

Development Management Sub Committee

Wednesday 11 March 2015

**Application for Planning Permission 14/04969/FUL
At Land 18 Metres East Of The Binks Car Park 10, Rose
Lane, South Queensferry
Install a mosaic sculpture created by the local community, at
the green/landscaped section east of the carpark.**

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| Item number | 4.11 |
| Report number | |
| Wards | A01 - Almond |

Summary

The proposal complies with the development plan and non-statutory guidance, and will enhance the character and appearance of the conservation area.

Links

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| Policies and guidance for this application | LPRW, RWE12, RWE17, RWE38, RWE50, NSART, OTH, CRPQUE, |
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Report

Application for Planning Permission 14/04969/FUL At Land 18 Metres East Of The Binks Car Park 10, Rose Lane, South Queensferry Install a mosaic sculpture created by the local community, at the green/landscaped section east of the carpark.

Recommendations

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

Background

2.1 Site description

The application site is located 18 metres to the east of the Binks Car Park in South Queensferry, on land reclaimed in the 19th Century. The site is immediately adjacent to the Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) as well as the area which is a Site of Importance for Nature Conservation. These special areas are on the coastline just to the north of the site. In addition to this, a number of listed buildings are close-by including St. Margaret's Church, the Forth Road Bridge, Forth Rail Bridge and the Harbour. In the immediate vicinity is the car park and a small number of two and three storey residential buildings, the closest of which is approximately 25 metres away. Currently, the site is vacant and has no specific use, but up until recently was home to a picnic bench. The site is well-maintained with short grass and bushes at approximately 0.5 metres in height.

This application site is located within the Queensferry Conservation Area.

2.2 Site History

11.08.2014 - Erect public art sculpture on land next to Binks Car Park (Ref: 14/03192/FUL). Application withdrawn due to change in site location.

Main report

3.1 Description Of The Proposal

The application proposes to erect a community sculpture on a vacant, grassed site next to the Binks Car Park at Rose Lane. The sculpture is a piece of community artwork, in the form of a dragon, which is intended to be a mascot-style 'Guardian of the Forth Bridges'. The design of the sculpture is a series of mosaic designs from local schoolchildren, in a variety of colours, but predominately shades of blues and greens to reflect the nearby body of water.

The sculpture is in 4 separate sections, measuring approximately 2.6 metres in height at its highest and extending to 4 metres in length (not including spaces between the sections). Measurements as follows:

1x Front Section (Head): 2600 x 900 x 600mm.
2x Middle sections (Body): 750 x 1250 x 550mm.
1x Rear Section (Tail): 850 x 600mm.

The main body of the sculpture shall be comprised of steel, with individual mosaic tiles attached via a wire mesh affixed by fir tree fixings. Each section shall have concrete reinforced foundations approximately 450-500mm deep.

Supporting Statement

A Design Statement has been submitted by the applicant detailing the community engagement consultation process, details of the proposed artwork, rationale behind the piece, members involved and how the designs were developed. This document is available to view on the Planning and Building Standards Online Services.

3.2 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 permission.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is of an appropriate scale, form and design;
- b) the proposal will not have an adverse impact on the conservation area;
- c) the proposal will not impact on known or suspected archaeological remains, the SPA, Ramsar Site or SSSI;
- d) the proposal will not result in an unreasonable loss of neighbouring amenity;
- e) any impacts on equalities or human rights are acceptable; and
- f) any public comments raised have been addressed.

a) Scale, Form and Design

The scale of the proposal is appropriate. The majority of the sculpture is under 1 metre, with only the front section rising above to the height of 2.6 metres. The nearby car park entrance has a barrier of a similar height. The site is surrounded by bushes of around 0.5 metres in height, which partly conceal the sculpture.

The Art in Public Places Non-statutory Guidance states: *"Projects will be more appropriate if they have some social relevance or significance to the local community."* and *"The participation of the local community should be encouraged at all stages of the projects."* The sculpture was designed alongside the community, including students from local schools and care home residents. Over 700 people were involved in the consultation process and engagement events, and children helped design various mosaic parts of the sculpture. The finished piece is of excellent quality and the colours are predominantly blues, greens and purples which reflect the surrounding environment with regard to the water.

The proposal is of acceptable scale, form and design.

b) Impact on Conservation Area

The Queensferry Conservation Area Appraisal describes the area around the application site as follows:

"Despite other less intrusive development round the corner at the police station and recent sea front housing next to the harbour, it is the positive elements of townscape, historic buildings and glimpses of the sea and harbour that prevail. One of the first closes at this corner leads down to the harbour with its mixture of mainly recreational craft and the occasional fishing boat, often being tagged by squawking gulls and protective terns trying to defend their eggs laid on the harbour wall. From the end of the pier, the historic core can be seen in context and reveals a character that still exists to a larger extent than may at first seem apparent from the top of the Loan."

A description of the area's overall character and form is stated as:

"The architectural form and character of Queensferry is rich and varied with many fine historic buildings dating from its origins as a medieval burgh and following through several periods including Georgian and Victorian, to the present day."

The style of the proposal links in well to the character appraisal. Policy E50 states that: *"Support will be given for public art which enhances the main approaches to the city, buildings and spaces and which contributes to the visual interest and quality of the public environment."* The application is adjacent to an unattractive car park. The proposal to install a community-made piece of artwork will improve the area around the car park, and subsequently enhance the character of the conservation area. There will be no loss of open space, rather an enhancement of the current open space provision. There is no adverse impact on the setting of any of the nearby listed buildings.

The sculpture's location will not interfere with any of the key vistas or glimpses in Queensferry.

Parks and Greenspace support the proposal. Historic Scotland was also consulted informally and had no concerns about the proposal. There are no implications for parking.

The character of the conservation area will be preserved and enhanced by this proposal.

c) Impact on Archaeology and Special Areas

Archaeology had no objections to the proposal, providing that foundations are not dug in excess of 500mm. The foundation work will not be deep enough to impact on the water table. The proposals are located away from the SPA, SSSI and Ramsar site and will have no detrimental impact on natural heritage.

d) Neighbouring Amenity

There is sufficient distance between the proposal and the existing residences. There are no issues of residential amenity.

e) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impact was identified.

f) Public Comments

The material concerns raised are as follows:

- Scale and design of proposal - addressed in section 3.3a).
- Not in-keeping with character of the area - addressed in section 3.3b).
- Detrimental impact on conservation area - addressed in section 3.3b).
- Contrary to the Conservation Area Character Appraisal - addressed in section 3.3b).
- Loss of open space - addressed in section 3.3b).
- Parking - addressed in section 3.3b).
- Environmental impact; the effect on the water table - addressed in section 3.3c).

Conclusion

The proposal fully complies with the development plan non-statutory guidance and Conservation Area Character Appraisal. There is no adverse effect on the conservation area or neighbouring amenity.

There are no material planning considerations which outweigh this conclusion.

The proposal is appropriate.

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

3.4 Conditions/reasons/informatives

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. The council shall not be responsible for the long term maintenance of the structure.
3. The council will not be responsible for any accident or injury to members of the public as a consequence of the installation of the structure.
4. The council reserve the right to change the layout of the Binks Car Park, which may alter some landscape features.
5. No materials whatsoever shall be disposed of on council land during the installation of the structure.
6. 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.
7. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 16 January 2015. A total of 12 representations were received, all of which are objections from neighbouring residents. These letters of representation raised the following issues:

Material Considerations

- Scale and design of proposal;
- Not in-keeping with character of the area;
- Detrimental impact on conservation area;
- Contrary to the Conservation Area Character Appraisal;
- Loss of open space;
- Parking; and
- Environmental impact; the effect on the water table.

Non-material Considerations

- Loss of view;
- Land ownership;
- Health and safety;
- Maintenance and exposure to the elements;
- Not visually pleasing;
- No tradition of dragons; and
- Impact on the proposed World Heritage Site.

Community Council Comments

- None.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

Rural West Edinburgh Local Plan - Urban Area.
The site is within the Queensferry Conservation Area.

Date registered

29 December 2014

Drawing numbers/Scheme

1-5,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: James Gellini, Trainee Planner

E-mail:james.gellini@edinburgh.gov.uk Tel:0131 529 3543

Links - Policies

Relevant Policies:**Relevant policies of the Rural West Edinburgh Local Plan.**

Policy E12 says that on the 'developed coast', development proposals will not be permitted unless criteria are met; on the 'undeveloped coast' new development will only be permitted in exceptional circumstances.

Policy E17 says that development that would affect a Special Protection Area, Ramsar Site or SSSI will only be permitted in certain circumstances.

Policy E38 supports the preparation of conservation character appraisal statements for all conservation areas to assist in the on-going management of conservation areas.

Policy E50 supports public art which enhances the main approaches to the city, buildings and spaces and which contributes to the visual interest and quality of the public environment.

Non-statutory guidelines 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

Other Relevant policy guidance

The Queensferry Conservation Area Character Appraisal emphasises the importance of the medieval core, the settlement pattern of stone built houses with their lang riggs, and the strong Scots vernacular character of the architecture.

Appendix 1

Application for Planning Permission 14/04969/FUL At Land 18 Metres East Of The Binks Car Park 10, Rose Lane, South Queensferry Install a mosaic sculpture created by the local community, at the green/landscaped section east of the carpark.

Consultations

ARCHAEOLOGY

The Binks car park is formed primarily upon 20th century reclaimed land, though the area is associated with the historic early medieval ferry crossing point to North Queensferry in Fife. As such the site does occur within an area of potential national archaeological significance.

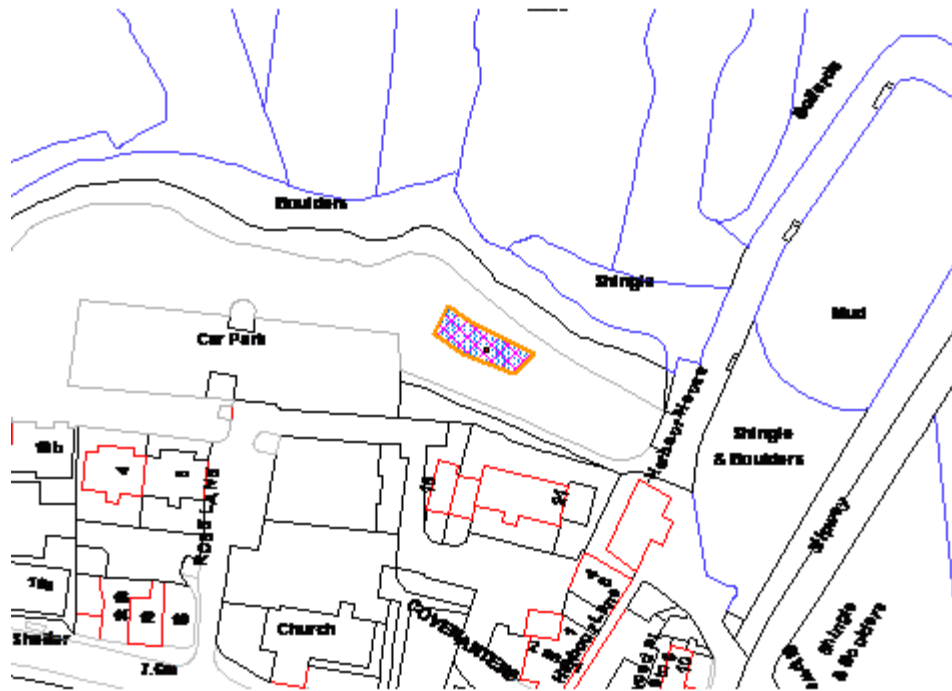
Provided that the foundations for the proposed statue are excavated no deeper than 0.50m from the current ground surface as indicated on the submitted drawings they should avoid impacting upon any underlying original beach deposits which may contain archaeological remains. As it is unlikely that therefore that any significant archaeological remains will be disturbed I have therefore concluded that there are no known archaeological implications.

PARKS AND GREENSPACE

I confirm the West Neighbourhood Team agree in principle to this application subject to the following provisos:

1. The council shall not be responsible for the long term maintenance of the structure.
2. The council will not be responsible for any accident or injury to members of the public as a consequence of the installation of the structure.
3. The council reserve the right to change the layout of the Binks Car Park, which may alter some landscape features.
4. No materials whatsoever shall be disposed of on council land during the installation of the structure.

Location Plan



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