

Development Management Sub Committee

report returning to Committee - Wednesday 20 November 2019

Application for Planning Permission 16/06063/FUL At Hermiston Gait Retail Park, 21 - 25 Cultins Road, Edinburgh

Proposed mezzanine extension within existing Decathlon Store at Unit 8, Hermiston Gait retail Park for use exclusively by Decathlon. The permitted floorspace at the retail park is capped by Condition G99 of planning permission A 02578 93.

Item number

Report number

Wards

A07 - Sighthill/Gorgie (Pre May 2017)

Recommendations

It is recommended that this application be Refused for the reasons below.

Background information

This application was reported to Committee on 27 September 2017.

It was determined to grant planning permission subject to the conclusion of a suitable legal obligation, within six months of the Committee date.

The application is returning given that a legal obligation has not been concluded.

Main report

The legal agreement was required to secure a financial contribution of £159,283 towards the Edinburgh Tram project, in line with the 'Developer Contributions and Infrastructure Delivery', supplementary guidance. That contribution was based on the formation of 1,736 square metres of new retail floor space within zone 1, as set out in the Council's 'supplementary guidance' and policy DEL 1 of the Edinburgh Local Development Plan 2016.

There was full co-operation from the applicant during the first months of negotiations including negotiations concerning the title for the site; the landlord was also required to be a party to the legal obligation. Accordingly, further time was provided to bring those separate negotiations to a conclusion.

In February 2019 the applicant remained positive that matters could be brought to a successful conclusion within a reasonable timescale.

However, over the course of this year, and following further direct contact between both parties' solicitor's, the conclusion of the necessary obligation remains unfinished.

In the absence of the necessary planning obligation, and the financial contribution towards the tram project, the additional traffic generated by the development would have a detrimental impact contrary to the provisions of policy DEL 1 of the Edinburgh Local Development Plan 2016 and the 'Developer Contributions and Infrastructure Delivery', supplementary guidance August 2018.

Accordingly, it is recommended that the Committee refuses this application in the absence of the requested legal obligation.

Links

Policies and guidance for this application LDPP, LRET01, LRET04,

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=OI2ORQEWH2B00>

Or Council Papers online

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