

MURRAYFIELD COMMUNITY COUNCIL

Minutes of Ordinary Meeting
held on Tuesday, 2 April 2019 at 7.30pm
in Murrayfield Parish Church Centre
Chair: J Yellowlees

Present: A Anderson, H Barbour, R Beavis, R Brown, J Forbes, P Gregson, S Holland, B Knowles, R Smart, M Stevens, H Whaley, J Yellowlees,
Ex officio: Cllr Gillian Gloyer,
In attendance: 26 members of the public, PC Euan Sinclair, Rurigdh Ahluwalia-McMeddes, City of Edinburgh Council, Miles Thompson, Aecom,
Apologies: N Macdonald, D Whitelaw, Cllr Karen Doran, Cllr Scott Douglas, Cllr Claire Miller, Cllr Jo Mowat, Cllr Alasdair Rankin, Cllr Frank Ross, Jeremy Balfour, MSP, Miles Briggs, MSP, Ruth Davidson, MSP, Kezia Dugdale, MSP, Neil Findlay, MSP, Alison Johnstone, MSP, Gordon Lindhurst, MSP, Andy Wightman, MSP, Christine Jardine, MP.

1. Welcome, apologies and youth engagement

Apologies were received as above. The Chairman welcomed those in attendance. He suggested that, as many in the audience had come to discuss the pop-up bar at 37 Corstorphine Road (Item 5 of the Agenda) or the cycle track (Item 6), these items should be dealt with immediately after the Community Policing Report. The order of business was approved subject to these changes.

The Secretary reported that she had contacted the Youth Parliament and was also to have a meeting with the family liaison officer of Murrayfield Parish Church on 5 April 2019.

2. Community Policing Report

PC Euan Sinclair reported that the Police are carrying out vehicle and foot patrols in the Murrayfield area to target house breaking and theft. In the previous month there had been 28 reported crimes – 2 house breakings, 7 thefts, 2 incidents of anti-social behaviour, 1 incident of vandalism (graffiti in Wester Coates Terrace), 10 road traffic offences and 6 miscellaneous crimes. There had been no incidents of violence or hate crimes. Dangerous parking around schools continues to be a serious problem. The Police are also targeting vehicles without road tax.

They had received one complaint about noise from the Malone's pop-up bar on 31 March, but the bar had not caused much of a problem.

A member of the public complained about performance cars speeding between Roseburn and Western Corner. **PC Sinclair undertook to look into this.**

Another member of the public stated that the X900 bus to Glasgow was also regularly guilty of speeding and he had complained to the bus company.

3. Pop-up bar at 37 Corstorphine Road

The Chairman reminded the meeting that the pop-up bar in the garden of 37 Corstorphine Road had occasioned one complaint about loud music and concern about customers spilling out of the bar onto the road. MCC had supported a trial opening on the understanding that the bar was to be associated with the Six

Nations weekends only and was for a good cause (the Steven Sims Cavaliers Foundation). There had been some confusion as to whether there was to be live music and Sunday opening and in the event there had been both and the bar had opened for additional weekends.

Cllr Gloyer, who sits on the Licensing Board, said that she had expected the operator's licence applications to come to the Licensing Board, but they had not. After the withdrawal of the application for the first two weekends the subsequent applications had been dealt with by the Convener under delegated authority, a process which is supposed to be limited to non-contentious applications. In this case there had been four objections from the public and one from the Police. Future applications should be notified properly to neighbours and referred to the Licensing Board. The applicant's solicitor had, however, specifically stated in writing that there would no attempt in future to repeat the pop-up bar on this site.

The Secretary intimated that she had understood that there were plans to apply for licences for the autumn tests.

A member of the public who lives in Ormidale Terrace and had corresponded with Cllrs Gloyer and Douglas, the Council's Planning and Licensing Departments and MCC, and who was to have a meeting with a Licensing Officer, spoke at length about his objections to the bar and his surprise that MCC had supported it. The Chairman explained that the decision to support a trial opening had been taken by MCC at a public meeting, there had been insufficient time to consult more widely and there had been local support for it.

The Secretary clarified that there is no requirement for neighbour notification in the case of a temporary licence.

The same member of the public asked whether the bar was a temporary structure, was planning permission required, was it in a suitable place and did it constitute over supply?

P Gregson said that it was felt that the bar fitted with the usual activity in Roseburn on match days, might benefit local traders and take the pressure off other bars as well as generate funds for a charity.

Some of those present were sceptical about the charitable element of the enterprise. Another resident felt that the operator had made a number of false representations, but almost everyone acknowledged that the bar had been well run. The overwhelming concern of the neighbouring residents was to prevent a repeat of the experiment.

Cllr Gloyer suggested that MCC **write to the Convener of the Licensing Board to relay the various concerns** and it was agreed that **the Chairman would do so**.

The Chairman confirmed that Alasdair Crawley of the Steven Sims Cavaliers Foundation had asked to address the next MCC meeting.

S Holland reminded the meeting that the next big event at BT Murrayfield is the Spice Girls concert on Saturday, 8 June 2019.

The Chairman referred to the tents used by the Murrayfield Hotel and the Hampton Hotel as bar facilities on match days at BT Murrayfield and the fact that the Hampton Hotel takes its tent down between matches but the Murrayfield Hotel does not. J Forbes pointed out that the Hampton Hotel's tent is on its car park. A resident of Stair Park reported that the Murrayfield Hotel does not have permission for its tent. Cllr Gloyer said that she had emailed a Planning Officer about these temporary structures and awaited a reply.

4. CCWEL TROs, RSOs, Rejuvenating Roseburn consultation, trader compensation and pollution

4.1 Pollution – P Gregson introduced John Lamb, who worked at SEPA for 16 years and is now retired. Mr Lamb had produced a paper on the effect of the cycle track on pollution in Roseburn Terrace and the paper had been circulated to the members of MCC prior to the meeting. Mr Lamb explained that while he was still working at SEPA he had read about the CCWEL and had been surprised to discover that neither SEPA nor the Council’s own air quality team had been consulted about its effect on levels of pollution. Mr Lamb explained that Roseburn Terrace is a street canyon perpendicular to the prevailing wind in which traffic fumes rotate between the buildings on either side. Parked cars provide a buffer zone in which pollutants are diluted. Roseburn Terrace is in an Air Quality Management Area and, in accordance with the Council’s own guidance, a thorough assessment of the effect on air quality of any changes to road layout or traffic should have been done. Mr Lamb requested that MCC ask the Council to carry out such an assessment now.

The Chairman, the Secretary and Cllr Gloyer emphasised that the decision to build the CCWEL had already been taken by the Council and there was little chance of changing the design at this stage. Cllr Gloyer stated that the issue of pollution had been raised earlier in the process and she would be surprised if no modelling of pollution had been done.

M Stevens and H Whaley asked Mr Lamb a number of technical questions about monitoring, acceptable levels of pollution and the effect of the prevailing wind and traffic. M Stevens expressed the view that it was MCC’s responsibility to pass on the recent research and concerns regarding pollution to the Council.

P Gregson suggested that MCC should ask the Council to appoint an independent consultant to review Mr Lamb’s paper.

Cllr Gloyer undertook, as a first step, to forward Mr Lamb’s paper to the Convener of the Transport and Environment Committee and ask what investigations had been carried out.

4.2 TROs and RSOs – The Secretary advised that the Scottish Government Reporter appointed to conduct the public hearing on objections to the TRO and RSO for the Roseburn to Haymarket section of the CCCWEL had sent all objectors copies of all the objections, which had been categorised as relating to either the RSO or the TRO (loading and unloading).

4.3 Trader compensation - S Holland of MCC and G Rendall of Art et Facts, Roseburn Terrace, spoke to their experience at the meeting of the Transport and Environment Committee on 5 March 2019 at which they had made the case for a scheme to provide compensation for the traders on Roseburn Terrace and Haymarket Terrace in the event that they suffer economic loss as a result of the CCWEL. Both felt that the Convener’s comparison of Roseburn Terrace with Brighton Place, Portobello was inappropriate. S Holland reported that the Committee had undertaken to consider the matter again at their next meeting in May.

R Brown reported that Cllr Douglas had suggested that MCC request permission to send a second deputation to that meeting and it was decided that MCC would seek to do so. **Cllr Gloyer undertook to find out when the relevant meeting will be held.** P Gregson spoke to the need for the Council to measure the economic impact of the CCWEL by looking at the income of the traders before, during and after its construction and suggested that the deputation should comprise three speakers.

4.4 Rejuvenating Roseburn – R McMeddes gave a brief recap of the consultation and design process to date and reported that the public consultation on the preliminary designs had been launched and would run until 7 May 2019. The consultation leaflets were being distributed and the first on-site event had been held on the Old Bridge at Roseburn that afternoon. The next one would be held there on 30 April 2019. R Mc Meddes pointed out that the viewing platform shown in the designs is not an essential part of the scheme. He urged everyone to respond to the consultation either on paper or online. He will report on the results of the consultation at the MCC meeting on 14 May 2019.

5. Councillor's Report

Cllr Gloyer reported as follows :-

5.1 The results of the Council's strategic review of parking across the city will be discussed at the meeting of the Transport and Environment Committee in May or June this year. The report will be available on the Council's website. The proposal for Roseburn is for controlled parking with meters and residents' bays. Both she and Cllr Douglas feel that priority parking for residents for a short period each day would solve the problems experienced in Roseburn and a full controlled parking zone would be too strong a measure. Cllr Gloyer recommended that residents look at the measures proposed for their own streets and feed back comments to their Councillors or the Transport Convener.

5.2 She had undertaken a walkabout of the Murrayfield area with the Council's Chief Executive, the Roads Manager and the Manager of the North West Locality. J Forbes had shown them around Ellersly Road and the proposed development site at Kinellan Road which contains a loch. They experienced the difficulty of crossing Ellersly Road and were receptive to the idea of siting pedestrian refuge islands on Ellersly Road near Guardianswood and at the junction with Murrayfield Road ("Benjamin's crossing").

6. Approval of Minutes of Ordinary Meeting held on 19 February 2019

These were approved. Prop: J Forbes, Sec: M Stevens.

7. Matters Arising

7.1. *Replacement of trees outside Murrayfield Medical Practice*

P Gregson stated that it is the Council's responsibility to replace the trees which were removed as part of the flood prevention works. **The Secretary undertook to write to the Convener of the Transport and Environment Committee about this.**

7.2. *Match day residents' parking permits*

Cllr Gloyer felt that a scheme for residents' parking permits on match days at BT Murrayfield, Tynecastle and Easter Road would not take two years but might be superseded by the results of the Council's overall parking review.

7.3. *Pansy Walk*

The Chairman wondered whether the Council's decision to extend the tramline to Leith would mean that the rails which had been stored on the site of the former allotments at Pansy Walk since completion of the initial tram works would be removed, thereby making a return to allotments feasible.

8. Planning and Licensing

8.1 Osborne House – M Stevens confirmed that the developer has appealed against the refusal of planning permission for a 157 bed hotel and a Reporter is to be appointed.

The complaints made by the Donaldson Area Amenity Association about the failures in procedure have been largely upheld and the Chief Planning Officer, David Leslie, has apologised.

A new application for a similar 157 bed hotel with access via the front ramp instead of through the Conservation Area has been submitted. It was decided that, as five of the original six grounds of objection still apply, **MCC should lodge a further objection and J Forbes undertook to do this.**

R Smart reminded the meeting that a new procedure allows MCC to ask to be a statutory consultee in an individual planning application.

8.2 J Forbes reported that the application for planning permission to redevelop the former Tor nursing home and grounds for housing had been refused on 20 February 2019. There had been a concerted effort by neighbouring proprietors led by Neil McKerrow, MCC and the three local Councillors to oppose the proposal. The Secretary wished to record MCC's appreciation of the time and effort which J Forbes had devoted to this issue. The developer is expected to appeal and has 3 months in which to do so.

8.3 9 Kinellan Road – J Forbes reported that he had lodged an objection on behalf of MCC to the planning application for the proposed development of this site for housing and had cited ten grounds of objection. In all 47 objections had been lodged. J Forbes and two neighbouring proprietors referred to the unauthorised felling by the developer of a number of mature trees on the site last summer prior to submission of the planning application this year. J Forbes had lodged a report of possible breach of planning regulations and had asked Cllr Douglas to follow up. J Forbes found the initial reply from the Planning Department deeply troubling. It stated that the Council's Tree Officer had visited the site and spoken to the owner/developer who had said that only a wind-thrown birch tree had been removed. This was not correct and Cllr Douglas had taken up the issue. A second site visit had then been made at which it was admitted that several mature trees including a large copper beech, which the developer maintained was "dead or dying", had been felled. C Brogan, the proprietor of an adjoining property, had obtained an aerial photograph taken shortly before the felling which showed the large copper beech in full leaf. A Planning Officer had stated that, had the Planning Department received the proper notice of felling, in all likelihood a Tree Preservation Order would not have been made because of the condition of the trees and the fact that they were not visible from any local public viewpoints.

The Planning Officer stated that, if the planning application was refused, he would require replacement planting, but if it was granted, many more mature trees would have to be felled to accommodate the development and enforcement action regarding the unauthorised felling would not be in the public interest.

This approach was deplored as giving a green light to developers in Conservation Areas to fell mature trees with impunity.

J Forbes also deplored the fact that a tree report allegedly commissioned by the developer had not been lodged with the planning application and was not, therefore, in the public domain.

Cllr Gloyer offered to discuss the issue with Cllr Douglas on his return from holiday.

J Forbes said that in the objection lodged on behalf of MCC he had recommended that a report on the biodiversity of the site be required.

8.4 2 Belmont Drive – J Forbes reminded the meeting that it had been decided that MCC should not comment on a domestic planning application – in this case for a granny flat extension to a recently built house. The owner of the adjoining property wondered why she had not been notified when the planning application for the construction of the house had been lodged in 2017, but she had received notification of the current application.

She commented that the construction of the house had damaged the roots of a very large tree. J Forbes said that the tree would have to be felled and it should be replaced at the cost of the owner of the house.

8.5 Affordable housing – Brief mention was made of the failure by developers of sites in the Murrayfield area to build the required 20% of affordable units on the same sites.

9. Traffic and Transport

9.1 Noise from Haymarket Depot – R Beavis explained that the residents of Roseburn Maltings are experiencing unacceptably high levels of noise and air pollution from trains at Haymarket Depot which are parked in a siding with their engines running while they undergo cleaning and maintenance. The situation is expected to worsen because the depot has recently been upgraded to deal with the “new” high speed trains. These are in fact reconditioned trains from 1979 with diesel engines. The residents of the Maltings have raised this issue with the management team at the depot, the Head of Environment at ScotRail and the Scottish Transport Secretary, Michael Matheson MSP. They have also contacted the Council whose officers have been out three times to measure the noise level and have confirmed that it is unacceptably high.

It was agreed that this issue merited further discussion and **would be on the Agenda for the next MCC meeting.**

9.2 and 9.3 **It was agreed that** the second and third items under Traffic and Transport on the current Agenda (**Murrayfield Road pedestrian crossing and Ellersly Road pavement widening**) **be held over to the next meeting.**

10. Roseburn Park

B Knowles reported as follows :-

10.1 The Friends of Roseburn Park (“FoRP”) have arranged the planting of new trees in the park and have been awarded a grant of £3,000 by the West Edinburgh Neighbourhood Partnership to commission a mural on the Armoury of what happened in and around the building during the Second World War, including squaddies on bikes;

10.2 FoRP are applying to Sustrans for £5,200 to fund a study into the areas of conflict between pedestrians and cyclists in the Park;

10.3 FoRP have the final quotation in and are about to start seeking funding for the conversion of the toilet block to a café.

11. Any Other Competent Business

11.1 The Chairman intimated that the Water of Leith Clean Up of the Roseburn to Coltbridge section of the river will take place on Sunday, 12 May 2019.

11.2 R Smart reported that the stone pillar at the foot of Murrayfield Gardens has been bumped into or pushed and he wondered if it is safe. The Chairman offered to send a photograph to the Council's Roads Manager, Dave Sinclair.

12. Questions from the Floor

There were no questions from the floor.

13. Date of Next Meeting: Tuesday, 14 May 2019 (preceded by AGM)

Subsequent meetings: 25 June, 13 August, 24 September, 5 November and 10 December 2019.

Minutes approved at meeting of 14 May 2019.

for approval