

# Development Management Sub Committee

report returning to Committee - Wednesday 8 December 2021

## **Application for Planning Permission 18/09995/FUL At 25 Milton Link, Edinburgh, EH15 3QH Variation of condition (ii) imposed on planning permission TP/5/M/2264/85 to enable the sale of food for up to 743 sq.m.**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

### **Recommendations**

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

### **Background information**

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On the 31 July 2019, the Development Management Sub-Committee granted planning permission subject to the conclusion of a legal agreement.

This legal agreement had not progressed, and therefore the application was reported back to the Committee to be refused on 17 March 2021.

However, shortly before this date, the applicant stated that due to a change in the ownership of the building, the legal agreement had stalled but was close to completion. The Development Management Sub-Committee then allowed further period of three months for the legal agreement to be signed.

However, this process was delayed because the site was subsequently sold to a different landowner. This effectively required the process to re-start with the new landlord. Matters were progressing when the site was again sold to the current owners, Urban Logistics Acquisitions 2 Limited.

The new landlord was not willing to agree to the variation of the Section 75 Agreement unless the Applicant also agreed to vary the terms of the existing lease to permit the display of a digital advertisement within the site. This process became particularly protracted and led to further delay. Nonetheless, agreement to vary the lease was finally reached in early November 2021 thereby enabling the minute of variation of the section 75 agreement to be concluded. Therefore, the application is being reported back to the Development Management Sub-Committee to request an additional period of three months to conclude the agreement.

## **Main report**

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The unit has a current gross retail floorspace of 6,503 square metres and is subject to a condition restricting it to non-food retail sales only.

The application was made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition (ii) of permission 2264/85.

The application proposed that the condition be changed to:

"The premises shall be used for the sale of non-food goods and for no other purpose save that up to 743 square metres can be used for the sale of food."

The applicant advised that the premises will continue to be occupied by The Range. The application sought a variation in the permitted ranges of goods in respect of allowing a limited amount of the existing retail space to be used for the sale of food. The proposed parameters were that:

- It did not involve the sub-division of the existing unit;
- There would be no separate entrance or exit for customers wishing to buy food items;
- All items would be purchased at the main store entrance/exit; and
- The main range of food goods sold would be frozen products with a limited range of chilled and ambient items.

In addition, planning permission already exists for the sale of food retail for up to 292 square metres, as per planning permission 98/3080/FUL. The application proposed to encompass this already-consented 292 square metres into the total permitted floorspace for food sales. Thus, the overall additional food sale floorspace would be 451 square metres.

As noted above, the process of signing the legal agreement became particularly protracted due to changes in ownership. Nonetheless, agreement to vary the lease was finally reached in early November 2021 thereby enabling the minute of variation of the section 75 agreement to be concluded.

Due to the development plan being over 5 years old the Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration. The proposal to allow the sale of food does not conflict with the 13 principles contained in the SPP.

Therefore, the application is being reported back to the Development Management Sub-Committee to request an additional period of three months to conclude the agreement.

## **Links**

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**Policies and guidance for this application**

LDPP, LRET01, LRET06, OTH, NSGD02,

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=PIJF5AEWJAE00>

Or Council Papers online

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