

**Planning Obligation 12/00112/OBL
at
189 Morrison Street
Edinburgh
EH3 8DN**

**Development Management Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 12/00112/OBL, submitted by Tiger Haymarket No 1 Limited. The application is for: **Application to discharge the existing Section 75 agreement.**

It is recommended that this application be **Granted** by Committee.

2 The Site and the Proposal

Site description

The site is the former Haymarket goods yard, located in the city's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.67 hectares and is currently used as a public car park.

Site History

August 2008 – An application was recommended for approval at the DM Sub-Committee for the demolition of existing buildings and structures, re-grading of the existing car park and a comprehensive redevelopment comprising hotels, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (07/03848/FUL).

The application was called in by Scottish Ministers in order to consider the merits and impacts of the proposed development on the prominent gateway to the city centre, and on the city's skyline.

October 2009 - Scottish Ministers refused planning permission for the development following a Public Inquiry.

Pre-Application Process

There is no pre-application history.

Description Of The Proposal

The application seeks to discharge the legal agreement relating to the proposed development under planning application 07/03848/FUL.

Discharge is being sought as no planning permission was ever granted for the development.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

(a) The Section 75 agreement should be discharged, as requested.

(a) In the period between the Scottish Ministers calling in the application and issuing their determination, the developer and the Council entered into a Section 75 agreement for contributions towards the tram, City Car Club, Traffic Regulation Order, and other transport infrastructure, and securing the provision and implementation of a green travel plan.

A clause written into the agreement provides that: This agreement shall have effect and be binding on the parties with effect from the date of issue of the Consent. In the event that the Consent lapses or is quashed, revoked or otherwise withdrawn, any obligations in this agreement shall lapse in their entirety and the Planning Authority shall upon request from any of the parties, grant a formal discharge of this agreement.

The Scottish Ministers resolved to refuse the proposal and no planning permission was ever ultimately granted. The applicants have therefore requested that the agreement be discharged.

It is recommended that Committee approves the application to discharge the legal agreement.

REASON FOR DECISION

Planning permission was not granted for the proposed development. As a consequence, the associated legal agreement has lapsed.

John Bury
Head of Planning & Building Standards

Contact/tel	Alexander Gudgeon on 0131 529 6126
Ward affected	A11 - City Centre
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Urban Area
Date registered	10 January 2012
Drawing numbers/ Scheme	

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Standards Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Alan Moonie, 0131 529 3909, alan.moonie@edinburgh.gov.uk

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

Appendix A



Application Type Planning Obligation
Application Address: 189 Morrison Street
Edinburgh
EH3 8DN

Proposal: Application to discharge the existing Section 75 agreement.
Reference No: 12/00112/OBL

Consultations, Representations and Planning Policy

Consultations

Representations

No representations have been received.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

There are no relevant policies.

Appendix B



Application Type Planning Obligation
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Conditions/Reasons associated with the Recommendation Recommendation

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

Conditions:-

End

Appendix C



Application Type Planning Obligation

Proposal: Application to discharge the existing Section 75 agreement.

Reference No: 12/00112/OBL



Location Plan

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