

Development Management Sub Committee

report returning to Committee - Wednesday 22 January 2020

**Application for Planning Permission 18/02744/FUL
at 100 Niddrie Mains Road, Edinburgh, EH16 4DT.
Demolition of existing Lidl building and erection of new
build residential development comprising of 136 flatted
units across 5 no. blocks with associated parking, roads
and landscaping.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Recommendations

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

Background information

The Development Management Sub-Committee determined that it was minded to grant this application on 24 October 2018 subject to a legal agreement being concluded within six months to secure delivery of affordable housing and financial contributions towards educational infrastructure, healthcare provision and transport mitigation measures.

Under the Scheme of Delegation, the Chief Planning Officer has delegated powers to extend the six month period for concluding a legal agreement to nine months, provided meaningful progress is being achieved. This delegated power was used to extend the period for concluding the legal agreement in this case. However, the nine month period has now been exceeded and therefore the matter requires to be returned to Committee for a decision.

Main report

There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 24 October 2018 that it was minded to grant this application subject to a legal agreement first being concluded to secure necessary infrastructure requirements.

In addition to the requirements to deliver affordable housing, the Section 75 legal agreement sought financial contributions towards educational infrastructure and healthcare provision.

The site falls within Sub-Area C-2 of the Castlebrae Education Contribution Zone where the level of financial contribution equates to £216,500. The site is also located in the Niddrie Healthcare Contribution Zone where a contribution of £128,520 is required for healthcare.

Conclusion of the legal agreement process has been delayed due to complexities in the preparation of contracts, which has led to the nine month decision period being exceeded in this instance. The required contribution payments have now been made in full by the applicant to the Council for the above noted matters and the legal agreement is ready for completion. It is considered that a further 3 month extension to the period to conclude the legal agreement will enable the planning permission to be released for this application.

If this application is granted, a second 'Minded to Grant' letter will be sent to the agents setting out the amended informative deadline for conclusion of the legal agreement and including all of the original conditions and remaining informatives stated in the original 'Minded to Grant' letter of 24 October 2018.

It is recommended this application be granted to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released.

Links

Policies and guidance for this application

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES06, LDES07, LDES08, LEN09, LEN16, LEN20, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA04, NSG, NSGCDF, NSGD02,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=PA9O4TEWHDV00>

Or [Council Papers online](#)

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