

Development Management Sub Committee

report returning to Committee - Wednesday 9 November 2022

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.

Item number

Report number

Wards

B01 - Almond

Recommendations

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

Background information

The application was previously considered on 12 May 2021 by means of a hearing. A further report was presented to the Development Management Sub-Committee on 2 March 2022. Given the time lapse between the original hearing session and the formation of a new Council and subsequent membership of the Development Management Sub Committee it is necessary to hold a new hearing session to consider the application.

The application seeks to vary a condition of a previous planning permissions to allow a further 5 years for laying out and operating an approved sports pavilion and sports pitches for a further five year period. The application was continued by the previous Development Management Sub-Committee to allow further engagement with the community.

The previous reports presented to the Development Management Sub-Committee have been included within the papers appended to this report. Parties that previously attended at the hearing have been invited to attend this new hearing.

Main report

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 3.357-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.'

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

Previous Committee Resolution

At the hearing on the 12 May 2021 the Development Management Sub- Committee continued the application to allow the following:

1. The Applicant could enter into either a Good Neighbour Agreement (GNA) or a mediated agreement (following independently chaired mediation) with the Community Councils, Cramond Association, and the other interested parties to this application including local councillors and the school, on a route map to deliver the sports facilities, including incremental sports facilities in a timeous manner.
2. The Applicant, following agreement of either the GNA or mediated agreement, could agree with the Council's Chief Planning Officer a detailed route map for delivery of the sports facilities, including incremental sports facilities.
3. The Council's Chief Planning Officer could investigate further, consulting with the applicant and interested parties, potential conditions in terms of:
 - a. Length of period of any planning permission;
 - b. Timeously remedying the current condition of the land;
 - c. The route map including the option for either the delivery of sport facilities incrementally, or a Plan B fallback approach in the event that gold plated Plan A was not deliverable;
 - d. Examine potential for route map to for part of any permission and see whether it could be put into a phasing condition attached to any Section 42 permission.

Mediation Process

As detailed in the report of 2 March 2022 an independent mediator was appointed to take forward the process. The mediator has held a series of meetings and with all parties both individually and collectively. The following outcomes have evolved as part of the mediation process:

1. Significant research led by the Community Council on the identification of the existing local sports need with the Cramond area.
2. Preparation of a revised route map for the delivery of the sports facilities at Cramond.
3. The applicant has appointed a leading sports consultancy to facilitate and lead on the first section of the Route Map.

The mediation process was founded in the consideration of the Section 42 application and the key outcome for the consideration of the Development Management Sub-Committee is the formal submission of the revised route map. Committee are therefore now asked to consider the application to amend the timescales for the delivery of sports facilities on the application site in light of the submission of the amended Route Map.

Revised Route Map

The applicant submitted a revised route map dated September 2002 for consideration as part of the Section 42 planning application to extend the time period for the delivery of sports facilities at Cramond.

The Route Map has been prepared as part of the outcomes of the mediation process and has involved input from the Chairs of Cramond and Barnton Community Council, The Cramond Association, Brighthouse Residents Association and Councillor Kevin Lang.

The initial phase of the route map seeks to undertake a new options appraisal for the site to investigate current needs across the local community and on a wider regional level. This phase of the process would take 7 months with an outcome review built into the process at month 8. The applicant has actively started this process and has appointed a specialist sports consultant to take forward this appraisal stage of the route map.

The remaining direction of the route map and delivery of facilities is largely dependent on the outcomes of this initial phase. The Route Map sets out further timescale options for the delivery of sports provision depending on the favoured option. This includes timescales embedded within the process for any further requirements for planning permission and associated community consultation as part of the planning process.

Without the initial analysis/ appraisal phase and engagement with the community there are no consented proposals that could be implemented by the developer to expedite the delivery of locally informed facilities. The comments received all focus in on the delivery of local sports facilities and that this is essential to the successful implementation of a scheme on this site. It is therefore appropriate to support this phase of the Route Map to allow the full appraisal of the options for the site.

Under all of the Route Maps options there would be an outcome of commencement of works for the delivery of the agreed scheme within 23 months. The timescales for implementation and delivery of any revised proposals would need to be considered as part of any subsequent planning application, but it is not possible to control this through the current planning application, suffice to say, a condition requiring the laying out and operating of the approved sports pavilion and sports pitches is attached as the fall- back position.

The revised mediated route map is considered to be an acceptable way forward to identifying the appropriate sports facilities which deliver a sustainable future on the site.

Chief Planning Officer Investigation

- a. Length of period of any planning permission;

The application seeks permission to extend the timescale to complete the sports pavilion as granted by permission 01/01881/FUL to a further 5 years. Through the mediation process the submitted Route Map indicates that by month 23 of the process the appraisal process will be complete and planning permission should be in place for the option to be taken forward. Whilst the outcome of a potential forthcoming planning application cannot be predetermined it is an appropriate approach to limit the time period for this permission to 2 years. This allows the progression of the options to be focused with a clear timescale. Any timescale for the delivery of any revised sports facilities would be embedded in any new planning permission for that use. Although limited due to the nature of the Section 42 application there would now be a requirement that the application returns with a revised Section 42 application for delivery of the already "gold plated" scheme or with a planning application for an alternative proposal.

- b. Timeously remedying the current condition of the land;

The initial seeding of a grassed area within the site was carried out and the applicant has submitted photographs within the planning statement which shows this. However, over time there was some building materials stored on the southern extent of the site. The developer has cleared up this area of the site. Due to the time passed the area has become overgrown and there are a number of informal paths across the site. The condition of the land would not justify the serving of an amenity notice, this would also require to be considered separately to the process of the Section 42 application.

- c. The route map including the option for either the delivery of sport facilities incrementally, or a Plan B fallback approach in the event that gold plated Plan A was not deliverable;

The route map is now submitted for agreement as part of the submission of the proposal. This represents the mediated position between the applicants and the community group. It is recognised that the inclusion of the "gold plated" option has caused some frustration within the community. However, it is appropriate to include all options within the appraisal and the process now set out will bring together all options.

- d. Examine potential for route map to for part of any permission and see whether it could be put into a phasing condition attached to any Section 42 permission.

The route map is embedded within the permission and conditions are proposed to link directly to the outcomes contained within the route map. The limiting of the permission to 2 years also links directly to the timescales within the route map.

Other Material Considerations

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A further period of neighbour notification was carried out and a further 23 representations have been received. The original comments within the report of 12th May 2021 remain valid to the determination of the application.

Material Comments

- Further period not supported too many extensions granted in the past.
- Mediation process still leaves uncertainty if sports facilities will be delivered.
- Developer has provided no valid reason why facilities have not been delivered.
- timescale is not tight enough
- developer granted permission on the basis sports facilities would be delivered and they have failed on this
- A minimum condition to extend time period should be that the developer should improve and maintain two informal paths through the site.
- Investigation of National Facilities should be removed from the route map as there is no identified national user and the demand is for local facilities.
- Local football club in need of new facilities ' focus must not been on national/ city wide facilities but local use.

Support Comment

- the proposal to look a fresh at the situation and consult about the best mix of recreational uses is welcome.
- Route Map may offer a way forward but essential local community requirements are integrated into the proposals.
- Need to move on from the past and deliver locally informed sports facilities -5 years seems long.

Non Material Comments

- The Council should purchase the site and deliver the sports facilities.
- A number of operational options put forward for the Council stepping in to deliver the facilities.
- The developer has spent any profit investigating sports facilities but hasn't delivered anything

Cramond and Barnton Community Council

The Community Council considers that the Route Map presents a possible way forward for achieving much needed greenspace, sports and informal recreation for the local community on a site that has been largely abandoned and unsightly for around 20 years. The Community Council considers that an extension to the time period being sought should be limited to 2 years to coincidence with the progress outlined within the Route Map. They also outline a number of suggestions to ensure positive progress including a new planning brief for the site, an open and transparent process, substantive and community engagement and a statement of intent to impose and Amenity Order should the Route Map not be adhered to.

Conclusion

Development on the residential element of the scheme is complete and the original planning application remains live. The proposal in this term complies with the policies in the Edinburgh Local Development Plan and the Edinburgh Design Guidance.

Following a mediation process a revised Route Map has been submitted which tracks a revised position on the timescales for the delivery of sports facilities on the site. It is considered appropriate to set a number of revised conditions on the permission in light of the mediation process and to support the process of delivery of sports facilities on the site.

It is therefore recommended that the application be granted subject to the following conditions.

Conditions:-

1. The development to which this permission relates in terms of the maintenance of a grassed area as identified drawing number CS-PL-(MP1) 100 shall be maintained for a maximum of 2 years. The construction on the approved sports facilities must commence within 2 years of the date of this permission.

Reason: - To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. As part of the mediated Route Map the applicant shall provide bi- monthly updates to the parties identified within the mediation process, including the Council as Planning Authority.

Reason: - In the interest of the delivery of sports facilities.

3. The sports pavilion and sports pitches approved under application 01/01881/FUL and amended under this permission shall be laid out and fully operational within 3 years for the date of this permission.

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

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,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QDRA4HEWFU700>

Or Council Papers online

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Elaine Campbell, Team manager
E-mail:elaine.campbell@edinburgh.gov.uk