

# Development Management Sub Committee

report returning to Committee - Wednesday 16 December 2020

## **Application for Planning Permission in Principle 19/03097/PPP**

**at Site 60 Metres South Of 199, Fountainbridge, Edinburgh.  
Proposed mixed use development comprising retail (Class 1)  
financial services (class 2) food and drink (class 3)  
office/light industrial (class 4) hotel (class 7) housing (class  
9) community use (class 10) leisure (class 11) public house  
(non-classified use) and associated parking, open space,  
infrastructure and public realm works.**

**Item number**

**Report number**

**Wards**

B09 - Fountainbridge/Craiglockhart

## **Recommendations**

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

## **Background information**

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The Committee was minded to grant planning permission in principle on 6 November 2019, subject to the conclusion of a legal agreement within six months of that date to secure developer contributions towards transport, education, primary healthcare and affordable housing.

Under the normal 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. The nine-month period has now been exceeded and therefore the matter requires to be returned to Committee for decision.

## Main report

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There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 6 November 2019 that it was minded to grant this application subject to a legal agreement first being concluded. The drafting of a suitable agreement has been progressed by both parties and is returned to committee at this particular point as colleagues in Legal Services have confirmed that the drafting will be concluded within the next three months.

The original report and draft decision notice mentions that a legal agreement is required to secure the necessary infrastructure. As members are aware this would usually be done via a S75 agreement. However, as the Council is the applicant and owner of the land in this application a S75 agreement was not considered appropriate in this case. Instead negotiations have been ongoing between Planning and the relevant Council departments to agree a Memorandum of Understanding that sets out the obligations and the requirement for a S75 in the event the land is sold onto a third party to develop.

The planning permission in principle provides significant flexibility on what precisely will be delivered on the site and this has added a layer of complexity to agreeing terms for the Memorandum of Understanding that secures the appropriate infrastructure for what is approved via future AMC applications. However, meaningful progress has been achieved in negotiating the terms of the Memorandum of Understanding. Negotiations are continuing and are nearing conclusion. It is considered that a further three-month extension to the period to agree and sign the Memorandum of Understanding will enable the planning permission in principle to be released for this development.

It is recommended that the timescales for concluding a Memorandum of Understanding for this application be extended by three months and once concluded, that planning permission in principle is granted.

## Links

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### **Policies and guidance for this application**

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES11, LEN08, LEN09, LEMP01, LEMP10, LHOU01, LHOU06, LTRA01, NSG, SGDC,

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=PTR2OLEWKK700>

Or Council Papers online

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