

Development Management Sub Committee

Report returning to Committee - Wednesday 18 January 2017

Application for Planning Permission 12/00764/FUL At East Lodge, 100 The Wisp, Edinburgh Section 42 Variation to Outline Planning Permission Reference 04/03551/OUT to extend the period of consent.

Item number	4.3
Report number	
Wards	A17 - Portobello/Craigmillar

Recommendations

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

Background information

Outline planning permission for an 80 bed private hospital with associated car parking, access, landscaping and restoration works was granted on 14 February 2008 (application number 04/03551/OUT). An application (application number 12/00764/FUL) proposed to develop the land without complying with the planning condition relating to the time limit for the commencement of development was granted on 6 June 2012 subject to a legal agreement.

The current proposal is to extend the time limit for the commencement of development for application 12/00764/FUL to 14 May 2017 to allow the legal agreement to be concluded.

Main report

On 6 June 2012 the Development Management Sub-Committee was minded to grant the application (application number 12/00764/FUL) to permit the land to be developed without complying with the planning condition on the outline planning permission (application number 04/03551/OUT) relating to the time limit for development. The recommendation was to grant permission and allow a further three years for the commencement of development.

The time limit for development was further extended, by one year, by Committee on 10 February 2016 (subject to conclusion of a legal agreement).

Commencement of Development

An agreement by Direction was made relating to the timescales and the informative recommended for the planning permission stated:

"As agreed by Direction, the period for the commencement of the original planning permission ref 04/03551/OUT (which expires on 14 February 2013) shall be extended by 3 years with the effect that;

a) Application for the approval of matters specified in conditions shall be made before the 14 February 2016, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the 14 February 2016 or 2 years from the final approval of matters specified in conditions, whichever is later."

Committee granted permission and granted an extension of one year for the commencement of development subject to the conclusion of a legal agreement.

Legal Agreement

The legal agreement is currently being progressed. However, there is a concern that although the applicant is working towards the deadline of 14 February 2017, the legal agreement may not be concluded in time to enable a competent Approval for Matters specified in Conditions (AMCs) application(s) to be submitted within this time limit. Progress has been delayed due to one of the landowners falling into liquidation. Therefore, it is recommended that the time scale for the commencement of development is extended by a further 3 months, i.e. to 14 May 2017.

Conclusion

An extension of time to 14 May 2017 is required to seek the purification of the relevant planning conditions and to enable the submission of appropriate AMC application(s).

It is recommended that the application be granted subject to the conclusion of the legal agreement to reflect the updated position.

Links

Policies and guidance for this application

SPPOL, SPEN02, SPEN1D, LDPP, LEN10, LDES08, LEN15, LEN18, LDES01, LDEL01, NSG, NSDCAH, NSGCGB, NSGCDF,

A copy of the original Committee report can be found in the list of documents at <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=M0J008EW7N000>

Or [Council Papers online](#)

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