

Holmes Miller.  
FAO: Douglas Jack  
89 Minerva Street  
Glasgow  
G3 8LE

City Of Edinburgh Council.  
Waverly Court  
4 East Market Street  
Edinburgh  
EH8 8BG

**Decision date: 6 July 2018**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Proposed redevelopment of existing Sports Centre site to provide new Sports Centre facilities and redevelopment of surplus land for mixed uses including residential, student accommodation, hotel and commercial uses, together with car parking, landscaping, drainage and ancillary works.  
At 139 London Road Edinburgh EH7 6AE

**Application No: 18/00154/PPP**

**MINDED TO GRANT DECISION NOTICE**

With reference to your application for Planning Permission in Principle registered on 16 January 2018, this has been decided by **Committee Hearing**. The Council, in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Minded to Grant - Legal Agreement** in accordance with the particulars given in the application. This means that the Council is minded to grant consent subject to a legal agreement. A formal decision will be issued once this is completed.

The required legal agreement should be concluded within 6 months of the date of this notice. If the agreement is not concluded within this period, the report will be sent back to the sub-committee with a likely recommendation that the application be refused.

The papers will now be sent to the Council Solicitor who will be in touch to arrange the conclusion of the agreement.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

## **Conditions:-**

1. Prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2 below), a Masterplan for the entire site shall be submitted for the approval by the Planning Authority.

The Masterplan shall include a plan identifying individual sub-sites and phasing, including the site for the sports centre. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.

The Masterplan shall include the following details:

- evidence that it has been prepared with: (a) substantial consultation with the local community and relevant stakeholders; and (b) the input from a working group comprising of representatives from the local community and other relevant stakeholders and chaired by a ward councillor or alternative party, as agreed by the Planning Authority.
- all details relevant pertaining to the sports centre site;
- the total number of residential units;
- the location of individual plots or development phases;
- the location and size of retail/health/community facilities;
- existing and proposed site levels;
- details of scale, density, massing, heights, built form, frontages;
- open space, landscaping and SUDS;
- connectivity and access, including the link from the site to Restalrig Road South;
- pedestrian, cycle and vehicular links, including works to facilitate active travel;
- works relating to the relocation of pedestrian crossings and installation of new crossings;
- details of the implementation of a programme of archaeological and historic interpretation for St Margaret's Well and St Margaret's Locomotive Works and Locomotive Turntable;
- Location of recycling facilities;
- standards for car parking and cycle parking; and
- a phasing plan for the delivery of open space and pedestrian/cycle routes.

The Masterplan shall be accompanied by the following supporting information:

- If more than 700 units are proposed, an updated Transport Assessment, the scope of which will be agreed with Planning and Transport prior to the submission of the Masterplan;
- a Design and Access statement, detailing the layout, streets and spaces, accessibility, safety and security, sustainability and energy efficiency;
- an updated Landscape and Visual Impact statement;
- details of management and maintenance of the landscaping, SUDS and open space;
- an Energy Statement (as per SEPA's letter of 28 February 2018);
- surface water management strategy; and
- a layout plan which identifies the location of the combined heat and power building.

2. Before any work on a site which forms part of an identified sub-site development plot is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission shall be in the form of a detailed layout of the site within the relevant development plot and shall be in accordance with the Masterplan as approved by condition 1.

Approval of matters:

- Height, massing, siting and ground floor levels;
- Design and external appearance of all buildings, roof form, open space, public realm and other structures;
- All operational aspects of open space and public realm;
- The quantum and locations of all non-residential uses on the site;
- Existing and finished site and floor levels in relation to Ordnance Datum;
- Roads, footways, cycleways, servicing and layout of car parking and cycle parking provision in accordance with standards agreed within the Masterplan;
- Surface water management, drainage arrangements, SUDs proposals and SUDs maintenance plan;
- Waste management and recycling facilities;
- External lighting, including street lighting arrangements for the development;
- Full landscaping information, including a detailed soft and hard landscaping plan, boundary treatments, tree pit details and levels; a schedule of all plants to comprise species, plant size and proposed number and density; a landscape management plan including schedule for implementation and maintenance of planting scheme;
- Any noise attenuation measures.

3. Notwithstanding conditions 1 and 2 above, the total amount of Class 1 floorspace, as set out in The Town and Country Planning (Use Classes) (Scotland) Order 1997, to be shown within the masterplan shall not exceed 250 square metres.

4. Construction details, specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on a site; note: sample panels of the materials are to be erected and maintained on a site for an agreed period during construction.

5. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

6. Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

**Reasons:-**

1. To ensure that the site is designed and developed cohesively.
2. In order to secure a satisfactory design.
3. To define the permission and ensure control over the amount of Class 1 (retail) floorspace.
4. In order to consider these matters in more detail.
5. In the interests of cultural heritage.
6. To ensure the site is suitable for development.

**Informatives:-**

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of each phase of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. Planning permission shall not be issued until a suitable Memorandum of Understanding has been agreed for the following:

## **Education Infrastructure**

### **Drummond Education Contribution Zone**

Per unit infrastructure contribution requirement:

Per Flat - £856

Per House - £3,668

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

### **Leith Trinity Education Contribution Zone - Sub-Area LT-1**

Per unit infrastructure contribution requirement:

Per Flat - £980

Per House - £6,536

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

## **Transport**

The applicant will be required to contribute the sum of £60,000 in order to progress the installation of intelligent signal controls at the signalised junction of London Road and Portobello Road.

The applicant will be required to contribute the sum of £2,000 to progress each of the following orders as necessary for the development:

- a. An order to redetermine sections of footway and carriageway;
- b. An order to introduce and amend waiting and loading restrictions;
- c. An order to introduce 20mph speed limits;
- d. A stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1984;

In support of the Council's LTS Cars1 policy, the applicant should provide approximately 8 car club vehicles at suitable locations for the development (anticipated costs are £1,500 per order plus £5,500 per car).

## **Affordable Housing**

At least 25% of the total number of residential units on the site shall be affordable.

5. Notwithstanding the terms of condition 1, the masterplan should ensure that:

- only non-habitable rooms such as closed plan kitchens, bathrooms and utility rooms can overlook the running track and sports fields.

- upgraded acoustic glazing will be required to protect residential properties in overlooking London Road, Smokey Brae and the East Coast Main Line, as specified in Sandy Brown report: 17283-R01-A, figure 5, p22 and Table 13 p23.

- a noise attenuation package which includes attenuating louvres on the chillers air intake and exhaust areas on the sports centre will be installed as specified in drawing 16108 (55)301 Rev. A. The attenuation package will be designed such that noise levels are restricted to not to exceed LAeq 52 dB at 3m.

- further Noise Impact Assessments (NIA) will be required to support the masterplan development. These NIAs must demonstrate that Environmental Protection's standards can be achieved for mechanical plant noise, internal activity noise and entertainment noise, within residential accommodation.

6. Notwithstanding conditions 1 and 2, the developer should note that one of every six spaces should include a fully connected and ready to use electric vehicle charging point.

7. The applicant should fully explore, through the submission of appropriate supporting information, the impacts on existing and new residential amenity of any uses on site that fall outwith Class 1, 2, 3, 4(a), 7, 8, 10.

Drawings 01, 06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

Should you have a specific enquiry regarding this decision please contact Lesley Carus directly on 0131 529 3770.

*D R Leslie*

David R. Leslie  
Chief Planning Officer