

Edinburgh City Local Plan Public Local Inquiry

Planning Committee
15 May 2008

1 Purpose of report

- 1.1 To inform the Committee of the arrangements that have been made for the public local inquiry which will deal with objections to the Edinburgh City Local Plan; to seek detailed approval of a list of pre-inquiry modifications that will be placed 'on deposit' before the inquiry starts.

2 Summary

- 2.1 The Planning Committee has decided that a public local inquiry should be held to deal with objections made to the Local Plan that are still outstanding, i.e. not withdrawn. This will be held over a period beginning in late September. A pre-inquiry procedural meeting will take place in the main Council Chamber on 15 May 2008, starting at 4.30 p.m. The Committee has already provided a response in principle to the objections, in terms of whether or not it is minded to accept these and modify the Plan. It is on this basis that Council members and officials will participate in the inquiry. It is desirable that the more significant of these, affecting policies and proposals of the Plan and not other explanatory material, should be given publicity as provided for in the planning regulations. This will enable parties and individuals who were content with the finalised Plan as published, but not content with the modifications that the Council is minded to make, to make their objections and be heard at the inquiry.

3 Main report

- 3.1 On 4 October, 2007 the Planning Committee approved with amendments a report dealing with the objections that had been made to the finalised Edinburgh City Local Plan whilst this was 'on deposit' and available for inspection between May and July 2007. The Committee was advised that 128 organisations and 524 individuals had submitted objections covering 182 issues. Objections from almost all the individuals had related to one of four issues - a housing allocation at Edinburgh Zoo, a housing redevelopment proposal on the site of

Meadowbank Stadium, a reference to the Caltongate redevelopment proposals and the development of part of Portobello Park with a replacement for Portobello High School.

- 3.2 The Planning Committee resolved to remit all objections to a public local inquiry. This will start in late September 2008. Two government reporters have been appointed by the Council to conduct the inquiry, Mr Richard Bowden and Mr Jackman. They are likely to deal with separate lists of issues, in the interests of speed and efficiency. The inquiry will take place within the City Chambers: a room has been allocated for the purpose. The Committee is reminded that, unlike an appeal, the inquiry is the Council's inquiry; after the inquiry has finished and evidence put to the inquiry reviewed, the reporters will submit their report to the Council for its consideration. The Council will then make its own decisions on how the Local Plan should be modified, if at all, taking account of the reporters' recommendations. These modification proposals must then be published and placed 'on deposit' for a period during which further objections can be made. Provided any issues that these raise have all already been dealt with at the inquiry, the Council will be free to adopt the Plan.
- 3.3 Inquiry sessions will take one of three forms, whichever is considered appropriate by the Reporters: written submissions procedures will be followed wherever this is adequate to deal with the issues in contention; more complex issues will be dealt with at 'round table' hearing sessions; more formal sessions following standard inquiry rules will be held only in exceptional circumstances, where objectors have made an acceptable case for this. This will help minimise costs to the Council and time. Although public, only objectors and their witnesses will be offered hearings at the inquiry or allowed to submit evidence. Hearings will not be offered to parties or individuals who have not submitted objections but want to support the Plan as it stands, for example.
- 3.4 Before the inquiry starts, on 15 May, a pre-inquiry meeting will be held. The reporters will explain the procedures to be followed, including the different options described above. Objectors will then have a limited period in which to express their preferences. All objectors have been invited to this meeting, but also informed that they will be informed in writing of the decisions taken.
- 3.5 The report to the Planning Committee last October included a schedule itemising every objection issue. Against each, the Committee recorded its provisional response in terms of whether or not it was minded to accept the objection and modify the Plan. Before the inquiry starts, it is now proposed that publicity is given to the more significant of these intended modifications, to be called 'pre-inquiry modifications'. Parties likely to have a particular interest will be notified. If these give rise to further objections in their turn, then these objectors will also be able to participate in the inquiry. This will help to ensure that everyone who has an interest in the issues in contention will have had the opportunity of a hearing. If this is not done, there is a greater risk that a second inquiry will become necessary when the Council comes to publish its final modification proposals prior to adopting the Plan.

- 3.6 The pre-inquiry modifications which it is proposed to publish are listed in the attached schedule. These address among other things two issues which attracted multiple objections. Further comment on these is as follows.
- 3.7 Meadowbank (Proposal HSG 11 in finalised Plan): the finalised Plan showed the stadium and sports centre site as proposed to be developed with housing and, subject to confirmation, a sports centre to meet local needs only. This reflected the intention of the Council at the time that the Plan was finalised, to provide replacement facilities of national significance, mainly at Sighthill Park, and also at Hunters Hall Park. The Council has since agreed to rescind this proposal. In its place, proposals to build high quality facilities including a stadium within the existing site have been approved in principle by the Council, and are subject to further appraisal. In the circumstances, all references to housing redevelopment will be deleted from the Plan; this does not preclude the possibility of a housing proposal being brought forward for any parts of the existing site found to be surplus to sporting needs once appraisal and consultation with sporting bodies is complete. Instead, the Plan will indicate the Council's intention to build new facilities including a stadium within the existing site. It will be important to the inquiry to establish to what extent the 97 outstanding objections relevant to this issue are withdrawn.
- 3.8 Edinburgh Zoo (Proposal HSG 15 in finalised Plan): the finalised Edinburgh City Local Plan showed an area of the zoo that would be deleted from its current Green Belt and other environmental designations and allocated as a potential housing site. In response to objections against this proposal, the Committee resolved that this proposal would be deleted, and existing environmental designations retained. It is now important to the inquiry to establish whether there are further objectors in favour of the dropped housing proposal.
- 3.9 Powderhall (Proposal HSG 16 in finalised Plan): the finalised Plan indicated that the road-to-rail waste transfer site at Powderhall was due to close within the lifetime of the Plan, and that the site would be available for housing redevelopment. The site is now expected to remain in use at least until 2015. Deletion of the housing proposal should enable two objections to be withdrawn.
- 3.10 Policy Os 2 - Playing Field Protection: since the Plan was finalised, Scottish Planning Policy (SPP) 11: Physical Activity and Open Space has been published. This includes revised guidance from the government on the protection of playing fields. As a result it is necessary to modify the related policy in the Local Plan, to bring it into line with government policy guidance. The change will address an objection by SportScotland.
- 3.11 Proposal OSR 6 – 19–24 Portobello Promenade: this proposal relates to a small area of unused land on Portobello Promenade. The finalised Local Plan included a proposal that the Council should acquire the site to improve the amenity of the Promenade. A Certificate of Appropriate Alternative Development has now been issued which specifies that housing would be the appropriate use for the site if not to be acquired by the Council for open space purposes. This in effect confers residential value. In these circumstances, it

would not be advisable to proceed with an open space proposal, and this accordingly should be deleted from the Plan. Matters will then be resolved in the context of normal development management processes, which will enable the development potential of the site to be established without ultimately a financial cost to the Council which it could not sustain.

- 3.12 Policy Hou 3 – Private Open Space in Housing Developments: this policy addresses the amount of open space that should be provided as standard in new housing developments to meet residents' needs. It suggested that this should be 30 sq. m. per dwelling or flat for developments in the urban area. After further assessment and taking into account the recently published SPP 1: Sport and Physical Recreation by the Scottish Government, it is considered that a viable minimum standard should be in the order of 10 sq. m. and it is proposed to modify the Plan accordingly.
- 3.13 Policy Hou 10 - Student Housing: the finalised Plan provides support for student housing without reservation in all parts of the urban area. Recent decisions on planning applications indicate that the Planning Committee is minded to refuse planning application proposals which are excessive in scale or likely to have a disproportionate impact on the character of local neighbourhoods. It is proposed to introduce this consideration into the policy. This will satisfy one objection, from the Cockburn Association, but may draw fresh objections from the specialist student housing providers. If so, this should be dealt with at the inquiry.
- 3.14 Policy Ret 3 – Commercial Centres: a technical modification is proposed to ensure full conformity with the Structure Plan and government guidance through SPP 8: Retailing and Town Centres. The policy deals with proposals for commercial centres (i.e. the free-standing shopping malls at Ocean Terminal, The Gyle, Cameron Toll and Wester Hailes and the four retail parks). An additional criterion for approval of applications is proposed requiring these to address a deficiency in the local area.
- 3.15 Policy Ret 5 – Out-of-Centre (Retail) Development: a technical modification will be proposed to criterion b), making reference to shopping centres outwith Edinburgh but within the structure plan area, to ensure compliance with the Structure Plan.
- 3.16 Policy Tra 2 – Planning Conditions and Agreements: this policy includes the requirement for development in certain circumstances to make a financial contribution towards the implementation of the tram project. The opinion of senior counsel has been sought on whether this provides a suitable basis for seeking developer contributions towards tram. Legal opinion is that there should be a separate and revised policy in the Plan, properly justified and simply expressed, providing stronger support for the supplementary planning guidance on this matter. In view of the importance of this matter to the tram project and its funding, there should be no doubt that the Local Plan is capable of providing the necessary support if challenged. A new policy is therefore proposed and should be advertised as a pre-inquiry modification. (NB this is a new matter, not addressed in the report to the Planning Committee of 4 October 2007).

4 Financial Implications

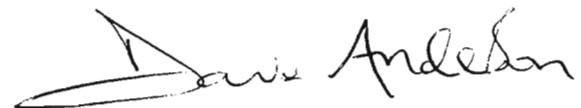
- 4.1 This report does not raise new financial issues. The cost of the inquiry has been budgeted for in the current financial year, and every effort will be made to minimise costs.

5 Conclusions

- 5.1 Publication of a list of pre-inquiry modifications will not delay the start of the inquiry, will ensure a more efficient and comprehensive inquiry process addressing all the potential issues and will reduce the risk of delay to the adoption of the Local Plan in the long term.

6 Recommendations

- 6.1 It is recommended that the Planning Committee:
- a) Notes the arrangements for the public inquiry to deal with objections to the Local Plan;
 - b) Approves the appended list of modifications which will be published and placed on deposit for a period of six weeks before the start of the inquiry, during which period objections can be made.



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Appendices Appendix 1: List of Proposed Pre-Inquiry Modifications

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Wards affected All

Background Papers Edinburgh City Local Plan finalised version, approved March 2007
Report to Planning Committee, 4 October 2007, including schedule of objections and Council provisional responses.

EDINBURGH CITY LOCAL PLAN
PUBLIC LOCAL INQUIRY

APPENDIX TO REPORT TO PLANNING COMMITTEE, 15 MAY 2008

LIST OF PROPOSED 'PRE INQUIRY' MODIFICATIONS

Modification 1:

Policy Os 2: Protection of Existing Playing Fields in Chapter 5 Open Space etc.

Background

Policy Os 2 in the finalised Edinburgh City Local Plan set out the circumstances in which a playing pitch or field might be considered favourably for development. Since publication of the Local Plan, Scottish Planning Policy (SPP) 11: Open Space and Physical Activity has been published by the Scottish Government. This sets out the government's view on the circumstances which should apply before playing fields and sports pitches are considered for redevelopment. Planning authorities are encouraged to integrate this guidance into their development plans. Accordingly, it is proposed to replace policy Os 2 with the following:

Policy Os 2: Protection of Playing Fields - In addition to the requirements of Policy Os 1, the redevelopment of playing fields or sports pitches will be permitted only where one of the following circumstances applies:

- a) The proposed development is ancillary to the principal use of the site as a playing field;**
- b) 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;**
- c) 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;**
- d) 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.**

Modification 2

Chapter 5 Open Space etc., Proposal OSR 6 19 – 24 Portobello Promenade

The finalised Plan identified a site at 19 – 24 Portobello Promenade for acquisition and landscape improvement. This proposal is regarded as no longer feasible and will not be pursued. Accordingly, reference to the proposal in table 5.1 will be deleted.

Modification 3

Chapter 6 Housing etc., Policy Hou 3 Private Open Space in Housing Developments

Policy Hou 3 Private Open Space in Housing Developments deals with the amount of open space that should be provided by housing developers in addition to private individual gardens. This included a requirement for 30 sq m. of open space for shared use of residents in urban schemes where private gardens are not to be provided. Following further appraisal, an appropriate minimum standard of provision is considered to be 10 square metres of open space per dwelling.

- Delete 'up to 30 square metres per dwelling', replace with '**a minimum of 10 square metres per dwelling**'.
- In paragraph 6.16, delete the 8th sentence which begins 'A standard of provision . . .'. Replace with: **In principle, developers should provide a minimum of 10 sq. m of open space per flat or house unless a private garden is proposed. Overall, a minimum of 20% of a development site should consist of greenspace.**

Modification 4 **Student Housing**

Background

The finalised Plan addresses student housing in policy Hou 10. It is proposed to replace this policy and the two paragraphs which follow – 6.35 and 6.36 – with the following:

Policy Hou 10: Student Housing - Planning permission will be granted for purpose-built student accommodation where:

- a) the location is appropriate in terms of access to public transport and university facilities;**
- b) the proposal is of an appropriate scale and will not be prejudicial to the maintenance or development of a balanced residential character in the wider locality.**

Para. 6.35 **The number of students enrolled at universities in Edinburgh has grown rapidly, by 50% in the last decade, to 66,000. Edinburgh universities account for nearly 30% of all enrolments in Scotland. A relatively small proportion lives either at home or in purpose-built student accommodation, including halls of residence. Most students live in private rented accommodation, usually in shared tenancies, and students consequently account for a large proportion of the HMO market. Students also tend to concentrate in particular parts of the city, notably some more central tenement areas. This leads to the loss of family housing in these areas through their conversion to HMOs, less stable communities, a rapid turnover of population and properties left vacant for extended periods in summer.**

Para 6.36 **There is a need for more purpose-built student housing and it is preferable in principle that student needs are met as far as possible in purpose-built and managed schemes rather than the widespread conversion and use of the family housing stock. Increasing the amount of purpose-built student housing assists the growth of the universities and the attractiveness of the city as a centre for higher education. Such housing can take place at relatively high densities and requires significantly less car parking and open space than family housing, although some provision may still be required, to meet anticipated needs and ensure a satisfactory integration into surrounding areas. Developments should be close to the universities and accessible by public transport, and it is only the more central housing areas that are attractive to developers and occupiers. It is important that developers do not respond to the demand by proposals which are perceived to be overwhelming in their context, and likely to undermine the drive to build or maintain better balanced, mixed and ultimately more sustainable communities. Accordingly, the Council will seek to moderate the scale of proposals where this is justified, or prevent the over-concentration of student schemes in areas where this core aim is threatened.**

Modification 5 **Meadowbank Sports Centre**

Background

At the time that the Plan was finalised, the Council's proposals and intentions for sporting provision in the city included the building of a major new stadium and centre in Sighthill Park, to cater for large events, and a second centre in Hunters Hall Park. The major contribution towards their funding was to be secured by the closure of Meadowbank, which is no longer fit-for-purpose, and the sale of the site. The finalised Local Plan reflected these proposals and identified the Meadowbank site as a housing development opportunity. The Council has reviewed its strategy and agreed revised proposals in principle. Its intention now is to build new, high quality sports facilities suitable for major events at Meadowbank, within the site of the existing sports centre. These proposals, including the extent of land needed and their funding, are the subject of detailed appraisal and consultation with the relevant sporting bodies. There are now no proposals affecting Sighthill Park and no firm proposals for a new sports facility in Hunters Hall Park, although this remains under consideration. The Local Plan will be modified to reflect these decisions.

Proposed Modifications:

- Delete housing proposal HSG 11 (Meadowbank) in tables 6.1 and 6.2, and associated text and proposals map notation.
- Delete paragraph 5.14 and items OSR 10 (Hunters Hall Sports Complex), OSR 11 (Sighthill Park) and OSR 12 (Meadowbank Sports Centre) in table 5.1, and associated proposals map notations.
- Insert a new item OSR 10 in table 5.1, Meadowbank Sports Centre redevelopment.
- Insert the following as a new paragraph 5.14: **The Council's priority development need is the modernisation of Meadowbank Sports Centre and the Royal Commonwealth Pool, the two large-scale facilities which cater for major events and provide for advanced level training and competition. The Pool is undergoing refurbishment. Meadowbank is no longer fit-for-purpose and a replacement stadium and other facilities are proposed to be built within the existing site. These proposals including their funding are in course of detailed appraisal in consultation with the relevant sporting bodies.**

Modification 6

Chapter 6 Housing etc., Proposal HSG 15: Edinburgh Zoo

Background

The finalised Edinburgh City Local Plan included as a proposal the allocation for housing development of some 5.8 hectares of land within the grounds of Edinburgh Zoo, on its western edge. As part of the Zoo, the site is currently part of the Edinburgh Green Belt and Area of Great landscape value designations which cover most open land at Corstorphine Hill. Following consideration of objections to the housing proposal, the Council is now minded to delete from the Local Plan reference to a housing development proposal, and retain the existing Green Belt and Area of Great landscape Value designations.

Proposed Modification:

- Delete paragraph 6.8 and re-number all subsequent paragraph numbers accordingly.
- Delete item HSG 15 in tables 6.1 and 6.2 and the corresponding designation on the Proposals Map.

Modification 7

Chapter 8 Shopping, Policy Ret 3: Commercial Centres

Background

The following modification is proposed, to align fully the requirements of the policy with those of the Edinburgh and the Lothians Structure Plan, specifically Structure Plan policy RET 2.

Policy Ret 3 Commercial Centres: add to policy the following criterion: **e) the proposal will address a quantitative or qualitative deficiency within the local area, and will be restricted to a scale that makes good this deficiency.**

Modification 8

Chapter 8 Shopping, Policy Ret 5: Out-of-Centre Development

Background

The following modification is proposed, to align fully the requirements of the policy with those of the Edinburgh and the Lothians Structure Plan, specifically Structure Plan policies RET 1 and RET 2.

Policy Ret 5 Out-of-Centre Development: replace criterion b) with: **b) the proposal will not have an adverse impact on the vitality and viability of centres of strategic importance in the Edinburgh and the Lothians Structure Plan area, or other centres of local importance identified in this local plan and set out in table 8.1 above.**

Modification 9

Chapter 9 Transport etc. Policy Tra 2: Planning Agreements

Background

Policy Tra 2 addresses in general terms the matters which may be the subject of a legal agreement between a developer and the Council before planning consent is granted. This includes the possibility that a contribution may be required towards new or improved public transport access to a site, including the construction of the tram. The Council has prepared more detailed guidance on the circumstances when a financial contribution towards tram construction and associated public realm works will be required. In order to fully comply with government guidance on planning agreements and developer contributions, it is considered that an additional policy is required in the Plan, providing clear guidance on the circumstances when a contribution will be required and a link with the approved supplementary planning guidance. The following policy will be inserted as policy Tra 3, requiring all subsequent policies to be re-numbered. The ensuing paragraph will replace the last three sentences of paragraph 9.9 and paragraph 9.18 in the finalised Written Statement.

Policy Tra 3: Tram Contributions - Where the proposed tram network will help to address the transport impacts of a development, a contribution will be sought towards its construction and associated public realm works. The contribution will be in addition to any that may be required in accordance with policy Tra 2 above. Contributions will continue to be sought after construction works are completed and until associated borrowings have been repaid.

New Paragraph after policy Tra 3:

The tram will have a major influence on travel patterns in the city. It will enhance the accessibility of the city centre and key growth areas in Leith and Granton. It will address the transport impacts of future development over a wide area, including the critical growth areas of the city: in the city centre, Leith, west Edinburgh, Granton in the longer term and further ahead still, the South East Wedge. Without the tram, growth targets and aspirations in these areas could not be achieved in full. It is reasonable therefore that the developments which will directly benefit from the tram should contribute towards its

construction costs, including associated public realm costs. Supplementary planning guidance has been approved which sets out the criteria by which contributions will be sought. The policy applies to all development within 500 metres of a proposed tram line or 750 metres of a tram stop, but may also be applied to individual developments beyond these limits if warranted by their scale and likely travel demands. Contributions will be adjusted to take account of development type, scale and distance from the agreed corridors and stops. The above policy should be read in conjunction with the supplementary guidance.

Add at end of paragraph 9.17:

The potential to extend this line southwards along or adjacent to Dalkeith Road to its junction with the City Bypass road at Sheriffhall is also safeguarded.