

# Development Management Sub Committee

Wednesday 12 October 2016

## Application for Planning Permission 16/03823/FUL At Tynecastle Stadium, 1 Tynecastle Terrace, Edinburgh Main Stand redevelopment and Nursery (including demolitions).

Item number	6.1(b)
Report number	
Wards	A07 - Sighthill/Gorgie

### Summary

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The proposal complies with the Development Plan.

In relation to the neighbouring hazardous substances consent (HSC) at the distillery, the health and safety of future occupiers, including those within the new stand and the nursery, is adequately protected by a proposed condition. This condition will ensure that the new stand cannot be constructed until such time as the HSC is modified to take account of a third level of containment at the distillery. The modification to the HSC is underway with an application already submitted.

In respect of transport impacts, there will be an increase in numbers using the stadium. However, people largely walk or use public transport to access the site. Therefore effects on parking and traffic will be limited. In relation to this, controls are already put in place on match days and this will continue.

While there is a slight infringement of guidance in relation to daylighting to neighbouring flats, the proposed new stand sits further away from the tenements than the existing Gorgie Stand. Hence its effects are more limited and are acceptable. Effects on the privacy of neighbouring properties can be mitigated by condition.

The design of the building is similar to the three existing stands that were built in the 1990s. The new frontage and plaza to McLeod Street will be more attractive than the existing buildings and forecourt area. The design is acceptable.

Subject to recommended conditions and a financial contribution for road stopping up being secured, the proposal is acceptable.

There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

CITD1, CITD10, CITD2, CITD3, CITD4, CITD5, CITE12, CITE3, CITE16, CITR2, CITR6, CITT3, NSGD02,

# Report

## **Application for Planning Permission 16/03823/FUL At Tynecastle Stadium, 1 Tynecastle Terrace, Edinburgh Main Stand redevelopment and Nursery (including demolitions).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is Tynecastle Stadium and Tynecastle Nursery. Tynecastle Stadium lies to the north of Gorgie Road and to the west of McLeod Street. Three of its stands were built in 1990s. These are the Wheatfield Stand to the west, the Roseburn Stand to the north and Gorgie Stand to the south. These three stands have large trusses above them which support their roofs.

The existing Main Stand was built in 1919. It is to the east of the site, with its rear facing McLeod Street.

There are also offices and a ticket shop. These are arranged in a 'C' shaped courtyard which opens onto McLeod Street. This space is currently used for parking. There is also parking within the site between the offices and boundary of the tenements on Gorgie Road and within the section of McLeod Street that extends into the site.

Tynecastle Nursery is on McLeod Street. It is a single storey timber building. It has an outdoor play space for the children. This part of the site is in Council ownership.

There are 30 trees on the site as a whole.

To the north of the site is a distillery. This has an existing hazardous substances consent. Also to the North is the former Tynecastle High School. This is a category B listed building (LB number 26950 - 9 February 1993). To the north east is a category B listed tenement, 16-20 McLeod Street (LB number 26938 - 9 February 1993). To the east of the site is Tynecastle High School. To the south of the site are tenements with shops at ground level on Gorgie Road. On Gorgie Road, near the High School, there is a category B listed railway bridge (LB number 26977 - 15 November 1995).

Gorgie Road is an arterial route into the city. A number of bus services use it. While the application site is within 500m of the tram line, it is more than 1km walking distance to the nearest tram stop at Murrayfield.

## 2.2 Site History

1 April 1993 - Planning permission granted for removal of existing terracing and erection of 3 grandstands (application number 96/93).

28 July 2016 - Planning permission granted for creation of sports accommodation below football grandstand to access pitch used by community, creation of a temporary ticket office and shop for club use. This application was made to facilitate the redevelopment of the main stand (application number 16/01277/FUL).

### Other relevant history in relation to the relocation of the stadium

3 June 1992 - A committee of the Edinburgh District Council considered a report in respect of Hermiston, Ingliston, Millerhill and Straiton. It was agreed that Ingliston was a justified exception to Green Belt policy subject to a number of conditions and that the other three proposals should be refused on Green Belt and Countryside policy and other grounds.

16 December 1993 - Lothian Regional Council resolved to refuse planning permission for application 2814/91 (Hermiston) as contrary to Green Belt and Countryside policies and because it would result in a loss of agricultural land and it could be accommodated on a site that would have less damaging Green Belt and other consequences.

At the same meeting the Regional Council resolved in respect of Ingliston (application 301/92) to indicate that it would be minded to approve in principle the proposals for a stand-alone football stadium, subject to it being on the southern part of the site, and to continue consideration of the proposal to allow further matters to be carried out. These matters included, the applicant having further discussion with the Edinburgh Premier League Football Clubs, the undertaking of statutory procedures and discussions on conditions and legal agreements to adequately control the development.

It also resolved:

*"In addition, in view of the refusal of consent at Hermiston, the Regional Council also indicates its willingness to continue to work positively with Heart of Midlothian Football Club in helping to secure an appropriate response to the requirements of the Taylor Report.*

*Moreover, should the club decide to redevelop Tynecastle, the Regional Council, as a major surrounding landowner, is prepared to discuss with Heart of Midlothian Football Club ways in which it can assist in the redevelopment of the existing stadium at Tynecastle."*

### Other relevant history in relation adjacent uses

25 May 2002 - Deemed permission for Hazardous Substance Consent for a determination under the Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000 for the storage of hazardous substances at the neighbouring distillery at 9 Wheatfield Road, Edinburgh (application number 01/00353/HSC).

20 September 2016 - Application submitted for a Hazardous Substances Consent (HSC), under the Town and Country Planning (Control of Major-Accident Hazardous) (Scotland) Regulations 2015, to address various concerns identified during a Planning Application by Heart of Midlothian Football Club, to modify the Tynecastle Stadium, reference 16/03823/FUL, made for the neighbouring distillery at 9 Wheatfield Road, Edinburgh (application number 16/04554/HSC).

## **Main report**

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### **3.1 Description Of The Proposal**

The application is for the redevelopment of the existing Main Stand which will incorporate a new children's nursery.

The proposal involves the substantial demolition of the existing Main Stand along with the entire demolition of the football club's existing offices and ticket shop which face onto McLeod Street.

The new Main Stand will incorporate a total of 7,290 seats. These are in 37 rows. Over this will be a new roof which will be supported from a large truss of a similar design to the three existing trusses that support the roofs of the other stands. The truss is approximately the same height as the other truss structures. The top of it is approximately 27.6m from ground level. The main roof is approximately 21.4m from ground level. In plan, the new stand and associated accommodation is approximately 48m by 106m. There are first floor concourses at either side of it which take its overall length to approximately 150m. The stand is accessed off McLeod Street.

The total capacity within the stadium would be 20,099 compared with its current capacity of 17,529. This is an increase of 2,570 seats.

Within the new stand there will be ancillary accommodation, including:

- Offices;
- Lounges for hospitality;
- Roof terrace;
- Director's suite;
- Changing facilities;
- Doctor's / physiotherapy rooms;
- Toilets;
- Kiosks;
- Media centre;
- Shop and ticket office;
- Turnstiles; and,
- Kitchens.

This accommodation is located either under the stand or to its rear, which faces onto McLeod Street.

The children's nursery is incorporated into the stand at its northern end. Associated with this will be a play area for the children. This also faces towards McLeod Street and is accessed off it.

A new plaza is proposed between McLeod Street and the stand. This is a hard landscape area with some tree planting. Bollards are positioned along the heel of the footway. Some are retractable so as to allow access for deliveries.

Vehicular access would be from McLeod Street near the northern end of the new stand. This would allow for police and ambulance parking during matches.

There would be some parking for senior staff (around 10 spaces) on site which would be located on the southern edge of the plaza.

Within the stand is a concourse at first floor level. Off this are accessed kiosks, toilets and stairs as well as lounges and the director's suite. This will connect back to similar concourses within the Roseburn and Gorgie Stands.

Materials proposed include:

- Glass;
- Coloured glass tiles set within a curtain walling scheme. These would be coloured in a range of pinks, deep reds and maroons;
- Metal cladding to the sides;
- Permeable block paving to the hard landscape; and
- A Heart of Midlothian Football Club badge has been shown on the elevation facing McLeod Street on some supporting information. This is not shown on the application drawings. It would be subject of advertisement consent.

### Supporting information

The following information has been submitted in support of the application:

- Planning application report containing chapters on:
  - Current Condition;
  - Design Approach and Outcomes;
  - Image and Appeal;
  - Landscape and Public Realm Strategy;
  - Accessibility;
  - Tree survey;
  - Bat survey;
  - Sustainable drainage statement and drainage strategy;
  - Geotechnical and geoenvironmental assessment;
  - Transport statement;
  - Health and safety statement; and,
  - Ventilation statement.
- Sustainability Statement
- Noise impact assessment
- Noise report
- Stadium exit report
- Detailed Bat Survey
- PAC report
- Application summary
- Drainage Strategy Report

This information is available to view at Planning and Building Standards Online Services.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 principle of redevelopment and children's nursery is acceptable.
- b) The neighbouring hazardous substance consent and issues of health and safety have been adequately considered;
- c) Transport impacts and impacts on road safety are acceptable;
- d) Neighbouring amenity is adequately protected;
- e) The scale, design and materials, including effects on the setting of nearby listed buildings, are acceptable;
- f) The proposal has acceptable impacts on infrastructure;
- g) Other impacts are considered;
- h) The proposal has any equalities or human rights impacts; and,
- i) Representations raise issues to be addressed.

#### **a) Principle of redevelopment and children's nursery**

The proposal is for the redevelopment of an existing football ground. The capacity of the ground will rise from 17,529 to 20,099. The ancillary uses for hospitality and offices take place on the current site. Subject to other policy considerations, the principle of redevelopment of the stand on this site is acceptable.

The ticket office / shop will have an area of 298m<sup>2</sup>. Although larger, it is a use that exists on site at present (currently 258m<sup>2</sup>). As it is an ancillary use to the main use of the site as a football stadium, it is acceptable.

A space is shown on the plans adjacent to the ticket office / shop. It is identified for non-residential institutions. If such a use is not ancillary to the use of the site as a football stadium, planning permission would be required. A condition is recommended which confirms this.

The nursery building would be incorporated into the stand. It is located in a similar position to its current location off McLeod Street. It would have an outdoor play space. Subject to other policy considerations, the provision of a replacement nursery at this location is acceptable.

The Tynecastle Development Brief was approved in May 2004 and is therefore 12 years old. It covers the area of the stadium, the former High School and the site of the current Tynecastle High School. It explored a number of options for the redevelopment of the area, including the redevelopment of Tynecastle Stadium for housing, and set out parameters for the relocation of the High School to its current site. Key objectives of the brief are:

- creation of civic and public open space;
- retention of historic fabric; and,
- creation of focal points for community use and other activities.

While the proposal is not for the redevelopment of the stadium for other uses as was envisaged at the time the brief was approved, it does meet the overall objectives of the brief. A new civic space will be formed in front of the stadium and nursery, existing listed buildings are unaffected by the proposals and there will be a degree of community use, for example with the inclusion of the nursery. The proposal is therefore acceptable in relation to the Tynecastle Development Brief.

The principle of development is acceptable.

#### b) Neighbouring hazardous substance consent and health and safety

The neighbouring distillery has hazardous substance consent in place for the storage of ethanol (reference 01/00353/HSC). This was deemed granted by the Council on 25 May 2001. The distillery is also subject to the Control of Major Accident Hazard Regulations (COMAH) 2015.

In 2003, the Health and Safety Executive (HSE) issued a consultation distance map in relation to the distillery. The map shows three zones: inner, middle and outer. In forming this map, the HSE took into account the scenario of a large fire of flammable liquid. The level of risk reduces from inner to outer zones. The map is used when making assessments about the risk posed to new development in the vicinity of the distillery site.

The majority of the new Main Stand and the associated ancillary facilities are located within the existing inner zone. The replacement nursery and ticket office / shop are within the middle and outer zones.

If this were new development, for example replacing a derelict brownfield site, the HSE would advise against the granting of planning permission. This is because of the sensitive populations involved: the large number of people in the inner zone (in the stand) and the nursery in the middle zone.

The HSE recognises that the football stadium and distillery have operated next to each other for over 100 years. It also notes that the bulk ethanol storage has been present since the mid-1990s, with the Wheatfield, Gorgie and Roseburn Stands being granted planning permission prior to this, and prior to the site requiring hazardous substance consent.

The HSE advises that while it takes into account the standard safety features expected for the distillery as a major hazard installation, there remains a very remote chance of a major accident.

At present there is a bund wall around the ethanol storage tanks. This is known as the secondary bund. It is taken account of in the existing hazardous substance consent and the associated consultation distance map.

Between the distillery and the Wheatfield Stand is a boundary wall, known as the Bond Wall, in the ownership of the distillery. No account is taken of this in the existing hazardous substances consent. If sufficiently well and appropriately constructed, account could be taken of it in a modified hazardous substances consent. If so, the consultation distances would reduce. In this scenario, the Bond Wall would become what is known as tertiary containment.

It would have the effect of lowering the level of risk over the football ground.

The HSE's advice is provided in Appendix 1 to this report. In summary, it has advised that, if the applicant in conjunction with the distillery, can demonstrate to the satisfaction of the Council, acting as the Hazardous Substance Authority that:

- the integrity of the wall will act as full tertiary containment in the event of a sudden loss of a full tank's contents;
- no ethanol would overtop the tertiary containment or would otherwise enter the stadium in such an event; and,
- the tertiary containment is included as a condition of the hazardous substance consent for the distillery,

then the hazards from the ethanol storage would be reduced. The HSE would then assess the consequences of a major fire within the tertiary containment area - as opposed to a wider fire outwith this boundary. The HSE states that the most likely outcome would be a reduction in hazards affecting the new main stand and replacement nursery.

Given the significance of the hazard and the large numbers of additional people using the stand and the vulnerability of the nursery users, it is recommended that a condition is included that requires improvements to the Bond Wall, and that the modified hazardous substances consent, be secured prior to the commencement of any part of the development that would be occupied by these groups. An application for the modified hazardous substance consent has been made by the distillery with the support of the football club (reference number 16/04554/HSC). It includes a confirmation from an engineer that the wall is structurally sound. It also includes the details of improvements to the wall. Without prejudice to the decision on that application, there is a reasonable prospect that a modified hazardous substance consent can be put in place.

The demolition of existing buildings and the new truss to support the roof of the new Main Stand are aspects of the development for which there would be no future occupiers. These aspects of the development can therefore be exempted from the proposed suspensive condition. Taking this into account, the HSE has confirmed that if such a condition is imposed, it would not advise against the development as currently proposed.

In respect of wider health and safety matters, it should be noted that the new stand will be built to modern safety standards. The applicant has confirmed that even though there will be a greater number of people potentially using it than the existing main stand, these people could be evacuated more quickly. The stand will require to meet the Building Standards and will be subject of a building warrant or warrants. It will also be subject to the Fire Safety and Safety of Places of Sport Act 1987 and the Safety of Sports Grounds Act 1975.

#### c) Transport impacts and impacts on road safety

There are already large numbers of supporters accessing the site on match days. This will continue to be the case, the redevelopment resulting in approximately 14.6% more people using the stadium when it is operating at maximum capacity.

The transport information provided with the application states that the majority of supporters access the stadium on foot. In relation to the redeveloped stand, this assumes that on match days, trips are generated on the following basis:

Arrive on foot:	40%
Arrive by bus:	30%
Arrive by car (driver):	5%
Arrive by car (passenger):	15%
Arrive by train:	10%

These assumptions are accepted as being reasonable. This would result in around 13 additional passengers per bus on Gorgie Road which has a high frequency of bus services. There would be around 125 additional car trips. The transport information states that the limited availability of parking around the site will dissuade supporters from accessing the site by car.

The existing forecourt to McLeod Street is used for informal parking (with space for around 30 cars). There is also parking in the space behind the existing office building (10 spaces) as well as parking on the section of the street that runs perpendicularly into the site (around 15 spaces). Much of the existing car parking would be replaced by the new building and plaza. It is anticipated that some car parking (around 10 spaces) for senior staff would remain on site and this would be located along the south wall, similar to the current situation. These would be accessed via dropping bollards.

There are no minimum standards for car parking for the use proposed. The existing car parking has an adverse visual impact, particularly when compared with the proposed plaza which will provide an attractive setting for the stadium and will visually improve the street. Taking these factors into account, the loss of parking is acceptable.

On match days, the plaza would be kept clear. McLeod Street is currently closed to vehicles during matches and the applicant expects this arrangement to continue. Parking in the vicinity of the stadium is subject to control during match days and the area is well served by public transport services.

In respect of the proposed nursery, there is no car parking at present. It is expected that the existing arrangements for drop off would remain.

An informative is recommended requesting cycle parking for the shop and nursery.

Transport impacts are acceptable.

#### d) Neighbouring amenity

The proposed southern first floor concourse, which connects back to the existing concourse within the Gorgie Stand, comes close to neighbouring tenement gardens on Gorgie Road. Its floor level is approximately 4m above ground level. The concourse is located to the north of these gardens and therefore impacts on sunlight will be very limited. To mitigate any adverse impacts on privacy of the gardens and neighbouring flats, a condition is recommended which secures screening to the edge of the concourse. This will prevent users of this part of the stadium looking directly into those gardens.

The main roof of the stand is approximately 16.9m above the middle of the first floor windows of the Gorgie Road Tenements. It is set 27m away from them. While this sits above the 25° line that is the standard measure for development, because the stand runs roughly perpendicular to the flats, its impacts will be more limited. It is set back farther from the flats than the Gorgie Stand is.

The position of the stand, whereby its side wall runs perpendicular to the edge of the football ground is reasonable. Unlike other stadia, such as Hampden or Murrayfield where the seating is located in the corners, here there are gaps. These gaps allow neighbouring flats to receive reasonable levels of daylight.

The impacts on neighbouring amenity are acceptable.

#### e) The scale, design and materials

The design of the stand itself is very similar to the existing Wheatfield, Gorgie and Roseburn Stands. The truss structure will be as visible as the existing truss structures are in views across the city. Given that the proposed truss is a similar design and height to these, its visual impact will be negligible.

The design of the stand's east elevation and the new plaza proposed in front of it, will improve McLeod Street, providing a visually attractive setting for the stadium and the street itself.

While the colours of the proposed cladding are not typical of buildings of the area, these are important to the football club. Given their cultural significance, these are appropriate in this instance.

Though larger than the neighbouring former Tynecastle High School, which is a listed building, the proposed stand and nursery will not impact adversely upon its setting. Clear views of the historic building will remain from McLeod Street and the new plaza will create an attractive space to its side. Similarly, there are no adverse impacts upon the setting of the listed railway bridge on Gorgie Road or the 16-20 McLeod Street tenement. The design therefore has an acceptable impact on the setting of nearby listed buildings.

The scale, design and materials of the proposal are acceptable.

#### f) Infrastructure

The development is more than 1km walking distance away from the nearest tram stop. It will therefore give rise to few additional users of the tram. Due to this, and because of the scale of the development's impact, which could only reasonably be calculated in relation to the difference between existing and proposed use of the stand, a tram contribution is not sought.

Transport contributions would be required to secure the stopping up of the affected section of McLeod Street - if required. This would be for the sum of £2000 and be payable in advance of the stopping up order being made.

The development does not give rise to any other contributions.

#### g) Other impacts

##### **Noise**

There is considerable noise from the stand during existing football matches, for example from singing and cheering. While there will be an increase in spectators in the stadium and so there will be additional noise, this noise will be similar in its disruptive effects as the existing noise. On this basis, the impacts are acceptable.

It is intended that the dining lounge at the uppermost level of the stand opens out onto a roof terrace. This roof terrace will sit above the plaza and front onto McLeod Street. It introduces a potential noise source that does not exist at the stadium at present. It has not been possible to obtain sufficient information to be certain that noise from the roof terrace will be adequately mitigated. As a consequence, a condition which restricts its size is recommended. This would have the effect of reducing the number of people that are able to use the roof terrace and would set its edges further away from neighbouring flats. As a result of this, potential noise from the roof terrace would be reduced.

Hospitality spaces are extensively glazed and face out onto McLeod Street. A further condition is recommended to ensure noise from these spaces is adequately mitigated. It will also ensure these spaces can be adequately ventilated.

Subject to these conditions and combination with other regimes such as environmental legislation and licensing, noise from the hospitality space and roof terrace would be adequately mitigated.

Noise impacts are acceptable.

### **Contamination**

As the site has been previously developed and given the uses proposed, a condition is recommended in respect of potential ground based contamination.

### **Flood prevention and surface water management**

Flood prevention has confirmed that the proposal is acceptable in relation to surface water management and flooding.

### **Archaeology**

A condition is recommended to secure a programme of archaeological work in respect of the main stand. Subject to this, the works are acceptable in relation to archaeological heritage.

### **Sustainability**

An S1 sustainability form was submitted. This has been filled out with a commentary rather than numerically. The following assessment is therefore made:

*Energy Needs:* Section 6 of the Building Standards will be met. In relation to the location, as the proposal is a redevelopment of an existing site, there is no choice of location, however it reuses previously developed land and is in a highly accessible inner city location.

*Water conservation:* The application will use grey water roof capture and dual flush WCs.

*Surface water run off:* A SUDS scheme has been submitted with the application and will improve upon the existing drainage infrastructure in respect of SUDS.

*Recycling:* The Club have a waste management plan including recycling facilities.

*Materials:* There will be very little timber in the development. There is no uPVC windows proposed. Existing buildings will become hardcore and redundant bricks are to be sold.

The proposals therefore satisfy the essential requirements set out in the S1 form and are acceptable in relation to sustainability.

## **Education**

Education has confirmed that the proposed nursery meets its needs.

## **Policing and security**

Concern has been raised about the behaviour of individuals on match days - for example people accessing common stairs. There will be more people using the stadium as a result of the proposals. However, the behaviour of people is beyond the remit of planning control. The Police has confirmed that if there is any criminality, it would become involved. An informative is included which recommends continued engagement by the applicant with the Police.

## **Trees**

Thirteen existing trees will be removed from the site. Their loss is necessary to facilitate the building of the stand and nursery which can be located in no other place. Their loss will be mitigated by replacement planting in the new plaza. A condition is recommended which requires details of the planting and would secure 13 new trees. This condition also ensures replacement trees have adequate space to grow and are an appropriate species.

## **Biodiversity**

A bat survey has been provided. This states that there is no evidence of bats roosting in the stadium structure. On this basis, demolition would not have an adverse impact on protected species. Impacts on protected species are therefore acceptable.

### **h) Equalities and human rights**

In relation to equalities concerning health and standard of living, the form of the development does not infringe on the daylight reaching neighbouring dwellings. However, this infringement is relatively minor, as set out in section d).

The nursery will provide improved facilities for education and learning for the children who use it when compared with the existing nursery.

The proposal will have positive effects for users of the extended stadium's individual, family and social life.

The proposal will have beneficial effects in relation to disability in that it will be a more accessible building (being built to current standards with lifts etc) than the existing Main Stand.

The proposal is acceptable in relation to equalities and human rights.

#### i) Representations

Four representations were received. These included three objections from members of the public and one letter of support from the Community Council which made comment about specific aspects of the proposals.

#### **Comments in objection**

- Insufficient infrastructure within the area to cope with the additional fans on match days - addressed in section 3.3 c and f).
- Concern over safety / policing - addressed in section 3.3 g).
- Traffic impacts on match days - addressed in section 3.3 c).
- Insufficient parking in area generally - addressed in section 3.3 c).
- Insufficient parking on McLeod Street - addressed in section 3.3 c).

#### **Non material comments**

- Noise and disruption from construction and road closures that have happened previously in the area being compounded by further disruption from the development.
- Behaviour of football fans on match days, including being inebriated and urinating in common stairs. Anti-social behaviour and crime is a matter for the police.

#### **Community Council**

The Gorgie and Dalry Community Council is in support of the application. It makes the following comments:

- Concern about traffic management within the area - addressed in section 3.3 c).
- Reassurance sought about daylight impact on neighbours - addressed in section 3.3 d).
- Concern about traffic management in relation to construction and in particular the proximity of the development to the school - addressed in section 3.3 c).
- Seeks confirmation that nursery will have sufficient capacity - addressed in section 3.3 f).

#### Summary

The proposal complies with the Development Plan.

In relation to the neighbouring hazardous substances consent (HSC) at the distillery, the health and safety of future occupiers, including those within the new stand and the nursery, is adequately protected by a proposed condition. This condition will ensure that the new stand cannot be constructed until such time as the HSC is modified to take account of a third level of containment at the distillery. The modification to the HSC is underway with an application already submitted.

In respect of transport impacts, there will be an increase in numbers using the stadium. However, people largely walk or use public transport to access the site. Therefore effects on parking and traffic will be limited. In relation to this, controls are already put in place on match days and this will continue.

While there is a slight infringement of guidance in relation to daylighting to neighbouring flats, the proposed new stand sits further away from the tenements than the existing Gorgie Stand. Hence its effects are more limited and are acceptable. Effects on the privacy of neighbouring properties can be mitigated by condition.

The design of the building is similar to the three existing stands that were built in the 1990s. The new frontage and plaza to McLeod Street will be more attractive than the existing buildings and forecourt area. The design is acceptable.

Subject to recommended conditions and a financial contribution for road stopping up being secured, the proposal is acceptable.

There are no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, no development shall take place on the site until the following measures have been implemented:
  - a) The integrity of the Bond Wall on the boundary of the neighbouring distillery (or alternative) will be so constructed or improved so that it acts as full tertiary containment in the event that within the distillery there is a sudden loss of a full tank of ethanol's contents (to include hydrodynamic loading) and that in such an event, no ethanol would pass through the wall to enter the environs of the stadium; and,
  - b) That in such an event, the corners of the Bond Wall shall be so designed and improved to further limit the overtopping of ethanol into the environs of the stadium; and,

- c) The aforementioned tertiary containment, improvements and constructions shall be included as a condition of the Hazardous Substances Consent for the distillery.
2. With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, no demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, conservation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
  3. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
    - monitoring of any standing water within the site temporary or permanent.
    - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).
    - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached.
    - reinstatement of grass areas.
    - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow.
    - which waste materials can be brought on to the site/what if any exceptions e.g. green waste.
    - monitoring of waste imports (although this may be covered by the site licence).
    - physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste.
    - signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

4. The screening shown on drawing 410(A600)002A shall be installed prior to occupation of the new main stand and shall remain on site.
5. Prior to the construction of the plaza, full details of tree planting, including their species, size, and tree pit details, shall be provided and approved by the Council as planning authority. There shall not be fewer than 13 trees and these shall be semi mature when planted.

6. With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, no development shall take place until details of the glazing system, roof construction and ventilation are submitted and approved by the Council as planning authority and these details shall show that the glazing and roof to lounge, dining lounge and other hospitality spaces shall be designed to limit noise to NR15 (within the living room or bedroom of the nearest dwelling) where internal source noise is 100dB and that the ventilation shall be so designed to ensure that windows and doors to these spaces can remain closed.
7. Notwithstanding what is shown on the proposed drawings, the roof terrace on the top floor of the stand shall be limited in its size such that it extends no further south or north than the dining lounge and that at the northern and southern boundaries of this roof terrace, 2.4m high acoustic walls, fences or other structures shall be installed which each extend between the eastern facade of the dining lounge and the glazed balustrade to the east elevation and that these acoustic walls, fences or other structures shall have no opening elements such that continuous barriers are formed at each end of the roof terrace.
8. With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, development shall not begin until samples of materials to be used on external surfaces of the buildings or in construction of hard standings/walls/fences have been submitted to and approved in writing by the Council as planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.
9. With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, no development shall take place on the site until the following measures have been implemented:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority. Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

10. Two cycle stands shall be provided outside the retail unit and two outside the nursery for the use of customers and, secure and undercover cycle parking shall be provided for the nursery (1 space per 7 staff) and for the retail unit (one space).
11. The use of the space identified for "D1 non-residential institutions future development" on the proposed ground floor plan shall only be used for purposes incidental to the use of the site as a football stadium.

**Reasons:-**

1. To ensure an adequate degree of safety in the event of a sudden loss of ethanol from the ethanol containment tank within the distillery.
2. In order to secure an appropriate programme of archaeological work (historic building recording, excavation, conservation, analysis & reporting, publication).
3. To manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
4. To adequately protect the privacy of dwellings adjacent to the site on Gorgie Road.
5. In order to ensure trees are adequately specified for the plaza space and that they can grow adequately.
6. In order to protect the amenity of existing neighbouring dwellings.
7. In order to adequately protect the amenity of neighbouring dwellings.
8. To ensure that the materials proposed are of suitable quality for the development.
9. In the interests of human health.
10. To ensure there is sufficient and suitable cycle parking.
11. To ensure the space is for a use incidental to the use of the site as a football stadium.

**Informatives**

It should be noted that:

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. LEGAL AGREEMENT: Consent shall not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £2,000 to progress a suitable order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to stop up sections of road as necessary for the development. In lieu of a legal agreement, payment may be made directly to the Council.
5. Transport matters:
  - i) The section of McLeod Street which forms part of the proposed public realm may require a stopping up and/or a re-determination order. The applicant is to clarify the access layout and confirm the extents of the road that requires to be stopped up and/or re-determined.
  - ii) Any works to the adopted road network will require a road opening permit.
6. The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.
7. In relation to condition 2, the work requires to 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.

8. In relation condition 5, it is expected that tree pits shall be within the ground rather than above ground planters and the arrangement and details of these shall be coordinated with the arrangements for SUDS / drainage.
9. It is recommended the applicant continues to engage with Police Scotland in relation to the police's Architectural Liaison service and Counter Terrorism Security advice.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

The Council owns part of the site and has an interest in the application in relation to the proposed nursery. The proposed new nursery has been reported to the Education Children and Families Committee (24 May 2016).

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **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**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

The application was subject to pre-application advice. Discussion was had about the relationship of the proposal to the neighbouring hazardous substances consent site at the distillery.

A proposal of application notice was submitted and registered on 23 March 2016 for development of main grandstand at stadium to increase capacity in total by circa 3000 and replace out-of-date facilities. The proposals incorporate a new Tynecastle nursery (reference number 16/01610/PAN).

Copies of the notice were also issued to the community council, nursery and school.

This PAN was reported to Development Management Sub Committee on 25 May 2016.

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 Building Standards Online services.

## **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on 19 August 2016 and four letters of representation were received. These included one letter from the Gorgie Dalry Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

### **Background reading/external references**

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- 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**

The application site is in the urban area of the Edinburgh City Local Plan and the Edinburgh Local Development Plan as modified. It is also within the area covered by the Tynecastle Development Brief (May 2004).

**Date registered**

9 August 2016

**Drawing numbers/Scheme**

01-19,

**John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: David Givan, Senior Planning Officer  
E-mail:david.givan@edinburgh.gov.uk Tel:0131 529 3679

**Links - Policies**

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**Relevant Policies:**

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

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

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

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

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

**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

## **Application for Planning Permission 16/03823/FUL At Tynecastle Stadium, 1 Tynecastle Terrace, Edinburgh Main Stand redevelopment and Nursery (including demolitions).**

### **Consultations**

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#### **Health and Safety Executive (the HSE) - First response dated 23 August 2016**

*HSE's role in land use planning:*

1 *The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major hazard sites and major accident hazard pipelines. HSE's approach balances the principal of stabilising and not increasing the numbers at risk with a pragmatic awareness of the limited land available for development in the UK. An HSE discussion document in 1989 (Risk criteria for land-use planning in the vicinity of major industrial hazards ISBN 978 0 1188 5491 7, available from HSE Books) sets out the basis of the HSE's approach at that time and this largely remains the approach in the methodology.*

*Proposed development application and major hazard site:*

2 *Earlier this year, HSE was consulted by the City of Edinburgh Council on planning application 16/01277/FUL, as the proposed development lies within the Consultation Distance of the North British Distillery Company Ltd (NBD Ltd), adjacent to Heart of Midlothian Football Club's Tynecastle Stadium. That application, for the creation of sports accommodation below football grandstand to access pitch used by community, creation of a temporary ticket office and shop for club use at the Stadium, was to facilitate the redevelopment of the main stand and nursery school. HSE did not advise against that proposal subject to a condition on the future community use (HSE ref 4.2.1.5102 dated 22 July 2016). Planning permission for application 16/01277/FUL, with proposed condition was granted by the City of Edinburgh Council on 28 July 2016.*

3 *The three existing modern stands at the stadium (School End, Wheatfield & Gorgie Stands) were constructed between 1994 and 1998. The existing main stand originates from the period 1914 to 1918. The football stadium and distillery have been neighbours since the 19th century.*

4 *The proposals to redevelop the existing main stand include an increase to the stadium's capacity of approximately 2500, and a replacement nursery school. HSE appreciates that a modern new spectator stadium will provide other safety benefits, for example in terms of access and egress and emergency evacuation, but considers that those factors are for the Council to consider along with other planning matters in any decision it makes.*

*Distillery site and HSE zones*

5 *Hazardous Substances Consent for NBD Ltd, for the storage of flammable liquid (liquid ethanol), was deemed granted by the City of Edinburgh Council on 25 May 2001 (CEC Ref: 01/00353/HSC) under Planning (Control of Major-Accident Hazards) (Scotland) Regulations 2000. The site is also subject to the Control of Major Hazards Regulations (COMAH) 2015 and is a lower tier establishment.*

6 *In June 2003 HSE issued a three zone Consultation Distance map (annex 1) which it has used with its land use planning advice methodology (See <http://www.hse.gov.uk/landuseplanning/methodology.pdf>) to provide advice to the City of Edinburgh Council on proposed developments within the Consultation Distance.*

7 *HSE's methodology is based on the following principles:*

*i The risk considered is the residual risk which remains after all reasonably practicable preventative measures have been taken to ensure compliance with the requirements of the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions*

*ii Where it is beneficial to do so, advice takes account of risk as well as hazard, which is the likelihood of an accident as well as its consequences.*

*iii Account is taken of the size and nature of the proposed development, the inherent vulnerability of the proposed population and the use of evacuation or other emergency procedures for the type of development proposed. Some categories of development (e.g. schools and hospitals) are regarded as more sensitive than others (e.g. light industrial ) and advice weighted accordingly.*

*iv Consider the risk of serious injury, including that of fatality, attaching weight to the risk for a proposed development might result in a large number of casualties in the event of an accident.*

#### *Tynecastle High School and HSE advice*

8 *In 2005, HSE provided advice to the City of Edinburgh council on the redevelopment of Tynecastle High School. The school was to be relocated from immediately adjacent to the distillery, to a location on the other side of the McLeod Street. The location was further away from the distillery but still within an HSE consultation distance. In the circumstances, HSE's formal advice was against the granting of planning permission, albeit with a recognition that the school's new location was an improvement but still sufficiently close for us to advise against. The application was granted against HSE's advice and referred to Scottish Ministers. HSE applied its published policy on request of call in and did not recommend that Scottish Ministers call in the application for their own determination. The school has subsequently been built and is operational.*

#### *HSE consultation zones around the distillery site*

9 *HSE takes into account a range of major accident hazards at the distillery in determining its land use planning Consultation Distances. The dominating scenarios involve large fires of flammable liquid.*

10 The majority of the proposed new Main Stand, the Media Centre, Players Lounge etc . is located within the existing inner zone of the NBD Ltd site, with the replacement nursery, the ticket office/shop with in the middle and outer zones. If this were a new development (e.g replacing a derelict Brownfield site) HSE would strongly advised advise against the granting of planning permission. This is because their development involves too sensitive populations; more than 1000 people in an inner zone and nursery school in the middle zone.

11 The football stadium and distillery have operated next to each other for over 100 years. However, the bulk ethanol storage has only been present since the mid 1990s and the three modern stands were granted planning permission prior to this, and prior to the site requiring Hazardous Substances Consent.

12 HSE's assessment of the hazards from the storage nearest to Tynecastle Stadium is dominated by the bulk storage of ethanol. Whilst HSE takes into account the standard safety features expected for this type of major hazard installation, there remains a very remote chance of a major accident.

13 In late May 2016, HSE was engaged by the applicant, and conjunction with the Council and distillery, to see if greater resolution can be up applied to the hazards and risk assessment for the distillery's Hazardous Substances Consent issued by the Council. The purpose is to enable the Council to make a fully informed Planning decision. Good progress has been made on this but some further work is needed to establish how that consent may be modified and the possible impact on the resultant consultation zones and advice.

#### *Tertiary containment for bulk ethanol storage*

14 HSE understands in meeting its decision on the relocation of Tynecastle High School, the Council took account of the presence of a boundary 'Bond Wall' which they understood could provide some additional mitigation from the of containment of the ethanol storage. It is HSE's view that tertiary containment should only be taken into consideration if it has been specially designed for that purpose and is included as a condition of the Hazardous Substances Consent such that I cannot be removed at a later date. HSE was not aware of any assurances at the time that the existing boundary wall would perform as needed in the event of a major accident at the distillery.

15 If the applicant, in conjunction with the distillery, can demonstrate to the satisfaction of the Council, acting as the hazardous substances authority:

i the integrity of the bond wall (or alternative) to act as full tertiary containment in the event of a sudden loss of a full tank's contents ( to include hydrodynamic loading );

ii that no ethanol would overtop the tertiary containment are would otherwise enter the environs of the stadium in the event of event of a sudden loss of full tank contents;

iii and for the tertiary containment to be included as a condition of the Hazardous Substances Consent for the distillery;

*then hazards from the bulk ethanol storage would be reduced and HSE would assess the consequences from a major fire within the tertiary containment area. The most likely outcome would be a reduction in the assessed hazards affecting the new main stand and replacement nursery.*

16 *In the meantime, HSE can provide the following observations to assist the Council in reaching a decision on the current application for the main stand redevelopment and nursery, assuming that the major hazard event can be limited to a major fire within the tertiary containment area.*

*i The proposed nursery redevelopment would be located beyond the distance at which the level of thermal radiation would lead to HSE advising against an indoor development for a sensitive population.*

*ii The majority of the stand would be located beyond distance at which the level of thermal radiation would lead to HSE advising against an outdoor development for a large population.*

*iii The nearest part of the main stand to the personal storage vessels are predicted to receive levels of thermal radiation that could lead to serious injuries which could be fatal if people are unable to escape in a direction directly away from the effects of a fire at the distillery site. However, these predicted levels of harm do not take any account of any protection of might be provided by the nearer Roseburn Stand. In addition they do not take account of any protection that might be provided by the design of the new main stand. Furthermore, HSE notes that the design of the new main stand might provide improved escape and evacuation facilities when compared to the existing with main stand and this is a matter that the Council may wish to take into account in making their decision.*

### **Health and Safety Executive (the HSE) - Second response dated 21 September 2016**

*I can confirm that if this condition [see condition below in square brackets] were imposed on application 16/03823/FUL, HSE would not advise against the granting of planning permission.*

*The proposed condition addresses HSE's advice in paras 15 & 16 of my letter to you dated 23/8/16. Our do not advise against position is dependent upon the applicant's demonstration to you of the effectiveness of the tertiary containment (Bond Wall) in the event of sudden total loss of one of the bulk ethanol tanks located adjacent to the Tynecastle Stadium. The purpose of tertiary containment is to retain the ethanol so it does not enter the environs of the stadium if the tanks fail, including sudden total loss.*

*The applicant commissioned computer modelling which showed that whilst the vast majority of the contents of a full tank would be retained by the tertiary (Bond) wall, there may be a very small amount that could overtop at the corners (assuming the wall withstood the lateral hydrodynamic loading associated with sudden loss). They have proposed improvements to the corners of the Bond wall to further limit any overtopping and inclusion of this as a condition provides further mitigation of the risks to the development in the unlikely event of a major accident at the distillery.*

*[In relation to this response, the condition cited is as follows:*

*Condition*

*With the exception of the construction of the new girder truss shown on drawing 410(A300)002A and demolition of the buildings within the site known as Tynecastle Nursery, the Heart of Midlothian Clubstore and Ticket Office, the Heart of Midlothian Offices and any structures that are ancillary to the football stadium, no development shall take place on the site until the following measures have been implemented:*

- a) The integrity of the Bond Wall on the boundary of the neighbouring distillery (or alternative) will be so constructed or improved so that it acts as full tertiary containment in the event that within the distillery there is a sudden loss of a full tank of ethanol's contents (to include hydrodynamic loading) and that in such an event, no ethanol would pass through the wall to enter the environs of the stadium; and,*
- b) That in such an event, the corners of the Bond Wall shall be so designed and improved to further limit the overtopping of ethanol into the environs of the stadium; and,*
- c) The aforementioned tertiary containment, improvements and constructions shall be included as a condition of the Hazardous Substances Consent for the distillery.*

*Reason*

*To ensure an adequate degree of safety in the event of a sudden loss of ethanol from the ethanol containment tank within the distillery.]*

**BAA - Response dated 19 September 2016**

*The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:*

*Submission of a Bird Hazard Management Plan*

*Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:*

- monitoring of any standing water within the site temporary or permanent*
- sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached*
  - reinstatement of grass areas*
  - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
  - which waste materials can be brought on to the site/what if any exceptions e.g. green waste*

- monitoring of waste imports (although this may be covered by the site licence)
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste
- signs deterring people from feeding the birds.

*The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.*

*Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.*

*The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.*

*The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.*

*We would also make the following observations:*

#### *Lighting*

*The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at <http://www.aoa.org.uk/operations-safety/>). Please note that the Air Navigation Order 2005, Article 135 grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.*

*We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.*

*It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.*

## **Gorgie Dalry Community Council - Response dated 28 August 2016**

*On behalf of the Gorgie Dalry Community Council, I am making comment on the proposed redevelopment of Tynecastle Stadium's main stand (Ref: 16/03823/FUL.)*

*The Gorgie Dalry Community Council have liaised with Heart of Midlothian in respect of this redevelopment, receiving a lengthy presentation.*

*The Community Council acknowledge the likely economic benefits of this redevelopment, what could be the positive and supplementary benefits to the Gorgie Dalry Community and the potential community benefits accruing from supplementary office, retail and commercial space made available.*

*There are however a number of issues of note which we should like reviewed:*

*1) The GDCC have in the past expressed concerns as to traffic management arrangements and parking provisions available on match days. We remain concerned as to the likely impact on local residents and businesses of increased traffic generated by this redevelopment.*

*2) We require reassurance that the daylight available to adjacent householders will not be adversely effected or compromised as a consequence of this new structure.*

*3) We are concerned about traffic management practices during the demolition and construction phases of this development. The hazards presented to pedestrians, particularly children attending the local High School are obvious and due consideration must be given to the safety regime introduced during the development phase and afterwards.*

*4) WE are aware discussions have occurred concerning the relocation and integration of McLeod Street Nursery into this development and we require assurance that this relocation will not limit the space or facilities available to local pre - school children.*

*As intimated, the GDCC are aware of the potential benefits of this redevelopment to the immediate area as well as Edinburgh and welcome the investment proposed. Our observations and comments are primarily related to the visual impact of the new stand, its immediate impact on surrounding residential properties, traffic management arrangements during the redevelopment process and thereafter alongside longer term parking arrangements.*

*The GDCC would welcome the opportunity to provide further information on its comments should they be required.*

## **Environmental Health and Scientific Services - Response dated 17 August 2016**

### Noise

#### Extract from Noise Statement

*"Noise from Lounge spaces The lounges will be used for various functions and corporate entertaining. It is not intended that they be used for live band performances, though there may be background music at some functions.*

*It is recommended that a planning condition be attached to the planning permission requiring that the detailed design of the building including the lounges must be undertaken to ensure that noise breakout, particularly during the night time period does become audible at the nearest residential properties."*

*Requiring inaudibility from music and other internal amplified sound is in line with the normal planning requirements of the City of Edinburgh Council. The technical description of inaudibility is normally described as achieving the BS 8233 noise rating curve NR 15. Achieving this criterion will ensure there is no disturbance to residents, allowing for these windows to be open.*

*Environmental Protection have considered the information provided in the RMP statement and will require much more detail before we can consider supporting the application. Where this proposal is a like for like replacement of the existing facility Environmental Protection offer no objection.*

*The main difference from a noise perspective is the introduction of the high level lounge area with outside terrace. This area will be available for use throughout the year for hire for things like weddings. This types of occasions will involve live music operating late at night. Noise breakout from this structure will need to be assessed to ensure operations are inaudible within the nearest residential properties. We will require the details of the mitigation measures which must include specifics on the materials required to meet the inaudibility criteria.*

*The use of the terraced area serving the high level lounge is a cause of concern, can we condition the hours of use for this area with a planning condition? If not again we will need the applicant to provide details on likely noise levels on the terrace. Specific details on the required mitigation measures will also be require including details of the structure and materials required to ensure that any noise on the high level terrace will be inaudible within the nearest residential properties.*

*Details of how the customers will leave the lounge area (for example after a wedding event) late at night would be helpful to determine if there is going to be any potential impacts on the existing residents.*

*Numbers 3-5 MacLeod Street properties need to be considered in the noise impact assessment.*

### Odours

*Is there an elevation showing where the kitchen ventilation will terminate*

### Contaminated Land

*The site investigation report has been forwarded onto Chris Gray to assess.*

## **Archaeology Service - Response dated 12 August 2016**

*Further to your consultation request I would like to make the following comments and recommendations concerning this application for main stand redevelopment and nursery.*

*Tynecastle stadium has been the home of Heart of Midlothian Football Club since the end of the 19th century. The current main stand although unlisted was constructed c.1919 and designed by one of the UK's preeminent stadium architects of the time, Archibald Leitch. As such the stand is a rare survival of football stadia of the period and must be regarded as being of regional and possibly national historic significance.*

*Accordingly this application must therefore be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN 2/2011, Historic Environment Scotland Policy Statement (HESPS) 2016 and also CEC's Edinburgh City Local Plan 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 proposal will require the complete demolition of this historic stand and as such must be considered as having a significant and adverse physical impact. However it has been concluded that although significant, the loss of this historic building would have only a moderate archaeological impact. It is however essential that a comprehensive programme of archaeological works are undertaken prior to and during demolition/construction to record this important early 20th century structure.*

*This programme of works will require the undertaking of a detailed historic building survey (phased and annotated plans and elevations, written and photographic survey and analysis) and the preservation of key historic elements (commemorative plaques). In addition the historic building survey will be linked with a programme of archaeological work during demolition and construction in order to record evidence for the development of the current Archibald Leitch stand, evidence for the earlier football ground.*

*It is recommended therefore that that the following condition is attached to this consent to ensure that the above programme of archaeological works is undertaken prior to/ during development.*

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

*The work would 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.*

*Please contact me if you require any further information.*

## **City Strategy and Economy Service - Response dated 15 August 2016**

*The following are comments from the City of Edinburgh Council's City Strategy and Economy service which relate to the planning application 16/03823/FUL for the redevelopment of Tynecastle Stadium.*

*Edinburgh's economic strategy, "A Strategy for Jobs 2012-17" aims to achieve sustainable economic growth through supporting the creation and safeguarding of jobs in Edinburgh. A key element of delivering jobs-driven economic growth is the provision of an adequate supply of workplaces.*

### *Commentary on existing uses*

*The site in question is a 2.8 plot of land on McLeod Street, Edinburgh, currently occupied by three structures:*

- 1 Tynecastle Terrace (the Main Stand of Tynecastle Stadium);*
- McLeod Street (former Adult Training Centre, now used by Heart of Midlothian Football Club as a ticket office and shop);*
- McLeod Street (Tynecastle Nursery).*

### *Commentary on proposed uses*

*The proposed development would comprehensively redevelop the Main Stand of Tynecastle Stadium along with the former Adult Training Centre. The existing Tynecastle Nursery would be replaced with a new-build facility with a higher capacity than the existing nursery.*

*The development would deliver the following net increases in capacity/floor-space:*

- The Main Stand would increase in capacity by 2,500 seats.*
- The club shop would increase in size by 40m<sup>2</sup>.*
- The nursery would increase in size by 264m<sup>2</sup>.*

*It is anticipated that the expansion of the club shop and nursery could be expected to directly deliver a small increase in employment.*

*The impact of the expansion of the capacity of the Main Stand is more challenging to calculate but it could be expected to support a modest increase in visitor expenditure in Edinburgh, supporting jobs in the visitor economy.*

*The redevelopment would bring Tynecastle Stadium to UEFA standards, rendering it eligible to bid to host games associated with major international football contests. While there is considerable competition to host these contests, the economic impact of hosting one were Heart of Midlothian Football Club to mount a successful bid would be substantial, albeit concentrated over a short period of time.*

### *Summary response to consultation*

*The proposed development could be expected to directly support a modest increase in employment via the expansion of the club shop and the nursery. Additionally, the expanded capacity of the Main Stand could potentially support a modest increase in visitor expenditure, as well as making the stadium eligible to potentially host a major international football contest.*

*This response is made on behalf of City Strategy and Economy.*

## **Roads Authority Issues - Response dated 16 September 2016**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

1. *Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £2,000 to progress a suitable order under Section 207 of the Town and Country Planning (Scotland) Act 1997 to stop up sections of road as necessary for the development (see note 2 below).*

2. *The section of McLeod Street which forms part of the proposed public realm may require a stopping up and/or a re-determination order. The applicant is to clarify the access layout and confirm the extents of the road that requires to be stopped up and/or re-determined.*

3. *Two cycle stands to be provided outside the retail unit and two outside the nursery for the use of customers.*

4. *Secure and undercover cycle parking to be provided for the nursery (1 space per 7 staff) and for the retail unit (one space).*

5. *Any works to the adopted road network will require a road opening permit.*

*Note:*

*Current Council parking standards for this area (Zone 3a) require the following car park spaces:*

*Stadia - Assessed individually up to maximum of 1 per 30 seats*

*Nursery - Maximum of 1 per 3 staff*

*Retail - Minimum of 1 per 150m<sup>2</sup>, max of 1 per 50m<sup>2</sup>*

*The developer is not proposing any additional car parking as part of the re-development and this is acceptable to transport. Parking in the vicinity of the stadium is subject to control during match days and the area is well served by public transport services.*

## **Police Scotland - Response dated 1 September 2016**

*The client, Heart of Midlothian Football Club, has already engaged with Police Scotland Edinburgh Division in relation to this application. Meetings have been held with Architectural Liaison Officers (ALOs), Counter Terrorism Security Advisors (CTSAs) and event planners.*

*There is a meeting between the developers, architects, club and police representatives scheduled for the last week in September where the detailed plans will be examined and discussed.*

*Recommendations will be forthcoming following this meeting and forwarded for your attention. However, we have not identified any areas of major concern and are satisfied that the developers and client will consider crime prevention through environmental design and will be guided by advice from the CTSAs, which is of paramount importance.*

*We welcome continued engagement from the applicants.*

### **Flood Prevention - Response dated 16 August 2016**

*In support of the above planning application the Flood Prevention Unit have reviewed the following documents,*

- *HMFC Main Stand Drainage Strategy Report for Heart of Midlothian Football Club*
- *Main Stand Drainage Drawing CLXX(52)4001 P02 dated 04/08/16*

*In order to better inform the planning application process further information is required with respect to drainage.*

*1. The applicant has provided an independent check certificate, but we cannot see if it is a major development. However the checker is from another office of Cundall which is not considered independent. In addition no checklist has been provided. As this is not mandatory we will review the application as it stands, but this should be noted for future major applications.*

*2. Pre and post development overland flow arrows have not been provided.*

*3. Please stipulate who will adopt and maintain the surface water network, including any SUDS.*

### **Flood Prevention - Response dated 13 September 2016**

*Point 1 on the memo was for note only so did not require a response.*

*Points 2 and 3 have now been addressed (email only received yesterday in relation to point 2), as such Flood Prevention have no further comments on this application.*

## Location Plan

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**END**