

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE**  
**19 August 2014**

Agenda Item	7.1
Report No	PLS/062/14

**14/01463/FUL : Intertrust Trustees Limited**  
**Eastgate Shopping Centre, Inverness**

**Report by Area Planning Manager - South**

**1. BACKGROUND**

- 1.1 This application to extend the Eastgate Shopping Centre to accommodate retail and restaurants at ground and first floor, and the provision of an eight screen cinema at second floor, was considered by Committee at the meeting held on 24 June 2014 when the Committee agreed that planning permission should be granted subject to a number of conditions. After the Committee meeting, it was noted that the wording of condition 14 as set out in the report to Committee did not accurately reflect the sum agreed between officers and the applicants in relation to the latter's contribution towards the enhancement of the public realm at Academy Street/Millburn Road. Moreover, the Council's Solicitors have since advised that, given the nature of that agreement, it would be more appropriate to deal with the issue through a Section 75 Obligation as opposed to a planning condition.
- 1.2 The agreement between officers and the applicants, which would form the Heads of Terms of the Section 75 Obligation are as follows:
- A contribution of £150,000 to public realm improvements, index-linked to date of payment.
  - Provision of a "clawback" period of 10 years from date of payment if the public realm improvements are not realised by the Council within that period.
  - Payment to be made within a set number of days (to be agreed) after practical completion of the development, subject to 85% of the lettable space having completed leases.
- A long-stop date for payment, to cover for any undue delay in completion of leases for 85% of the lettable space, remains to be discussed and agreed.
- 1.3 This agreement will enable a significant contribution to public realm improvements at Academy Street/Millburn Road whilst enabling a major investment in the city centre and helping to secure the future of the Eastgate Centre.
- 1.4 In the interim, discussions have continued, and are continuing, with the applicants in relation to reaching agreement on the Section 75 Obligation.

## **2. RECOMMENDATION**

- 2.1 Members are asked to agree to delete condition 14; to agree the Heads of Terms outlined in paragraph 1.2 above; to postpone the issue of planning permission pending conclusion of a Section 75 Obligation in respect of the developer contributions; and to homologate officers' decision to commence discussions with the applicants over the terms of the Section 75 Obligation.

Signature: Allan J Todd

Designation: Area Planning Manager - South

Author: J. Harbison

Background Papers: Documents referred to in report and in case file.