

Notice of meeting and agenda

Development Management Sub-Committee

1.00 pm Wednesday, 12th May, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

Contacts

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Tel: 0131 529 4283 / 0131 529 4237

1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 None.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

- 4.1 None.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Chief

Executive sets out the procedure for the hearing.

- 6.1** 34 Cramond Road North Edinburgh EH3 6RH (Land Adjacent to Former) - application no 20/02916/FUL - Protocol Note by the Chief Executive 7 - 10
- 6.2** 34 Cramond Road North, Edinburgh (at Land Adjacent To Former) - Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five year period - application no 20/02916/FUL – Report by the Chief Planning Officer 11 - 30

It is recommended that this application be **GRANTED**.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 7.1** None.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 8.1** None.

Andrew Kerr

Chief Executive

Committee Members

Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Hal Osler, Councillor Cameron Rose and Councillor Ethan Young

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Teams and will be webcast live for viewing by members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Veronica Macmillan / Martin Scott, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4283 / 0131 529 4237, email veronica.macmillan@edinburgh.gov.uk / martin.scott@edinburgh.gov.uk.

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Development Management Sub-Committee

1.00pm, Wednesday 12 May 2021

Protocol Note for Virtual Hearing, via Microsoft Teams

**Planning Application No 20/02916/FUL
Land Adjacent to Former 34 Cramond Road North Edinburgh EH3
6RH**

Report number
Wards - Almond

Andrew Kerr
Chief Executive

Contacts: Veronica MacMillan, Committee Services
Email: veronica.macmillan@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	13.05 -13.20
2	Representors or Consultees Cramond Community Council Cramond Association Kit Campbell Gary Cameron	13.20 -13.25 13.30 -13.35 13.40 -13.45 13.50 -13.55
3	Ward Councillors Councillor Graham Hutchison Councillor Kevin Lang Councillor Norman Work Councillor Louise Young	14.00 -14.05 14.10 -14.15 14.20 -14.25 14.30 -14.35
4	Break	14.40 -14.50
5	Applicant and Applicant's Agent Caroline Nutsford (Avison Young) Mike Afshar (AMA)	14.55 –15.10
6	Debate and Decision on Application by Sub-Committee	15.15

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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Development Management Sub Committee

Wednesday 12 May 2021

**Application for Planning Permission 20/02916/FUL
at Land Adjacent To Former 34, Cramond Road North,
Edinburgh.**

**Section 42 application to vary condition 1 of planning
permission reference 13/01843/FUL (which modified
consent 05/02947/FUL, which previously modified consent
01/01881/FUL), to extend the proposed timescale for laying
out and operating the approved sports pavilion and sports
pitches for a further five year period.**

Item number

Report number

Wards

B01 - Almond

Summary

Development on the residential element of the scheme is complete and the original planning application remains live. The proposal complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The applicant has set-out a route-map detailing how they will use the five-year extension to deliver sports facilities on the site. Planning authorities have limited enforcement options in terms of delivery timescales of a private enterprise. The proposal remains acceptable and the five-year extension will remedy the current breach of planning control. There are no material considerations that outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 17.02.2021

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES07, LDES08, LEN18, LEN22, LHOU01, LHOU02, LHOU03, LHOU06, LTRA01, LTRA02, LTRA03, LEN03, LEN06, NSG, NSGD02,

Report

Application for Planning Permission 20/02916/FUL At Land Adjacent To Former 34, Cramond Road North, Edinburgh

Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out + operating the approved sports pavilion + sports pitches for a further five year period.

Recommendations

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

Background

2.1 Site description

The application site, measuring 11.9 hectares, is the cleared site of the former Moray House Institute of Education campus at Cramond. The northern half of the site has been developed for housing as part of the original planning permission however, the southern half of the site, that this application relates to remains undeveloped. The undeveloped part of the site has been seeded as required by condition one of planning permission: 13/01843/FUL. The eastern and southern boundaries of the site are lined with mature trees.

There are traditional detached dwellings to the immediate west of the site, with larger three storey flatted dwellings to the south-west corner. To the east and north-east of the site are open fields which form part of the Green Belt, an Area of Great Landscape Value and a Local Nature Conservation Site. At the south-eastern corner of the site there are Category B listed (ref: LB50793) and Category C listed (ref: LB30269) buildings. To the south of the site is Cramond Road North with Bruntsfield Links golf course beyond. The north-west and south-west boundaries are residential properties.

This application site is located within the Cramond Conservation Area.

2.2 Site History

30 June 2020 - A planning enforcement enquiry regarding the alleged non-compliance with condition one of planning permission: 13/01843/FUL is pending consideration while this Section 42 application is determined (planning enforcement reference: 20/00319/ECOND).

10 April 2014 - Section 42 application for removal of condition 16 of planning consent for Cramond Campus reference - 01/01881/FUL (which was modified in consent 05/02947/FUL) to enable 100% occupation of the approved dwellings prior to completion / operation of the sports facilities.' was granted (planning permission: 13/01843/FUL).

4 April 2012 - Planning permission of principle for 'Option 1 - Cricket and Football. Application for planning permission in principle for proposed sports facilities (cricket centre and football pitches), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01492/PPP).

4 April 2012 - Planning permission of principle for 'Option 2 - Tennis and Football. Application for planning permission in principle for proposed sports facilities (tennis centre and football pitches), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01493/PPP).

4 April 2012 - Planning permission of principle for 'Option 3 - Tennis and Cricket. Application for planning permission in principle for proposed sports facilities (tennis centre and cricket centre), sports pavilion and care village (class 8) including ancillary retail (class 1), health hub / sports clinic and crèche (class 10). Details brought forward for approval: layout, building footprints, massing and heights.' is Minded to Grant subject to concluding a legal agreement (planning reference: 11/01494/PPP).

28 May 2008 - Section 42 application for the modification of condition 16 of planning permission: 01/01861/FUL to read 'the approved pavilion and sports pitches shall be constructed / laid out and fully operational to the satisfaction of the Head of Planning and Strategy prior to the occupation of no more than 88% of the approved dwellings.' was granted (planning reference: 05/02947/FUL).

30 January 2003 - Planning permission for the demolition of existing buildings and redevelopment for residential, sports and recreational purposes (as amended from 157 to 155 dwellings) (Further amended to delete country club and tennis courts and reposition pavilion) was granted (planning permission: 01/01861/FUL).

14 January 1999 - A Development Brief was approved for the wider site.

Main report

3.1 Description Of The Proposal

The application is to vary condition one of planning permission: 13/01843/FUL that states *'Prior to the occupation of the completed housing, the 3.357hectare area highlighted on drawing number CS-PL-(MP1)100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date'*.

The applicant is requesting the condition be amended to allow a further period of five years to deliver the sports pavilion and sports pitches.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 the proposed development is acceptable;
- b) the proposed amendments to condition one of planning permission 13/01843/FUL is acceptable;
- c) there are any other material planning issues and
- d) representations raised to be addressed.

a) Principle of Development

The Edinburgh Local Development Plan sets out the current planning policy of the City of Edinburgh Council and subsequent applications must be assessed in terms of compliance with the adopted Plan. Policy Hou 1 (Housing Development) supports residential proposals on suitable sites within the urban area. Policy Env 19 (Protection of Outdoor Sports Facilities) supports development on existing facilities where the proposed development of an alternative outdoor sports facility is to be provided of equivalent sporting value.

The Cramond Campus Planning Brief approved in January 1999 set out a framework for the redevelopment of Moray House College. The framework sets out an appropriate level of development while preserving the sites recreation, amenity and archaeological values and remains a material planning consideration.

The principle of development on the site has been established by the original consent (planning reference: 01/01881/FUL). This application granted planning permission for residential, sports and recreational facilities on the wider site. The residential element of the permission has been implemented with only the sports facilities yet to be completed. As development has been initiated and substantially progressed the previous application remains a live consent. The current proposal is also within the urban area and will provide outdoor sports facilities of equivalent sporting value to the previous campus and therefore, compatible with policies Hou 1 and Env 19.

Sport Scotland has been consulted on the application and is keen to ensure facilities are delivered. Sport Scotland welcome the proposed route-map setting out how the applicant will progress delivery of the sports pavilion and pitches on the site and do not object to the application. Internal consultees including Sport and Recreation and Parks and Greenspace have provided a co-ordinated internal response. Their response highlights that in the current adopted plan, the land is within the urban area. However, it now meets the requirements for comprising open space as per Planning Advice Note 65 (2008) 'Planning and Open Space' as the site has been seeded as per the requirements of condition 1 and any vegetated land meets the definition of open space. The status of the land may be subject to review through City Plan 2030.

The existing consents, including the minded to grant planning permissions in principle, are a material planning consideration in determining future planning applications on the site. The developer is still committed to providing the sports pavilion and pitches on the site. However, subsequent planning applications for the remaining part of the site will be expected to deliver good quality, useable and publicly accessible open space of a large standard. This application will regularise the current breach of planning control whilst the future development of the site will be progressed through subsequent applications.

Accordingly, the principle of development remains supported by the Edinburgh Local Development Plan in accordance with policies Hou 1 and Env 19. The scheme has deviated from the Cramond Campus Planning Brief, however, this has been approved and implemented through planning application ref: 01/01881/FUL. The policy requirement for the replacement sports facilities remains and therefore the principle of development continues to be supported.

b) Amendments to Condition 1

Condition 1 currently states *'Prior to the occupation of the completed housing, the 3.357hectare area highlighted on drawing number CS-PL-(MP1)100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date.'* and the reason for the condition changed to *'In the interest of visual amenity'*. This allowed the full occupation of the residential element of the scheme and was justified by the assumption that the sports facilities and pitches were being progressed through separate planning processes as detailed above in the planning history.

The consented housing and seeding have been carried out but the required sports facilities have not been delivered and therefore there is a breach of condition 1 of the current consent. Therefore, the applicant has requested that condition 1 be amended to *'The 3.357 hectare area highlighted on drawing number CS-PL-(MP1)100 shall be maintained as a grassed area for a period of up to 4 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date'*. This would extend the delivery period by a further five years to 2026. The applicant has submitted a proposed route-map setting out the intended actions to deliver the sports pavilion and pitches. The route-map sets out timescales for securing a development partner, developing detailed proposals and construction of the facilities.

The developer has encountered difficulties in delivering sports facilities so far and has committed to reviewing progress after year two. If a development partner has not been identified, the developer will undertake further consultation with the local community and City of Edinburgh Council to discuss alternative options on the site. The internal Council departments have offered to engage with the developer to help identify potential development partners to meet identified need and progress delivery on the site. These departments support the proposed extension of five years to enable the delivery of the sports pavilion and pitches on the site in the first instance.

It is noted that there has been a delay in the delivery of the sports pavilion and pitches, however as the development is a private enterprise, the planning authority has little control over the timescales for delivery. Planning permission: 13/01843/FUL has attempted to condition the timescales for delivery of the sports facilities. However, a planning enforcement investigation into the alleged breach of condition has found the Council's powers in terms of enforcement action are limited and unlikely to result in the delivery of sports facilities. The reasons for condition one of planning permission: 13/01843/FUL was stated to be *'in the interest of visual amenity'*. In terms of taking enforcement action the planning authority is required to consider whether it is expedient to do so. As the ground has been seeded in compliance with the first part of the condition it would be difficult to argue harm is being caused in terms of visual amenity by not delivering the sports facilities. Enforcement have also cautioned that the wording of the condition one is unlikely to meet the tests of the Circular 4/1998: The Use of Conditions and Planning Permissions in terms of being enforceable, reasonable and precise. Representations have raised concerns regarding clutter on the site and this could be pursued through planning enforcement separately to the alleged non-compliance with condition investigation. If permission is granted this will resolve the non-compliance with the condition.

The applicant has submitted a route-map identifying how they will progress with developing the site, engaging the community and City of Edinburgh Council and looking at alternative options if required. The detail of the proposed sporting facilities is to be progressed through the separate Planning Permissions in Principle applications that are minded to grant. Further applications will be subject to statutory publicity and members of the public will have an opportunity to comment. The planning authority could return the live Planning Permission in Principle applications to Committee if insufficient progress is made in progressing development on the site. The DM-Sub Committee could then consider if they are still minded to grant permission subject to conclusion of a satisfactory legal agreement.

c) Other Material Planning Issues

All other planning considerations in terms of this application are as per the previously consented scheme. The residential element of the scheme has been completed and the detailed design of the sports facilities will be pursued through separate planning applications. Accordingly, planning considerations including design, scale and layout, built heritage, transport, amenity and other issues are not subject to further assessment as part of this application.

d) Publicity

Neighbours were notified of Scheme 1 on 24 July 2020 and re-notified of Scheme 2 on 2 December 2020.

Material Planning Issues - Objections

- Compliance with the development brief; this is addressed in section 3.3 a)
- access to quality open space and sports facilities; this is addressed in section 3.3 b)
- amenity; this is addressed in section 3.3 b)
- planning enforcement options; this is addressed in section 3.3. b)
- whether the condition meets the tests of Circular 4/1998: The Use of Conditions in Planning Permissions; this is addressed in section 3.3 b) and
- timescales for development; this is addressed in section 3.3 b).

Non-Material Planning Issues

- trust in developer to deliver sports pavilion and pitches;
- applicants feeling misled buying the delivered residential units;
- allowing developer to build in other parts of the City;
- ongoing engagement and
- consideration of alternative options.

Community Council

The Cramond and Barnton Community Council requested to be a statutory consultee and objected to the application on the following grounds:

- use of the site; this is addressed in section 3.3 a)
- enforceability of planning condition; this is addressed in section 3.3 b)
- enforceability of proposed route-map; and this is addressed in section 3.3 b) and
- amenity; this is addressed in section 3.3 b).

Conclusion

Development on the residential element of the scheme is complete and the original planning application remains live. The proposal complies with the policies in the Edinburgh Local Development Plan and Edinburgh Design Guidance. The applicant has set-out a route-map detailing how they will use the five-year extension to deliver sports facilities on the site.

Planning authorities have limited enforcement options in terms of delivery timescales of a private enterprise. The proposal remains acceptable and the five-year extension will remedy the current breach of planning control. There are no material considerations that outweigh this conclusion.

Addendum to Assessment

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The 3.357 hectare area highlighted on drawing number CS-PL-(MP1)100 shall be maintained as a grassed area for a period of up to 4 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date.

Reasons:-

1. In the interest of visual amenity and to ensure the timely delivery of sporting facilities on the site.

Informatives

It should be noted that:

1. 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.
2. The applicant is to implement the proposed route-map submitted as background information. The five year period will be taken from the date of planning permission.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been considered 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was publicised on the weekly list of applications on 27 July 2020. Neighbours were notified of the application on 24 July 2020 and 21 days were allowed for comments. The proposals that formed Scheme 1 received 96 objections and one general comment.

Neighbours were re-notified on 2 December 2020 to allow for comments to be submitted on revised plans and further information. This period of representations received 40 objections.

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

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	Edinburgh Local Development Plan
Date registered	20 July 2020
Drawing numbers/Scheme	01, Scheme 1

David Givan
 Chief Planning Officer
 PLACE
 The City of Edinburgh Council

Contact: Declan Semple, Planning Officer
 E-mail: declan.semple@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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 Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP 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.

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

Relevant Non-Statutory Guidelines

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, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 20/02916/FUL At Land Adjacent To Former 34, Cramond Road North, Edinburgh

Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out + operating the approved sports pavilion + sports pitches for a further five year period.

Consultations

Archaeology comment

Further to your consultation request I would like to make the following comments and recommendations concerning this Section 42 application to vary condition 1 of planning permission reference 13/01843/FUL (which modified consent 05/02947/FUL, which previously modified consent 01/01881/FUL), to extend the proposed timescale for laying out and operating the approved sports pavilion and sports pitches for a further five-year period.

The site occurs across the limits of the Roman fort at Cramond with significant remains being uncovered as part of the AMA housing development relating to the forts defended annexes and road leading South-East. This earlier work by AOC indicated that the area of the sports pitches had a low potential for further remains and as such archaeological mitigation may still be required in the area of the pitches depending in scale of landscaping etc.

As such in regards this Section 42 application requiring an extension of time I have no comment to make.

Cramond+Barnton Community Council comment

The Community Council is responding to the above application as a statutory consultee and following consultations with the community, including a questionnaire survey of residents of Brighouse estate and homes in Cramond Road North, which overlook the site. The responses from neighbouring residents endorse the approach set out in this submission (see Appendix B).

In preparing this submission, the Community Council has -

Noted with concern AMA's failures over the past 16 years to progress sports provision, or even temporary greening of the site, as required by the Council's approval of the s.42 application in 2013 and commitments given by AMA to planning officers. It is also of concern that the City Council has been unwilling and/or unable to ensure compliance with the conditions. For example, no follow up action was taken on AMA's failure to fulfil its commitment to complete greening of the site in September 2016;

Recognised that amenity open space available for public enjoyment and informal recreation, including play, exercise and outdoor education, is of more priority to the Cramond community than a major sports complex. This reflects, also, the need for additional open space for use by Cramond Primary School, the site of which has been incrementally diminished by expansions of the School's built footprint. It is important to note that the Council's 'Open Space 21' Strategy identifies a shortfall in 'larger open space' provision available to the Cramond and Barnton communities.

The Community Council cannot express sufficiently the frustration and disappointment of the community at AMA's destruction of the former Dunfermline College sports fields by depositing spoil and construction materials on the pitches and tennis courts and its procrastination in providing the promised sports facilities, or even temporary effective greening of the site.

While AMA claims to have been unable to identify sports clubs willing to lease sports facilities, this is likely to be a consequence of AMA ignoring Condition 13 of application 01/01881/FUL, which required AMA to levy 'comparable' charges to those levied by the City Council for use of its pitches, and the Council's approval of AMA's 2002 application omitting the proposed Country Club and changing all pitches to grass pitches. Consequently, AMA has been able to argue that the income it would require to generate from pitch hires, at Council-equivalent charges, could not be sustained by grass pitches.

In respect of greening the site, the conditions attached to consent for application 05/02947/FUL stated that - 'Within 1 year of the date of this consent, the grass playing fields shall be fully prepared and seeded to the satisfaction of the Head of Planning and Strategy.'. This condition was echoed in the approval of application 09/01175/FUL and approval of 13/01843/FUL required temporary seeding of the 3.357ha area for 5 years from the date of approval (April 2004), with the pavilion and pitches being operational within 1 year, thereafter.

None of the above conditions have been fulfilled or enforced. Issues of enforceability were highlighted in the report on application 05/02947/FUL, which stated that Condition 16 of the original consent (01/01881/FUL) requiring completion of the sports pavilion and pitches -"prior to the occupation of no more than 50% of the approved dwellings " (our emboldenment), " makes it likely that formal enforcement procedures could only be pursued against the occupiers of the houses. This approach is neither desirable nor likely to succeed'. It is also contrary to guidance in Planning Circular 4/1998. Nevertheless, having modified the wording to refer to ' .. the construction of ' approved dwellings " in consenting to application 05/02947/FUL, the Council reverted to the term 'occupation' in its consent of 13/01843/FUL; thereby approving a condition it had previously accepted was unenforceable.

In above contexts, the Community Council urges the planning authority to -

Seek withdrawal of the current application referring to conditions requiring the provision of sports fields and pavilion, subject to the applicants entering negotiations and confirming a legal agreement with the Council setting out binding commitments to complete the provision of amenity and recreational public open space on the 3.357ha site within 12 months of completion of the agreement.

This agreement should require -

Preparation (e.g. drainage, debris removal, levelling/shaping ground) and grassing the site, to a plan agreed by the Council in consultation with the Community Council, and including provision for play, informal sports (e.g. kick-about area, children's sports) and wildlife;

Formation of public access to the grassed area from Cramond Road North and safe and convenient pedestrian access from Brighthouse estate;

Maintenance of the grassed area for a minimum of 5 years, or until arrangements are made for the Council or community to take over maintenance responsibilities.

Prepare and agree a new planning brief for the entire undeveloped area of the Brighthouse site, as identified in the original consent (01/01881/FUL). This brief should -

Be prepared in consultation with the community;

Be completed within 12 months of completion of the aforementioned legal agreement and set out timescales for implementation of the plan;

Identify land for open space, structural landscaping and a minimum scale of residential development, the proceeds from which can contribute, through a Planning Agreement, towards providing and maintaining open space and landscaping over the longer term;

Require completion of major open space and structural landscaping to the approval of the planning authority, prior to built development being commenced, to avoid repetition of issues currently applying to the development site.

Serve an Amenity Notice, under s.179 of the 1997 Planning Act, to require AMA, as owners of the land between the 3.357 ha site referred to above and the site entrance on Cramond Road North. The Amenity Notice should require-

Removal of the unsightly and unauthorised containers and waste materials and improvements to the appearance of the site entrance;

Preparation, including de-stoning, and grassing of the ground;

Completion of the above within 12 months of the Amenity Notice being served.

Failing achievement of a legal agreement as described in a. above, it is suggested that the Council should -

i. Extend condition b. of the current s.42 consent, referring to the sports fields and pavilion, for a further 3 year period; not the 5 year period sought in the application.

ii. Serve an Amenity Notice on AMA, as owners of the 3.357 ha site subject to the current application and adjacent land bordering Cramond Road North. This should require -

Removal of all waste materials, levelling/shaping the mounds of soil and debris from previous construction works and 'greening' the open space within the 3.357 ha site, to the planning authority's approval;

Undertaking similar amenity improvements to those described in c. above, across all undeveloped land within the site;

Completion of the above works within 12 months of the Amenity Notice being served.

The Community Council is aware that AMA may object to the above requirements on grounds of costs, but would have little sympathy for such considerations as -

The Council gave the developers consent to develop housing on part of the playing fields, contrary to NPPG11, Structure and Local Plan policies and the planning brief. The report on application 01/01843/FUL stated that 'The justification for the larger housing area is given by the developer as the need to provide sufficient capital to construct the new sports pitches and courts and the pavilion ". It follows that, for a number of years, AMA should have had sufficient capital to construct the agreed sports facilities;

Following the Councils' incremental reduction in the conditions relating to the extent of occupancy of the site (i.e. 50% occupancy in 2004; 88% in 2008; 100% in 2014), prior to fulfilment of the sports provision conditions, the developers have benefitted from the sale of all the c.155 homes - many of which have sold for over £0.8m;

The Report to the Development Quality Subcommittee (27/10/04), in referring to sports facilities, states that "The developers have registered a management company with Companies House, with a capital sum of one million pounds, to be used for the running and maintenance of the facilities. They envisage managing the site for a minimum of 10 years by which time the development should be self-financing.'. If this statement is accurate, there should be no reason for that money not being used for preparation of the site for informal recreation and amenity open space. However, if no evidence is available of the existence of this company and the funds mentioned, then this should be taken into consideration in respect of future applications for development on this site by the current applicants and a s.75 Planning Agreement or financial bond required to secure required public benefits and/or commitments given by the applicants.

The Community Council will be pleased to discuss this submission and any other matters applying to the application site, either in advance of Sub-Committee consideration of the application or at a hearing.

Cramond + Barnton Community Council - response dated 15/12/2020

20/02916/FUL: S.42 application to vary condition of planning permission 13/01843/FUL. Land north of Cramond Road North.

Cramond and Barnton Community Council's response to 'AMA Cramond: Proposed Route-Map' (November 2020) (see Annex to this letter)

Cramond and Barnton Community Council would appreciate full consideration of the following -

a. Lack of notification of AMA's Route-Map and request for revised closing date for submissions

The Community Council understands that some neighbouring residents have been notified of the Route-Map paper submitted by AMA's agents, which outlines a variation in approach to the development of the former Cramond Campus/Brighthouse site. We note also that the planning portal shows a closing date for responses to this new information by AMA of 23rd December. As of the evening of 14th December, the Community Council has had no formal notification of this new information and has seen no notification through the Weekly Lists or received tracking via the planning portal. The Community

Council is, therefore, seeking an extension of the closing date for submissions on behalf of the local community. This should take account of the Festive Season and we suggest a final submission date of 6th January, or thereafter. This would give the Community Council time to publicise AMA's amended approach and give the many households across Cramond with concerns over the future of this site time to consider and respond to AMA's proposals.

b. *Submission of Community Council's Alternative Route-map (see Annex, below)*
The Community Council, with support from residents of the Brighthouse development and taking account of responses to our survey of neighbouring households, has produced an alternative Route-map. This seeks to ensure a more effective and sustainable approach to the development of the site, through use of a range of planning mechanisms, and would provide public greenspace, biodiversity and landscape enhancement, and a limited scale of development, as identified in a revised Planning Framework for the remaining undeveloped and vacant land within AMA's ownership. Importantly, agreement to the Community Council's alternative Route-map would commit AMA to site improvements, overcome the impasse resulting from unenforceable planning conditions relating to sports pitches, which has been evident over the past 17 years, and provide the community with much needed public greenspace, with provision for informal sports, play and exercise.

c. *Request for a Meeting with Planning Officers*

The Community Council would appreciate the opportunity to present and discuss its alternative Route-map to yourself and relevant colleagues, including Enforcement and LDP Team members, prior to finalisation of your report to the Development Management Sub-Committee. Other than the period from 23rd December to 4th January, Community Council members are likely to be available for a virtual meeting.

Annex: CRAMOND & BARNTON COMMUNITY COUNCIL'S ALTERNATIVE ROUTE-MAP

FOR BRIGHOUSE SITE

Context

Without going into all issues and the long history of the site, some key factors appertaining to the development of the former Cramond Campus site are -

a. *Current planning conditions are, and have long been, unenforceable.*

b. *AMA have had 17 years to find operators for a sports complex, but failed to do so (reasons include: intended high levels of charges on sports users, time limited clawback due to University on uplift in land values following any revenue-generating development of site). It is believed that AMA's primary objective is the development of further housing on the site and that they have persistently abused the planning system through attrition.*

c. *AMA's statements on establishing a Company with £1m capital to support maintenance of sports facilities cannot be verified.*

d. *AMA have deposited demolition and other debris across the site, increasing costs of new sports pitches and effectively rendering much of the ground derelict.*

e. *AMA have continually failed to comply with conditions regarding the provision of sports facilities and destoning, levelling and grassing of the site.*

f. *As a result of the above, the community has no confidence that AMA will find a sports facilities operator in the short-/mid-terms - especially given likely post-Covid and financial contexts. The community's discussions with sports interest have shown that none can meet the financial commitments required to develop and support formal sports facilities (e.g. pitches or courts) on the site along with built facilities (e.g. changing facilities)*

g. There have been no approvals for development on the site owned by AMA other than the completed housing on the northern section of the site. AMA continue to use a vacant and undeveloped part of the site unlawfully for unsightly storage buildings and storage yard.

h. Consultations with the neighbouring community support CBCC's assessments that the local community's priorities lie with the provision of public amenity and activity greenspace (e.g. casual exercise, informal sports, play space and provision for Cramond Primary's needs) and landscape and biodiversity enhancement, rather than formal sports facilities - especially those serving commercial clients from outwith the local area. This is consistent with the needs assessment and policies in the Council's '2020 Open Space Strategy', its promotion of active citizens and tackling obesity, and the developing National Planning Framework.

Route-maps for future planning of the Brighthouse site

AMA's 'Proposed Route-Map' paper (Nov. 2020) suggests that -

i. If a sports solution is to be achieved, a further 5 years would be required to secure a partner, develop and implement proposals

ii. A review should be taken after 2 years, and if AMA fails to identify a sustainable sports scheme, it should discuss alternative options with CEC and the community.

iii. Quarterly up-dates should be provided through a Review Group of key stakeholders.

CBCC considers that i. and ii. are disingenuous, as AMA has already had 17 years and failed to achieve these objectives.

Having made no progress over the past 17 years, as demonstrated above, local residents and the wider community have little or no confidence that AMA will deliver a sustainable sports scheme and suitable partners, and improvements to the amenity of the entire site, including provision of much needed, community-oriented, greenspace. Hence, CBCC rejects the elements illustrated in the left-hand column of AMA's proposed Route-Map diagram -

Years 1 and 2: Activities to identify a sports facilities operator(s) and initial proposals

Years 3 to 5: Develop and implement sports facilities to operational stage.

CBCC's proposed route-map (overleaf) contrasts AMA's proposed approach with the desired approach of the community, but excludes the column in their table devoted to the delivery of sports facilities, for the reasons stated above.

Year AMA's Proposed Route-Map 'If no development partner/sports potential is identified' (summary) Community Council's Proposed Route-Map

1 New advertising/marketing for sports provision January/February, 2021: CEC withdraws the planning condition requiring sports provision, as this is unenforceable.

By March, 2021: AMA be required to identify any shortfalls in capital and revenue funding required to support the provision and management of agreed community greenspace, after taking account of revenues from sales of completed houses reasonably attributable to undertaking to provide sports facilities. Further, AMA must provide accounting for the £1m reported to have been invested in the management company it created to maintain sports facilities.

By June, 2021: CEC completes preparation of a new Planning Framework for all vacant and undeveloped land within AMA's ownership in partnership with AMA and the community. This Framework should give priority (including in terms of location and gross area) to -

- providing public activity greenspace
- landscape and biodiversity enhancement
- protecting the values of the adjacent Special Landscape Area and Local Nature Conservation Site

in addition to identifying potential sites for, and types of informal sports, residential or related development, which may be acceptable and sustainable.

By end-July 2021: If no agreement is reached on the way forward, CEC serves an Amenity Notice on AMA. This should require ground preparation, greenspace and informal activities provision and landscaping and biodiversity enhancement over all of the site not identified for built development in the Planning Framework.

AMA begins to develop planning proposals.

2 Continued marketing.

Engage with interests on sports proposals Proposals for site progressed by AMA/other developer through planning process and in consultation with community and other stakeholders.

Details of proposals and progress to be reported bi-monthly.

If an Amenity Notice is required, AMA must fulfil its requirements by March 2022.

Otherwise, CEC undertakes remaining works at AMA's expense.

3 Consult on options for site

Work up details and progress scheme through planning process Subject to planning consent and only after all activity greenspace and landscaping has been completed, site preparation for development commences.

4 Progress scheme through planning process Construction and marketing of development

5 Commence site enhancement, greenspace provision and development

Notes Programme driven by AMA

No proposals for improvements to site in years 1-4.

Planning Framework driven, and greenspace and amenity improvements ensured, by CEC.

Greenspace and other amenity improvements are achieved by year 3, if Planning Framework progressed, or by year 2, if Amenity Order is required.

Site works can start by year 3 or earlier, if greenspace and amenity improvements are completed earlier.

Roads Authority Issues

No objections to the application.

Sportscotland - response dated 09/10/2020

Response from sportscotland

Condition 1 of the 2013 planning permission states:

Prior to the occupation of the completed housing, the 3.357 hectare area highlighted on drawing number CS- PL- (MP1) 100 shall be temporarily seeded to the agreed grass seed mixture for a period of up to 5 years from the date of this approval. Thereafter, the approved sports pavilion and sports pitches shall be laid out and fully operational within 1 year of this end date

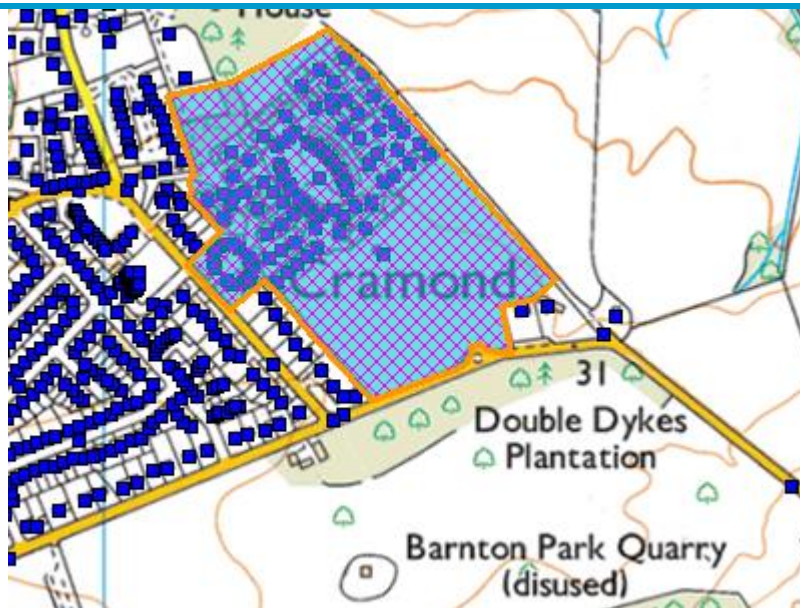
Reason: In the interests of visual amenity.

The applicant seeks to extend the timescale for delivery of the sports pitch and pavilion and therefore wishes to temporarily seed the area in question for a further 5 years.

The delivery of the pavilion and the sports pitches is pivotal to this scheme and sportscotland are very keen to ensure that the facilities are delivered. It is therefore welcomed that the applicant has submitted a route map which details the proposed progress of the site over the 5 year period.

sportscotland do not object to this application.

Location Plan



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