

Development Management Sub Committee

Wednesday 15 August 2018

**Application for Planning Permission 18/01088/FUL
At 30 Wright's Houses, Edinburgh, EH10 4HR
Improvements to the surfacing/entry to the grassed area and
erection of a golfing starter's hut.**

Item number	4.6
Report number	
Wards	B11 - City Centre

Summary

The proposal does not fully comply with all relevant policies of the Edinburgh Local Development Plan. There is a minor infringement of policy Des4 on making a positive impact to its surroundings. However, this is a small scale development and the infringement is minor and does not justify refusal. There is no adverse impact on the character and appearance of the conservation area and the design is of an appropriate standard.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES03, LDES04, LEN06, LEN18, NSG, NSLBCA, CRPMAR,
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Report

Application for Planning Permission 18/01088/FUL At 30 Wright's Houses, Edinburgh, EH10 4HR Improvements to the surfacing/entry to the grassed area and erection of a golfing starter's hut.

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 a 262 sq.m area of grass opposite the Golf Tavern public house on the west side of Bruntsfield Links. The application site includes the road from the Golf Tavern to the grassed area. The site is owned by the Council and used as a short-hole golf course.

There is an existing golf course green hut located to the north of the site which is used as a greenkeeper's store.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for the erection of a replica green hut to match the one to the north of the site. It will be used for the storing and hiring of golf clubs and balls to service the existing putting green/ short-hole golf course. These are currently hired from the Golf Tavern. The hut is 2.9 metres wide and 4m high and of octagonal form with a pagoda-style roof. The hut will match the existing nearby hut in terms of scale, design and materials, being largely a timber construction (painted green) with a GRP roof.

Although the application also illustrates surfacing improvements in the access from the public road to the area, these alterations do not require planning permission if considered independently (they do however require consent from the Council as landowner).

Supporting Statement

The applicant has submitted a supporting statement confirming that the hut will make it easier for those with young children or mobility problems to hire clubs and balls - currently they have to enter the public house.

This document is available to view on 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 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 proposed structure is acceptable in principle;
- b) the proposed structure affects the character and appearance of the conservation area;
- c) the proposed structure is of a high standard of design;
- d) there are other matters which are material planning considerations; and
- e) representations have been addressed.

a) The Principle of Development

The site is designated open space and policy Env18 presumes against its loss provided certain criteria are met. There is no change of the use of the land and the only development is the erection of the hut which will serve the existing short hole golf course. The physical loss of "open space" amounts to under 8.5 square metres and is insignificant in terms of the wider open space. In terms of the criteria identified in policy Env18, there will be no significant impact on the quality or character of the local environment; the area is a small part of the wider open space; and the loss would not be detrimental to the wider open space network. The hut is operational development (i.e. a building operation) to improve a local facility and therefore has local benefits. The proposal complies with policy ENV18.

In terms of the objections raising concerns about the use of the land and the potential commercial exploitation of the site, there will be no change in ownership and the land will remain in Council ownership and control. The proposal is purely for operational development connected to the current recreational use and not change of use so while the hut will be privately run, the land on which it sits will still be in Council ownership. The Council's Parks, Greenspace and Cemeteries service has indicated it has no objections to the hut and has advised it may enhance the visitor experience to this historic park.

The principle of development is therefore acceptable subject to compliance with other LDP policies and statutory tests.

b) Impact on the Conservation Area

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the *well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.*

Policy Env 6 of the LDP - Conservation Areas - Development, considers the impact of proposals on the character and appearance of the conservation area. Again this policy is criteria based. In terms of whether the proposed hut preserves or enhances the character and appearance of the conservation area, the character appraisal emphasises that Bruntsfield Links forms one of the most important areas of recreational open space in Edinburgh and over the years it has provided a range of activities. The small scale nature of this development to serve the existing golf course use is compatible with this characteristic and the careful design to match the existing hut means that there will be no adverse impact on either the character or the appearance of the conservation area.

The proposals comply with policy Env6.

c) Design Issues

LDP policies Des1, Des3 and Des4 promote design concepts which draw upon the positive characteristics of the surrounding area. The hut has been sensitively located on the edge of the links and designed to match the traditional form, height and materials of the existing hut to the north. As such it constitutes high quality design which builds upon the existing characteristics of the area. Policy Des4 requires development to have a positive impact on its surroundings and given the settled character of this area, it will appear as an obvious new structure on the links. However, given the small scale of the development, it will, through time, merge with the landscape and be seen as a companion building to the existing hut. A minor infringement of policy Des4 is therefore justified.

d) Other Matters

The elements relating to improved access into the park from the public road do not require planning permission. Nevertheless, the creation of the access steps will result in a safer pathway from the road to the grassed area and this is supported by Parks, Greenspace and Cemeteries. As there is no change of use of the land, comments relating to noise pollution, parking and intensification of use are not material planning considerations in this case. Given the small scale nature of the proposals, there will be no adverse impacts on amenity, privacy or wider public views.

The matter of legal restrictions is not a material planning consideration. It will be for the applicant to ensure they have the legal entitlement, including a lease from the Council, before proceeding with any development. Should this lease be granted, matters such as the care of the grass would be for Parks, Greenspace and Cemeteries to advise upon. Legal impediments do not inhibit the consideration of the planning application. The applicant's agent has confirmed that they do not intend to proceed with the proposal to use the site identified in the planning application as an overspill for the Golf Tavern Public House.

e) Representations

Material Representations - Objection

- Loss of open space - addressed in section 3.3 a) of the assessment.
- Impact on amenity - addressed in section 3.3d) of the assessment.
- Impact on the conservation area - addressed in section 3.3b) of the assessment.
- Loss of privacy - addressed in section 3.3d) of the assessment.
- Privatisation of public space - addressed in section 3.3d) of the assessment.
- Noise Pollution - addressed in section 3.3d) of the assessment.
- Impact on access and pedestrian safety - addressed in section 3.3d) of the assessment.
- Intensification of use - addressed in section 3.3d) of the assessment.
- Impact on parking - addressed in section 3.3d) of the assessment.

Non-Material Representations - Objection

- Privatisation of public land.
- Applicant does not own the land.

- Legal restrictions to building on the open space (1991 Confirmation Act).
- Use of the land for drinking.
- No need for a second hut.
- Loss of view.
- Commercial use.
- Setting a precedent.
- Intensifying the use of the pub.
- Serving food and drinks on the public area.
- Litter.
- Damage to grass.

Material Representations - Support

- Improvements to the access.
- Encouraging outdoor activities.
- Improvement to the amenity.

Tollcross Community Council

Comments addressed the privatisation of public space, and the relevant legislation which prohibits certain development on the Links and Meadows (Confirmation Act of 1991).

Merchiston Community Council

Comments addressed the loss of amenity the hut would cause, the site area boundary and the impact on the view.

Conclusions

In conclusion, the erection of the hut is a small scale development and, whilst there is a minor infringement of policy Des4, overall there would be no adverse impacts and there are material planning reasons for approving the proposals.

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 granting of Planning Permission does not absolve the applicant from obtaining other necessary consents including the requirements of the Edinburgh Confirmation Order Act and consent from the Council as landowner.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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 would be a financial return to the Council for the use of its land.

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:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets 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 22 March 2018. Seventy-six representations were received: 69 in objection and seven in support. Tollcross Community Council objected. One local councillor and one MP also communicated the concerns of their constituents.

The matters raised are assessed in the Assessment section of the report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site lies within an urban area as defined within the Local Development Plan.

Date registered

14 March 2018

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

Relevant Non-Statutory Guidelines

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

Appendix 1

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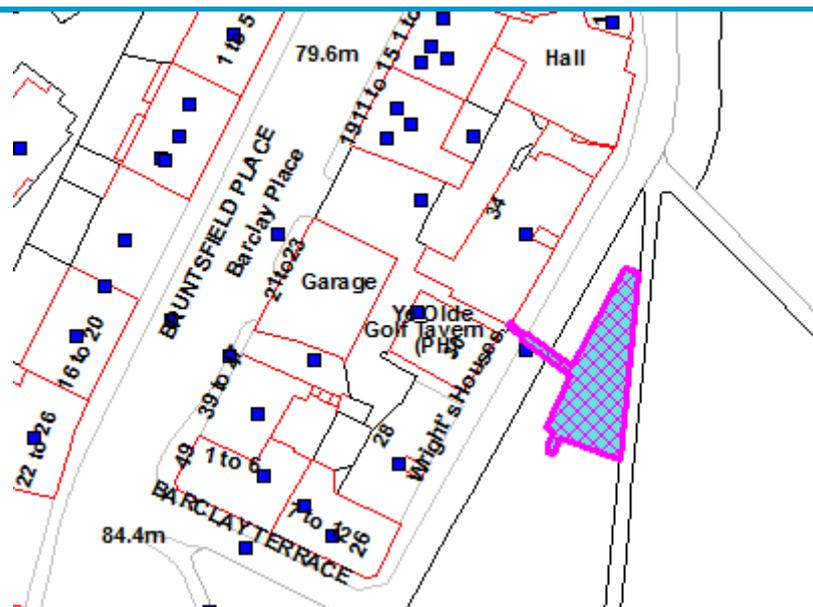
Consultations

Parks, Greenspace and Cemeteries

I can confirm that Parks, Greenspace & Cemeteries has no objection to the addition of a suitably designed golf starters hut (to house and give out golf clubs and balls) on Bruntsfield Links. Neither do we have an objection to the addition of steps to aid access to the Links from opposite the Golf Tavern. Indeed, both may enhance the visitor experience to this historic park.

However, it is worthwhile noting that the construction and operation of a new golf hut will require a lease from Parks, Greenspace & Cemeteries.

Location Plan



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