

Development Management Sub Committee

report returning to Committee - Wednesday 25 November 2020

Application for Planning Permission 18/10093/FUL at 61 Leith Street, Edinburgh. Single storey extension, partial change of use, external alterations, landscaping and other associated works.

Item number

Report number

Wards

B11 - City Centre

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 20 March 2019 subject to a legal agreement being concluded within six months to secure the delivery of a financial contribution towards tram infrastructure.

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 20 March 2019 that it was minded to grant this application subject to a legal agreement first being concluded to secure necessary infrastructure requirements.

The Section 75 legal agreement seeks a financial contribution of £118,338 towards tram infrastructure.

Detailed discussions and negotiation have taken place between the developer's solicitors and the Council's solicitors in relation to the level of contributions required for this development. The application is to form a single unit which will have either Class 1, Class 3, sui generis bar or Class 11 use. The ultimate use of the unit is still to be determined. As the use is not yet known, the developer is seeking flexibility on the level of tram contribution payable. It has now been agreed between the parties that the tram contribution will be (i) £118,338 for Class 3 or sui generis bar use, (ii) £61,782 for Class 1 use, and (iii) nothing will be payable for Class 11 use. This variable level of contributions is in accordance with the Finalised Developer Contributions and Infrastructure Delivery Guidance.

Conclusion of the legal agreement process has therefore been delayed, which has led to the nine-month decision period being exceeded in this instance. Meaningful progress has been achieved in negotiating the terms of the legal agreement. It is considered that a further three-month extension to the period to conclude the legal agreement will enable the planning permission to be released for this application.

It is recommended this application be granted for the variable contribution levels and 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, LRET11, LRET02, LRET07, LDES12, LEN06, LEN01, LTRA02, LTRA03, LDEL01, NSG, NSMDV, NSBUS, NSLBCA, NSGD02, NSP, CRPNEW,

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=PIUDKKEWJWG00>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

E-mail: clare.macdonald@edinburgh.gov.uk