

Development Management Sub Committee

report returning to Committee - Wednesday 5 May 2021

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

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

Background information

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. On 16 December 2020 Committee granted an additional extension of three months until 15 March 2021. However, this additional three 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 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 notes 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 have now concluded with the Memorandum of Understanding agreed. It is considered that a further three-month extension to the period to 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

Policies and guidance for this application

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

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=PTR2OLEWKK700>

Or Council Papers online

David Givan

Chief Planning Officer
PLACE

The City of Edinburgh Council

Contact: Declan Semple, Planning Officer

E-mail: declan.semple@edinburgh.gov.uk