

Complaint

There were significant errors and omissions in the Report considered by the Development Management Sub Committee on 1 July 2013 regarding planning application 12/03567/FUL at the Edinburgh Academical Club, 11A Portgower Place, Edinburgh and therefore the Committee did not make its decision on the basis of all the material considerations.

N.B. This is a complaint about the Report considered by the Committee and not about the planning application per se. Therefore it is not covered by the exclusions to your complaints procedure.

Errors

1. The Report says "maximum height of the stadium is 27.5 metres high; the eaves height of the tenements on Comely Bank Road is 30.1 metres high and the top of the ridge has a height of 33.15 metres". (Page 23 and elsewhere) These heights are completely wrong.
2. The Report say that the application was screened under the EIA regulations but an EIA was not required. The screening was in error because in answer to Selection Criteria 2c (vii) Location of Development "densely populated area" it says "No". In fact, Comely Bank/Stockbridge is a very densely developed area of mainly traditional 4 storey tenements.
3. The report does not mention the materials to be used for the canopy over the stand. Paragraph 2.1 (1) says " terraced seating with a Glulam canopy over. This comprises curved timber beams." Infact, 'GLULAM is an acronym for Glued Laminated Timber and in this case refers to the structure supporting the canopy, not the canopy itself. The Report has misadvised the Committee.
4. The traffic assessment is not based on the application figure of 2500 spectators sitting and 2500 standing, plus the occupants of the function suite, bar/lounge and sponsor boxes (Approx 1200). The Transport Official decided to base his primary advice on the existing attendance plus a small increase. (Committee Report Pages 30 and 54).
5. The report's consideration is based on crowds for home matches of between 350 and 900, the applicant's figures. It does not consider that the lower figures provided in representations are more realistic. The use of the higher figures minimise the impact of the likely increase.
6. Paragraph 2.1 (3) refers to "a new rugby pitch, 2 mini rugby pitches, training pitches ...". This is wrong. The mini pitches and training pitches are the same thing.
7. The report says that there would be a loss of approximately 17% of the playing fields. The development would actually take nearer 30% of the site.
8. The Report fails to say that in applying the sequential test the starting point is an assessment of need and no such need has been established (page 15).

Material Considerations not Addressed

9. The Report does not factor the new Local Development Plan into its consideration. It is only mentioned as an issues raised in representations. The report does not say that the main issues report said in relation to Stockbridge and other town centres:
"there is no intention to make any significant changes to the network of [shopping] centres or their boundaries." (6.1) The proposed plan said nothing.
10. The report does not consider the impacts on residential amenity of the combined capacity of the function suite, bar/lounge and sponsors boxes when hosting events, conferences and functions. It has been estimated at approximately 1200 in addition to the 2500 in the stands and 2500 standing.

11. The report is selective in its reporting of Halcrow's independent review of the methodology used by the CEC Officials in assessing the traffic impacts (Page 30). It fails to tell councillors that Halcrow's conclusion seriously questions the CEC approach. Neither does it mention the responses Halcrow got to the questions it posed, as reported in Table 5.1 of their report.

12. Furthermore the Committee Report says that Halcrows advised "if the traffic flow impacts were deemed to be low, there was not a need for a full Transport Assessment". In fact Halcrow actually advised "...if CEC agree that there is to be no increase in traffic flows as a result of the development then a transport statement would be acceptable..." Even CEC engineers recognised that there will be an increase and hence the Committee Report misrepresents Halcrow's professional assessment.

13. Overall, the tone of the Halcrow's report is incredulous that CEC believe this scale of development will not lead to any increase in traffic.

14. The application says "Erection of new seated spectator stands, clubhouse with members, players and spectators facilities, museum, associated commercial, business and retail uses, planning use classes 1(retail), 2(financial, professional or other services), class 3 (food and drink on the premises) or class 4 (offices, R & D, industrial processes) 10 (non-residential institutions) and 11 (assembly and leisure)". I have added the descriptors of the classes. The flexibility accorded the applicant by the use of the building for this wide range of classes undermines the Report's assessment of the proposals because such a wide range of uses can have very different consequences. Conditions are not imposed to control the flexibility.

15. Comments from CEC Environmental Assessment recommended a condition to limit permitted development rights to change from class 4 to class 6 (storage and distribution) to ensure the amenity of surrounding residential properties is protected from noise and vibration. None was attached.

16. The Committee Report argues that because the existing ground has no limit on its capacity, the capacity of the new stadium (2500 seated and 2500 standing) is not material. (See page 45 para 5). The existing stand is very small. The numbers quoted in the report amount to an intensification of the existing use regarding numbers of spectators and noise, increased training nights and all year activity (see page 27). With such intensification of the existing uses it is not acceptable for the report to justify itself on grounds that there are no current planning restrictions on the ground. Intensification is a material consideration.

17. The report does not consider the impacts on residential amenity of the hours of construction, the hours of use of the stadium, the public address system including its use for amplified music, vehicle reversing alarms, non-sporting use of the stadium. The stands could be used for non-sporting activities with very different impacts on residential amenity. The report fails to recommend conditions to control these matters.

18. The application includes class 4 Use as an office, for R & D and for any industrial purpose (limited by a general test of residential amenity). The application was not assessed against Local Plan Policy Emp 1 Office Development. The lack of conditions to control the Use Classes makes this important.

19. The Report's analysis of representations did not say that because the applicant was the Edinburgh Academical Club representations from members of the club, i.e. the applicant, had to be treated as letters from the applicant. They were treated as letters of support from the public and this biased the report.