle breakdowns, which may affect traffic levels and patterns. It should also be noted that, whilst this tennis event may not be entirely representative of a rugby event, the data does support the view that the impacts on the local road network of an event attracting around 2,500 spectators are at acceptable levels and therefore support the recommendation made by the Head of Transport on this application.

Environmental Assessment comment 22/05/2013

The applicant proposes erecting a new 2478 seated spectators stand, clubhouse for members, players and spectators facilities, museum, associated commercial, business and retail units (Planning Use Classes 1, 2, 3, 4, 10 and 11) including museum, licensed premises and function space, retail units, alterations to external landscape, car (50 spaces) and coach parking, sports pitch realignment and sports floodlighting. The existing sports centre to the west of the site will be demolished.

Normal operations associated with Use Class 4 premises would normally be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m²) are

permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Assessment will recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration.

The ground is presently used for approximately fourteen major home matches every year which attract between 350 and 900 spectators. There have also been two to three exhibition matches per year which attracted up to 5,000 spectators. There are currently some other one off events which may also occur, for example the 'Edinburgh 10's' which attracted approximately 1600 spectators on a Saturday.

The applicant predicts that over the next five to ten years the numbers attending home matches may rise up to an average of 3,000 to 3,500 with a maximum of 5,000. Presently all home matches are on Saturday afternoons but with floodlighting for the field some games may be played on Friday or midweek evenings.

In addition to the major home matches there will be training most other days of the week, with cricket being played during the summer months. The area along Portgower Place where one of the stands is proposed to be located has consent for the extension of the hotel; this consent includes function rooms and bars (most recently 12/00573/FUL). This application proposes similar class uses which will have a similar impact of the previously consented development, which can be mitigated.

The applicant has submitted a noise impact assessment in support of the application which has shown that measures can be taken to adequately insulate the building so that music noise from the premises will be inaudible in any of the nearby residential premises. Mechanical ventilation will be designed so that it will not be necessary to open any windows or doors for ventilation and windows overlooking the pitch will be sealed. There will be three doors between any function room and the outside of the building facing east and south and two doors where it faces west. Noise limiters and music cut-off switches will be fitted to provide further noise controls. All plant and or delivery noise can be controlled by condition.

The issue concerning noise on Portgower Place created by customers leaving late at night has been adequately addressed as customers leaving on foot after 23:00 will leave via the west elevation leading directly onto Comely Bank Road. This routing aims to reduce the potential late night noise in particular. The number of persons using the facilities will be controlled by way of planning and licensing conditions.

The main area of concern is the noise created by the crowd during matches impacting on the residential properties on North Park Terrace. The applicant has advised that little can be done to mitigate this impact which will be 'very large' during match days. The applicant advises that these events will occur approximately twenty times a year, lasting for ninety minutes during daytime hours. They also highlight that the current and historic use of the land is as a rugby ground which has hosted large events in the past.

Therefore on balance Environmental Assessment will not object to this proposal with regard to noise, subject to conditions.

The applicant has also submitted an air quality impact assessment which pointed out that the current levels of air quality meet the prescribed objectives in the surrounding area and that there will not be significant increase in traffic due to this proposed development. City of Edinburgh Council transport department are satisfied with this traffic prediction, based on the ground already being there, events occurring on Saturday day times and only 50 car parking spaces being provided. Therefore we are satisfied with the assessment and have no concerns with the development's impact on local air quality, subject to the applicant fully implementing a green travel plan as detailed by transport.

Therefore Environmental Assessment does not object to this proposal in regards to air quality but recommend an informative.

The applicant has submitted a floodlighting impact report, which has demonstrated that any floodlighting will not cause excessive and/or additional illumination and/or glare on residential properties living areas. The floodlighting system shall also be so controlled so there is no direct illumination of neighbouring land, and that any light spillage onto neighbouring land shall not exceed 25 lux.

Therefore subject to the following conditions Environmental Assessment do not object to this application:

- 1. The development shall be completed in accordance with the requirements specified in the New Acoustics, Noise Impact Assessment Dated October 2012.*
- 2. The design, installation and operation 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.*
- 3. The development shall be designed and constructed so that any noise associated with the electrical substation complies with NR20 when measured within any nearby living apartment with the windows open for adequate ventilation.*
- 4. All music and vocals amplified or otherwise shall be so controlled as to be inaudible within any neighbouring premises.*
- 5. Deliveries and collections, including waste collections, to be restricted to 0700 - 1900 hours Monday to Saturday.*
- 6. The floodlighting system shall be so controlled so there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux. Additionally, glare shall be so controlled to ensure that no bulb or bulb reflecting surface be visible within any residential premises.*
- 7. The hours of operation of the floodlighting system shall be restricted to 08 00 hours - 2200 hours daily.*
- 8. Class 4 Use Only - The premises should be restricted to Use Class 4 with no permitted change to Use Class 6 allowed.*
- 9. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to chimney head level to ensure that no cooking odour escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.*

Informative

The applicant shall develop and fully implement a green travel plan.

Updated Environmental Assessment comment 08/07/2013

Environmental Assessment is providing an updated response due to further information being provided on traffic flows during a recent tennis event at the application site. Furthermore detailed noise conditions have been included as requested by the planning officer.

A further transport survey was carried out during a tennis event taking place on 20 to 23 June 2013. The City of Edinburgh Council transport department have advised that the original transport statement was accurate based on the additional traffic data gathered during this event.

Therefore, Environmental Assessment are satisfied with the outcome of the original air quality impact assessment which is based on the original transport statement and have no concerns with the development's impact on local air quality, subject to the applicant fully implementing a green travel plan as detailed by transport.

Therefore Environmental Assessment does not object to this proposal in regards to air quality but recommend an informative as provided in our previous response.

Further noise details to be included as a condition or informative.

1. The development shall be completed in accordance with the requirements specified in the New Acoustics, Noise Impact Assessment Dated October 2012 (as detailed below);

I. A noise level limiter will be installed in each function space which will cut off the power to the sound system if the level exceeds 94dBA

II. All the full height glazing serving the function spaces facing onto the playing fields must be sealed

III. All the glazing serving all function spaces shall consist of a double glazed unit of 12.8mm laminated glass and 16.8 mm laminated glass separated by a 16mm cavity as a minimum

IV. The roof will be constructed with insulating panels which as a minimum consist of a 45mm thermal outer metal panel and a liner tray with a 140mm space and 60mm acoustic insulation (100Kg/m³ minimum density) on a 1.5mm liner tray. Under this there must be a minimum ceiling of 100mm of 45kg/m³ mineral wool roll above at least two layers of 15mm plasterboard

V. There shall be three doors between any function room and the outside of the building where it faces east or south

VI. There shall be two doors between any function room and the outside where it faces west

VII. All the function rooms (including the corporate boxes, lounges and members bar) should be fully ventilated so that it is not necessary to open any windows or doors to provide ventilation. Ventilation ductwork will be silenced so that the insulation of the building is not degraded

VIII. Customers leaving between 23:00 – 07:00 hours must leave via the west elevation leading directly onto Comely Bank Road

Stockbridge and Inverleith Community Council comment 08/11/2012

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 4th 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 E AFC, 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 m², and the commercial space contains 431m² of function suites; and 443m² 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. RPDL'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 m² 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 RPDL. 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 retails 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 detail (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.

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 SPP839.

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.

Stockbridge and Inverleith Community Council further comment on revised scheme 11/04/2013

Stockbridge and Inverleith Community Council as a statutory consultee would like the planning department to note that our previous objection to the original application 13/03467/FUL still stands and it should be used in conjunction with this further statement below.

We object to this application and ask you to refuse it as it is detrimental to the vitality and well being of Stockbridge because of its excessive size and its demand for a large amount of retail and function suites in an Open Space sports field that is outside the Stockbridge Town Centre.

This application is contrary to the Edinburgh City Local Plan, the Local Development Plan and Scottish Government advice and should be refused.

The changes in 13/03467/FUL (SCHEME) are minor and cosmetic and some make the development worse. The application is detrimental to the Conservation Area and if accepted would set a precedent for allowing green Open Space to be turned into retail development.

Please note the following objections to the development:

1. The new Scheme does not decrease the size of the retail development, function suites and stand; the development is too large. It will result in almost 30% loss in the amount of protected green Open Space at the Edinburgh Academicals ground. The application tries to minimise this loss by referring to percentages of other larger areas - but the loss is a third of this Open Space site that is designated for sporting activities.

2. It is detrimental to the Conservation Area. It will demolish most of the historic traditional stone frontage which is part of the Conservation Area. The preservation of small sections of the traditional historic wall (reduced to 80cm) and made into a planting area with seating is not a suitable substitute for the loss of the traditional wall and is not suitable for this Conservation Area or for the setting of Raeburn House a Listed Building.

3. There is still the loss of one rugby pitch contrary to ECLP Policy Os2 and the use of two public pitches at Inverleith Park is mentioned several times (at least 5 times) as compensation for the loss of that pitch. It is stated that this is not a part of the application however it is still being used in the application to justify loss of a pitch. This arrangement to use Inverleith Park has not been made and indeed may not be possible as it would represent preference for the Edinburgh Academicals over other users for public pitches and reduces their availability to others.

4. The changes make no difference to the serious negative impact it will have on local traders as the large amount of proposed retail and commercial units will take trade from the Stockbridge Town Centre. The revised application admits that Stockbridge already

has 'a wide range of good quality shops and services'. It does not show need for this extension to the Stockbridge Town Centre into green Open Space. It also states that 'the Stockbridge Town Centre does not, however, serve a main bulk food shopping function'. Does this mean they are suggesting a need for a supermarket? There is Scotmid in Raeburn Place and Waitrose at 500m. If this application is successful then the vitality and viability of the present local traders will suffer.

5. The revised Design and Access Statement discusses the New Town and Inverleith Conservation Areas and concludes that the development fits with the Conservation Area Appraisals we refer you to our previous objections for why this application is basically a retail centre with function suites and these aspects are not ancillary to sport in the normal way. It does not fit the advice of the Conservation Area Appraisals or the listed setting of Raeburn House in size or architectural design.

6. It will result in increased traffic & parking congestion in the surrounding area affecting residents and emergency services as people try to access the retail units, function suites and 2,500 seat rugby stadium. The revised Transportation Statement assumes the impact of this large development is 'negligible'. The evidence is not credible and the application requires a Transport Impact Assessment as it fits the criteria of the Guidance on Transport Assessment for Proposed Developments (published by Transport Scotland in June 2012).

7. It will spoil protected views and vistas from and to Inverleith Park and views of Inverleith Park from Raeburn Place and Dean Park St. The new photomontages in the changed scheme do not give a proper representation of the open aspect of the area especially from Raeburn Place and Dean Park St. The eye sees much more and more clearly the wide lenses and the focussing do not produce realistic images. At the moment it is possible for the public to see the yellow daffodils and the trees on the banks above the pond from Dean Park St. The applicant argues on p 20 of the revised Design and Access Statement that 'any proposal will be obscured by trees'. We would point out that the leaves are off the trees for 5 months of the year and for these months this large development will be even more starkly visible.

8. The application makes minor changes to the type of stone used these are cosmetic and make no difference to the overall main objection that the development is too big.

9. The entrance at North Park Terrace has moved further into that road which will affect local residents even more.

10. There will be increased noise and disturbance from users of the function suites and rugby supporters.

11. There will be increased light pollution for local residents at night from floodlights for the ground

12. It will have an adverse effect on the setting of a listed building: the Raeburn House Hotel.

The objections above and those detailed in our previous objection (together with relevant policies) are reasons for refusing the application. The Community Council supports rugby and would hope to support a more modest development. On p 54 of the revised Design and Access Statement the application states that:

'The provision of a future income generator is a key part of the development as this will ensure the viability of The Edinburgh Academical Football Club for the years ahead.'

The proposal, if successful, will indeed benefit the viability of a private rugby club but at great cost to the wellbeing of the local community whose Stockbridge 'village' atmosphere and shops could be ruined. The amenity of local residents living nearby in this predominantly residential area will be badly affected.

The Edinburgh Academical Rugby Club should not be allowed to make their 'income stream' at the expense of the local community. There are other options. Their figures show that the area used up by this proposal would be a third larger than the area of their previously consented planning permission. We ask that this application is refused.

Sports Scotland comment 30/10/2012

The planning application proposes 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. While the broader development is related to the ongoing sustainability of Edinburgh Accies Rugby Club it is not within Sportscotland's duty to comment upon the commercial elements of the proposal and related impacts of the retail, commercial and business proposals. sportscotland is a statutory consultee in the planning process where a playing field is proposed for development in accordance with Planning Circular 7/2007 'Consultation on and notification of planning applications for outdoor sports facilities and open space'.

In terms of playing fields the proposed development will provide an upgraded single rugby pitch and two mini-rugby pitches which are suitable for rugby training. A new cricket square will also be provided on the site to replace the one which was in place previously. In terms of playing capacity sportscotland considers that these alterations of the grass pitches will result in a reduction in playing capacity of a full sized rugby pitch and should therefore be considered in accordance with the Scottish Planning Policy (SPP).

Paragraph 156 of the SPP outlines the circumstances where the development of playing fields can be justified as follows:

- the proposed development is ancillary to the principal use of the site as a playing field,*
- the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training,*
- the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area, or*
- a playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*

As a result of pre-application discussions with the Council, and separately SportsScotland the applicant has proposed to satisfy the third criteria above by investing in drainage and surface improvements in rugby pitches in Inverleith Park. The Council have confirmed that due to repeated problems with lying water and waterlogged pitches throughout the park investigations are currently underway to make improvements to the subterranean drainage systems. The applicant has proposed significant additional investment in two specific rugby pitches to the north east of the site, which would be above and beyond what the Council are considering.

The applicant has submitted a range of pitch upgrade proposals to the Council for consideration which have also been provided to SportsScotland. The proposed Option A in 'Inverleith Park Pitch Improvements' will deliver significant improvements to the existing surface creating a more robust and higher quality playing surface. The proposed specification includes turning and rotating the existing soil, soil amelioration, rolling and seeding, sand slitting and dressing is acceptable. SportsScotland would seek confirmation that these improvements will be delivered through a robust legal mechanism such as a Section 69 agreement. The proposed pitch improvements should be programmed as soon as practical following the wider drainage works planned by the Council.

In order to ensure the improvements are sustainable sportsScotland would also request that the applicant provide the maintenance requirements for the first 12 months including details of top dressing, reseeding and verti-draining as prepared by their pitch consultant. It is essential that a commitment exists to maintain the pitches to an appropriate standard in order to let them establish properly.

Overall sportsScotland are satisfied that the proposed compensation as outlined by the applicant will deliver improvements to playing capacity and surface quality of pitches in the local vicinity thereby increasing the potential for increased participation and improved performance. Both sportsScotland and the SRU are in agreement that these improvements will not only be of benefit to the Edinburgh Accies but also to rugby interests within Edinburgh.

Culture + Sport comment 12/11/2012

This proposal will result in the reduction of full sized rugby pitches on the site. However, the proposals do include the installation of improved ground drainage over the entire sports pitch area which will result in a substantial improvement in the quality of the sports pitches and training area. Therefore this proposal will allow greater use and flexibility of the sports pitches than the current condition of the pitches allow.

The proposal makes reference to upgrading the drainage and playing surface of two of the Council owned rugby pitches within Inverleith Park that are operated by Edinburgh Leisure. However, I note that this does not form part of the planning application. This additional proposal is still subject to agreement and approval with the City of Edinburgh Council. If consent is granted it is recommended these additional pitch improvement works are secured with a condition attached to the consent.

Historic Scotland comment 22/10/2012

We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.

Historic Scotland further comment 28/03/2012

We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference to us.

Scottish Natural Heritage comment 01/04/2013

SNH will not be responding to this application since it is not a statutory consultation (i.e.. it is not EIA or a designated site).

Archaeology comment 23/10/2012

The site from the mid 19th century has also been closely linked with the playing fields of Edinburgh Academy and Edinburgh Academicals. Evidence for pre-19th century archaeology is unknown though a burn is recorded on General Roy's 1750's survey as bisecting the site. The 1896 OS map also records a mound in the NE quarter of the site as 'Ancient Bow Butts'. The origins of this site is unclear similar raised areas within potentially flood affected farmland are known to be foci for prehistoric activity. This application must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN 2/2011 and Scottish Historic environment Policy (SHEP) and also CEC's Edinburgh City Local Plan (adopted 2010) policies ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed scheme is regarded as having a low-moderate archaeological impact upon potential surviving archaeological remains relating to the development of this section of the New Town. Accordingly it is recommended that a suitable programme of archaeological excavation is required to be undertaken prior to development in order to fully record excavate and analyse any significant surviving remains that may be disturbed. The first phase of this work will be the undertaking of a programme archaeological evaluation (up to a max 10%) prior to development in order to determine the nature and extent of any surviving remains and determine the scope of any future phases of archaeological mitigation.

If consent is granted it is recommended that these programme of works be secured using the following condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Archaeology comment 21/03/2012

As stated, the site from the mid 19th century has also been closely linked with the playing fields of Edinburgh Academy and Edinburgh Academicals. Evidence for pre-19th century archaeology is unknown though a burn is recorded on General Roy's 1750's survey as bisecting the site. The 1896 OS map also records a mound in the NE quarter of the site as 'Ancient Bow Butts'. The origins of this site is unclear similar raised areas within potentially flood affected farmland are known to be foci for prehistoric activity.

This application must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN 2/2011 and Scottish Historic environment Policy (SHEP) and also CEC's Edinburgh City Local Plan (adopted 2010) policies ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

This revised scheme is regarded as have the same low-moderate archaeological impact upon any potential archaeological remains relating to the development of this section of the New Town. Accordingly it is recommended that a suitable programme of archaeological excavation is required to be undertaken prior to development in order to fully record excavate and analyse any significant surviving remains that may be disturbed. The first phase of this work will be the undertaking of a programme archaeological evaluation (up to a max 10%) prior to development in order to determine the nature and extent of any surviving remains and determine the scope of any future phases of archaeological mitigation.

If consent is granted it is recommended that these programme of works be secured using the following condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Bridges and Flood Prevention comment 13/06/2013

We refer to the above application and confirm that I have no objection to this application as currently proposed.

SEPA comment 22/10/2012

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1.2 Located to the north of the site lies Inverleith Park boating pond with the Water of Leith located approximately 170 metres to the east of the development site.

1.3 Review of the Indicative River and Coastal Flood Map (Scotland) shows that the site lies outwith the predicted 0.5% AEP (1:200) flood envelope.

1.4 City of Edinburgh Council has been contacted by the consultants and flood level information for the proposed flood prevention scheme has been provided. The estimated 0.5% AEP (1:200) flood level adjacent to the site around Reid Terrace is estimated to be 14.3 mAOD. A topographic survey has been provided in Figures & Drawings (drawing number 1441-201-001). The majority of the spot heights are illegible however a topographic survey has been supplied within the Surface Water Management Plan and Strategy document by Harley Haddow (Appendix 7, drawing number 00-10-21-01 A) which is legible. The lowest area of the site is located within the north-east corner at a height between approximately 13.83 and 13.95 mAOD. However, a stone wall is located on the eastern boundary of the site and Portgower Place is located on higher ground which separates the site from the Water of Leith therefore the site is not deemed to be at risk of flooding from this watercourse.

1.5 According to the report, Inverleith pond is supplied by a culverted watercourse which flows parallel to the southern bank of the pond with an overflow located in the south east corner. There have been local reports of the site flooding as a result of blockage in the drainage system however there have been improvements to the system to mitigate the potential for blockage.

1.6 We note that there is no connection between the site and the surface water drainage system which outfalls to the Water of Leith. The north-east corner of the site may be subjected to ponding during storm events. A car park and landscaping is intended for this area therefore the Local Authority should satisfy itself that flood water will not be displaced onto neighbouring areas.

1.7 We have no objection to the development on flood risk grounds as it is not deemed to be at risk of flooding. Ponding of surface water may occur in the north-east corner of the site which is intended for a car park and landscaping. We recommend that contact is made with the Local Authority in regards to surface water management who should satisfy themselves that the proposals will not displace flood water onto neighbouring areas.

Caveats & Additional Information for Applicant

1.8 The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures,

buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_extent_maps.aspx.

1.9 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.10 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: 'Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities' outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from http://www.sepa.org.uk/planning/flood_risk.aspx. Our briefing note entitled: Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

2. Air Quality

2.1 An air quality assessment has been undertaken using the DMRB methodology, however the area is slightly complex and the DMRB methodology will not have considered the following:

Mature trees can prevent the dispersion of street level pollutants that have been emitted from passing traffic, increasing ground level concentrations. Stockbridge can experience standing/slow moving traffic; DMRB cannot model the complex changes in emissions that are associated with congested traffic.

The tenements located on the south side of Comely Bank Road are likely to generate turbulence that will circulate emissions from road traffic, resulting in higher concentrations of pollutants along the leeward side of the road. The proposed development will introduce an asymmetric street canyon that could exacerbate the situation complicated further by the presence of the mature trees, trapping the pollutants at ground level.

2.2 The environment might be too complex to model with confidence, therefore a monitoring study might be the better option. Such an approach would need to be discussed and agreed with City of Edinburgh Council.

3. Foul Drainage

3.1 Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

4. Surface Water Drainage

4.1 The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

4.2 Our operations staff have discussed the proposed surface water management proposals with the applicant's agent and we are content with the strategy. We understand that roof run-off is being treated via filter trenches (1 level of SUDS), hard standing run-off is being treated by a combination of filter trenches / porous paving as available (minimum of 1 level) and that parking area run-off is being treated via a porous paving system with a granular sub-base (2 levels). On that basis, and on the basis that the improvements to existing site drainage represent an overall improvement over the existing treatment levels (i.e. - none) we are content with the proposal.

4.3 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

4.4 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA.

SEPA further comment 23/04/2012

WE attach below our updated position in respect of flood risk alone. Please note that the comments made with regard to air quality, foul drainage and surface water drainage in our response of 22 October 2012 remain valid.

In summary, our position remains that we have no objection to this application. Please note the comment below.

Flood Risk Executive Summary Outlining Policy Context

We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

Technical Report

1. We have been asked to provide flood risk comments on the revised proposals for the erection of stands, clubhouse and facilities, associate commercial, business and retail uses including a museum, licensed premises and function space with associated works at the Edinburgh Academicals Ground, 11A Portgower Place, Edinburgh. We previously offered no objection to the application based on the original proposals however it was thought that the changes may impact on flood risk management at the site.

2. We have reviewed the information provided within this consultation and initially it was unclear as to what changes would impact on the potential flood risk at the site. The council confirmed that it was intended to remove the embankment (EFR.AR.(PL)004) that was to be located on the western edge of the car park which is to be replaced by what appears to be hard standing (EFR.AR.(PL)004_A). It was noted within the Flood

Risk Assessment (October 2012) that ponding of surface water may occur in the north-east corner of the site which is intended for the car park and landscaping.

3. Based on the information provided, the removal of the embankment is not thought to have a significant impact on surface water issues in this area. The car park and hard standing should be constructed at ground level and we recommend that contact is made with the Local Authority in regards to surface water management. They should also satisfy themselves that the proposals will not displace flood water onto neighbouring areas such as Portgower Place and the Grange Cricket Club.

4. If your authority requires further comment from us, additional information would be necessary to enable us to comment upon the flood risk at the application site in line with the principles of Scottish Planning Policy (2010), SEPA-COSLA Protocol (as updated 2011) and the duties of the Flood Risk Management (Scotland) Act (2009).

Caveats & Additional Information for Applicant

5. The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_extent_maps.aspx.

6. Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

7. The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

Scottish Water comment 08/11/2012

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections.

Further details can be obtained at www.scotlandontap.gov.uk.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to

submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found at www.scottishwater.co.uk.

Glencorse Water Treatment Works has limited capacity available for new demand.

The Developer should discuss their development directly with Scottish Water.

Water Network Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Edinburgh PFI Waste Water Treatment Works may have capacity to service this proposed development.

Wastewater Network Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand. Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water's Customers Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

Lothian + Borders Police comment 01/11/2013

We have been contacted by a member of the public who has expressed concerns about dispersal of spectators when the grounds hold maximum capacity. From previous experience, local council and police events planners would determine if an event posed a risk and the grounds capacity would be determined accordingly.

There are a number of areas where access control doors have been recessed or there is shelter which may encourage misuse of the area. These area have to have access control to prevent persons gaining entry to what should be private areas except during match days, this includes the turnstile corridor. All apertures need to be completely filled there can be no method of climbing over any barrier or additional hand/footholds that may assist.

The commercial premises and social facilities need to have glazing to a high specification, at least 10mm laminate glass, doors should be tested to at least LPS 1175 SR3/4. Depending on the proposed occupiers additional grills may be beneficial.

For those properties on Raeburn Place the judicious use of suitable planters may offer vehicle mitigation and discourage 'ram raids'.

All commercial premises need to be alarmed with a confirmed monitored system, police response can be attached to this type of system. The Club needs to be alarmed, with partial settings so that areas not in use can have an alarm set.

Where there are bar/trophy areas and where cash is to be secured, security needs to be layered with a good standard of security with each layer. It has been noted by the reporting officer that a number of sporting facilities have been targeted for precious metal trophies and there have been a number of notable victims.

Use of suited keys may aid movement through the building for staff, rather than each door having a separate key, key security becomes important. We would advise further police consultation in relation to the proposed design or seek Secured by Design accreditation for the development.

Police Scotland comment 04/04/2013

Within the proposed development there are a number of different security and other potential concerns that could develop.

Comely Bank Road

The proposals offer opportunities for people to sit and may become a gathering place, which if is not carefully considered could create problems with antisocial behaviour. Orientation and style of the seating, proposed planting and tree planters have to be carefully considered in order to maximise natural surveillance and ensure that there are no areas where persons cannot be viewed.

Maintaining the area will be key to success, low level planting (including planters) have to be kept below one metre, trees have to be crowned above 2.2/2.4 metres.

In order to protect commercial premises use of street furniture can be used as vehicle mitigation measures.

As with a number of other areas, the lighting plan will be critical to ensure that the area is well surveilled.

Commercial Premises

It is unknown what commercial enterprises are being targeted to occupy the units, if it is high end retail, businesses that use or rely on small portable technology and those that have high levels of cash on the premises can be the focus of criminals so ensuring that the security of the premises is built in at the design stage is important.

The commercial premises that will face onto Comely Bank Road need to have laminate glazing to a high specification, doors should be tested to at least LPS 1175 SR3/4. Depending on the proposed occupiers additional grills may be beneficial to ensure the security of the premises.

Security of the access corridor to the rear of the commercial premises is important as it will have a dual role as a circulation area on match days, so the security rating of these doors will have to be carefully considered and possibly mirror the rating of the doors facing onto Comely Bank Road.

All commercial premises need to be alarmed with a confirmed monitored system, police response can be attached to this type of system (which will be dependent on staffing levels at the time of any activation).

Stands

Access control is required to prevent persons gaining entry into what should be private areas except during match days and includes the turnstile corridor. Access control on the building line is paramount in terms of security of the site, that there are no 'recessed' doorways, which would allow people to gather or misuse, is important. All apertures need to be completely filled there can be no method of climbing over any barrier or have any additional hand/footholds that may assist this.

All doors and windows that access club from viewing areas or at ground floor need to be suitably robust (depending on other risk factors for instance giving access into the bar area, need to be to LPS 1175 SR3 for doors) with all windows and doors having impact tested laminate glass.

Cycles

It appears that there will be cycle stands within the curtilage of the grounds and if being used on a short term basis, such as going into a shop briefly this meets general needs, however, when the facilities will be regularly used for instance members coming to train, cycle storage has to be carefully considered and using cycle lockers to LPS 1175 SR1 or a fully enclosed room with no windows and a 44 mm door with mortise lock to BS3621:2007.

Vehicle Parking

The car park area can be accessed from Portgower Place, good illumination of the area is important and ensuring the area has natural surveillance from the stands and pitches assists in vehicle security.

As the coach parking will back onto Inverleith Park, it will be possible to easily access the area whilst being screen by vehicles it is unknown if drivers will remain with coaches, which would assist security.

First Floor Viewing Areas

The design of adjacent structures has to be carefully managed to first floor viewing areas have to be carefully managed to ensure that there are no climbing points to these areas.

Changing Rooms & Fitness Facilities

Due to technology, people tend to have valuable items on their person almost all the time, which are often left in changing rooms and will be a target for thieves. Ensuring that these areas are access controlled is important and the system set up so that teams can 'lock' their changing room. If a fob or card system is used, then the system can also be monitored if problems arise. Entry doors should be at least PAS 24 or 44 mm solid core doors with locks to BS 3621:2007.

In many fitness facilities flat screen televisions and sound systems are installed, these can be a target for criminals if not suitably secured and there is easy access via open windows for instance into the room.

Museum

Depending on the value of items on display in the museum, whether fiscal, historical or sentimental significance, the security measures have to be carefully considered.

It has been noted by the reporting officer that a number of sporting facilities have been targeted for precious metal trophies and there have been a number of notable victims.

Plant Rooms

It is unknown if the proposed facility has any plant rooms or areas, these need to be protected to ensure that access cannot be readily gained into the area doors should be to LPS 1175 SR3, the areas should also be alarmed at all times except when staff are working in the area, so that if there is any intrusion into the areas either staff or an alarm monitoring company are made aware.

Alcohol Storage

Security of alcohol stores should mirror plant rooms.

Fire Doors

All fire doors should be secured with magnetic locks and only open when the fire alarm is activated, so that such points are not used as unregulated entry points to the premises. Consideration should also be given to alarming these doors so that staff know if these doors have been opened.

Cash Handling

Where cash is to be secured, security needs to be layered with a good standard of security of each layer.

Key Security

Use of suited keys may aid movement through the building for staff, rather than each door having a separate key, key security becomes important.

Materials

Careful research has to be done regarding any exposed metals used on the build to mitigate the potential of metal theft.

Alarm

The premises has to be alarmed, with partial settings that allow areas such as alcohol stores alarmed at all times except when in use and a full setting for the clubhouse, fitness and other areas of the premises.

The advice of Police Scotland is that any alarm fitted should be a monitored/confirmed alarm, which police response can be attached, staff levels permitting.

CCTV

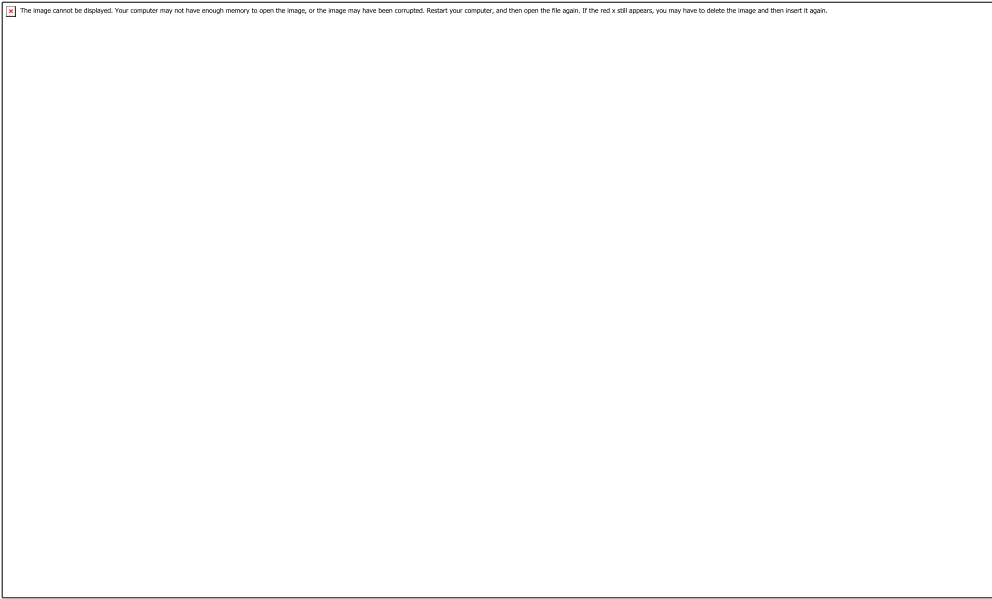
If CCTV is going to be used as part of the security plan for the premises, unless it is constantly monitored then it is a detection tool and not a deterrent and installation, camera coverage, recording periods, maintenance have to all be built into the 'Operational Requirement' drafted for the site and areas to be covered.

Conclusion

If security measures are built into a development at the design stage, this can reduce the carbon footprint that criminal activity creates when security is not a consideration at this point.

I would advise further police consultation in relation to the proposed design and consideration should be given to seeking Secured by Design accreditation for the development.

Location Plan



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