

Application Type Full Planning Application

Application Address: PA3 - Land Adjacent To New Street,
221 - 223 Canongate
Edinburgh

Proposal: Erection of buildings for offices, retail (Class 1) and food and drink (Class 3) purposes, and alternative business (Class 4) and/or leisure (Class 11) use, retail (Class 1) and/or food and drink (class 3) use and retail (class 1), financial and professional services (Class2) and/or business (class 4) use. Podium structure (including ground source heating and cooling system), car parking, access, open space and landscaping including public square, works to south end of New Street, and associate works (as amended).

Reference No: 07/01287/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**

Conditions

1. The application shall be referred to the Scottish Ministers prior to determination.
2. The development hereby permitted shall be commenced no later than five years from the date of this consent.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning & Strategy, having first been agreed by the City Archaeologist.
4. The waste management facilities, as shown on the approved plans, shall be implemented prior to the occupation of the development to the satisfaction of the Head of Planning and Strategy.
5. No development shall take place, with the exception site investigation, prior to the applicant submitting to and obtaining written approval of the Sustainability Management System and a Sustainable Construction Management Plan

(including details of SUDS) from the Head of Planning, having first been agreed with SEPA. All works shall be undertaken in accordance with the approved Sustainability Management System.

6. A detailed CCTV scheme for this development shall be submitted to and approved in writing by the Head of Planning within 6 months of works commencing. The approved scheme shall be implemented to the Head of Planning's satisfaction.
7. Construction details, detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples panels of the materials are to be erected and maintained on site for an agreed period, during construction.
8. A Sustainability Management System and Design and Procurement Stage BREEAM assessments shall be submitted for the approval of the Head of Planning prior to the commencement of works on site.
9. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, 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 Head of Planning and Strategy.ii) 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 to the satisfaction of the Head of Planning and Strategy.
10. Class 1 Retail

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

Deliveries and collections, including waste collections, shall be restricted to between 0700 and 1900 hours Monday to Saturday.
11. Class 2 Financial and Professional Services / Offices

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

Deliveries and collections, including waste collections, shall be restricted to between 0700 and 1900 hours Monday to Saturday.

The external roof terrace shall not be used outwith the hours of 0700 and 1900 hours.

12. Class 3 Food and Drink

The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odour escape or are exhausted into any neighbouring premises, all to the satisfaction of the Head of Planning.

The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 meters per second.

The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Deliveries and collections, including waste collections, shall be restricted to 0700 to 1900 hours Monday to Saturday.

The external eating area shall be restricted to the hours of 0800 to 2300 hours Monday to Sunday.

13. Class 4 Business

The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Deliveries and collections, including waste collections, to be restricted to 0700 to 1900 hours Monday to Saturday.

Hours of operation shall be restricted to between the hours of 0700 to 1900 hours Monday to Saturday.

14. Class 11 Leisure

The use shall be restricted to gymnasium purposes only. Any change to this use must be applied for in writing to the Head of Planning and approved thereafter.

All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Deliveries and collections, including waste collections, to be restricted to 0700 to 1900 hours Monday to Saturday.

15. The car park shall operate in accordance with a parking management scheme approved in writing by the Head of Planning & Strategy before the car park is operational.
16. External visitor cycle parking and internal cycle and internal motorcycle parking shall provided prior to the occupation of the development, and maintained in perpetuity, to the satisfaction of the Head of Planning & Strategy.
17. "New Residential Street" and "Service Street", as indicated on the public realm works drawing no 41A, to be designed to 20mph speed limit to the satisfaction of the Director of City Development prior to the streets opening for public use.
18. An independent Stage 2 (Detailed design), Stage 3 (Pre-opening) and Stage 4 (One year post opening) Road Safety Audit to be carried out for all works affecting the road and any recommendations in the report to be complied with to the satisfaction of the Director of City Development.
19. Details for any structure required for the fixing of public art.
20. All external doors shall open inward unless agreed by the Head of Planning.
21. The development shall not to be occupied until any traffic regulation order or orders, required by this development, are in place and the necessary signs and markings installed.
22. Details of all the proposed boundary treatments shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples panels of the materials are to be erected and maintained on site for an agreed period, during construction.
23. The vehicular access/exits to be formed in a raised footway crossing.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. To ensure sustainability objectives are delivered.
6. In order to protect the amenity of the occupiers of the development.
7. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
8. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
9. In order to ensure the most efficient and effective rehabilitation of the site.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to safeguard the amenity of neighbouring residents and other occupiers.
12. In order to safeguard the amenity of neighbouring residents and other occupiers.
13. In order to safeguard the amenity of neighbouring residents and other occupiers.
14. In order to safeguard the amenity of neighbouring residents and other occupiers.
15. In order to safeguard the interests of road safety.
16. In order to safeguard the interests of road safety.
17. In order to safeguard the interests of road safety.
18. In order to safeguard the interests of road safety.

19. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
20. For the safety of pedestrians.
21. In order to safeguard the interests of road safety.
22. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
23. In order to safeguard the interests of road safety.

INFORMATIVES

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
2. No work, with the exception of site investigation and agreed remedial works, shall take place until a suitable agreement is entered into to agree the timetable for, and ensure the delivery of;
 - A financial contribution towards the provision of the tram,
 - Develop, implement and monitor and review a Travel Plan, including a review of vehicle movement related to the development one year post completion of development,
 - Signal upgrading, or a financial contribution to the upgrading of signals, at the junction of St. Marys Street and the Canongate,
 - A financial contribution towards the provision of City Car Club cars, City Car Club spaces, two on street and three within the basement or an agreed alternative location,
 - The implementation of Real Time bus information within the public square and the office building,
 - Footway enhancements at the junction of East Market Street and Jeffrey Street, all public realm works, including roads and footways, illustrated on the approved drawings,
 - The public art strategy contained within the supporting information (Public Realm Works),
 - 1840 sq m of affordable business space throughout the Caltongate Masterplan area, including details of phasing, location, specification and

timescale for delivery, payment for, promoting and implementing any necessary traffic regulation orders including those to regulate parking places, realignment of roads, access to the public square, waiting and loading restrictions, disabled parking places and vehicle manoeuvres,

- A management strategy for vehicular movement within the public square,

- Improvements to the pedestrian and vehicle environment at the underbridge on Calton Road, the extent of the works shall be specified in the agreement,

- Improvements to the pedestrian route from Calton Road to Regent, including Calton Hill Steps, the extent of the works shall be specified in the agreement.

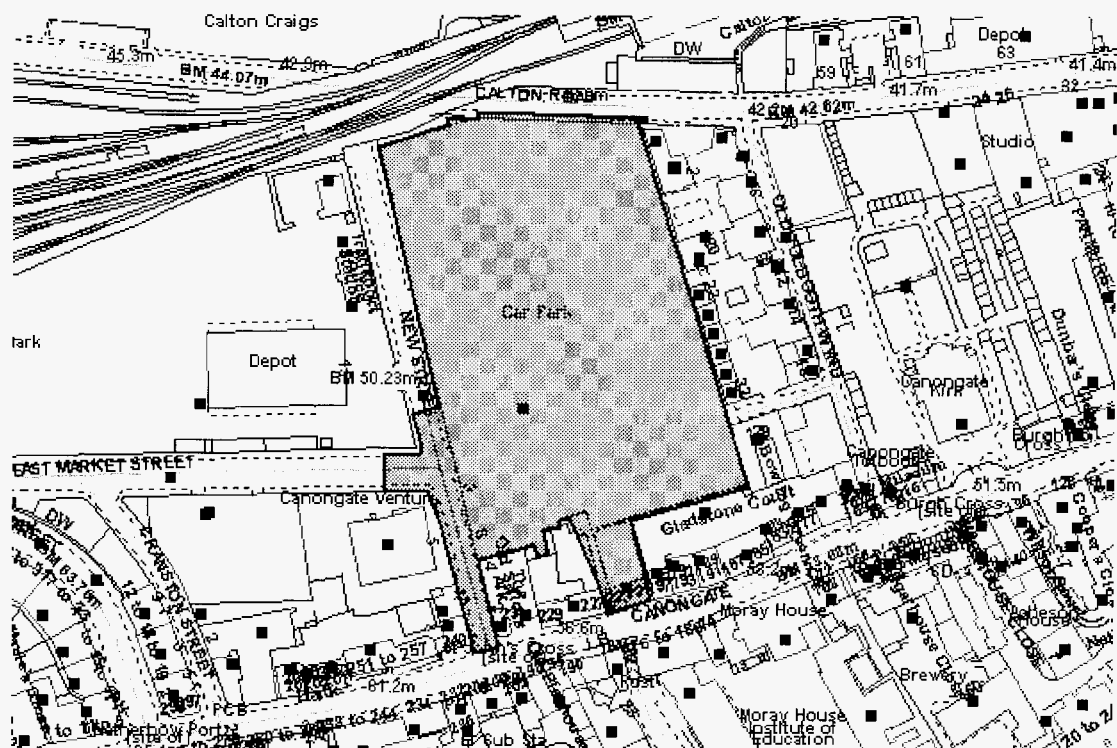
3. The applicants attention is drawn to the points raised in the consultation response from Network Rail.
4. This consent is for planning permission and authorises the Stopping-up Orders under the Town and country Planning (Scotland) Act 1997 to facilitate the development, namely the areas on land on New Street where the steps encroach onto the existing road and/or footway. All Road Traffic Related Orders required for the public realm works, including any footway/carriageway realignment(s), will be achieved by means of appropriate orders under the Roads (Scotland) Act 1984 Act and/or the Road Traffic Regulation Act 1984 and processed by the Transport authority. For the purpose of clarity this includes a vehicle prohibition order for the proposed public square and New Street south. The developer will be required to meet any costs incurred by the Council as a result of procedures related to the aforementioned orders.

End

Application Type Full Planning Application

Proposal: Erection of buildings for offices, retail (Class 1) and food and drink (Class 3) purposes, and alternative business (Class 4) and/or leisure (Class 11) use, retail (Class 1) and/or food and drink (class 3) use and retail (class 1), financial and professional services (Class2) and/or business (class 4) use. Podium structure (including ground source heating and cooling system), car parking, access, open space and landscaping including public square, works to south end of New Street, and associate works (as amended).

Reference No: 07/01287/FUL



Location Plan

Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2005.