

Development Management Sub Committee

Wednesday 29 January 2014

**Application for Planning Permission 13/03406/FUL
At Land Adjacent To, New Street, Edinburgh
Redevelopment/erection of buildings for mixed use
development including offices (class 4) class 1,2,3
commercial, non-residential institutions (class 10), leisure
(class 11) and other associated uses, landscaping/public
realm and other associated works.**

Item number	6.2(a)
Report number	
Wards	A11 - City Centre

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITE1, CITE3, CITE6, CITE7, CITE8, CITE9, CITE16, CITE17, CITE18, CITOS3, CITH8, CITCO1, CITEM1, CITEM3, CITEM4, CITR6, CITT1, CITT2, CITT3, CITT4, CITT5, CITT6, CITT14, CITI4, CITI6, CITCA1, NSG, NSART, NSDCAH, NSESBA, NSGD02, NSGESS, NSLBCA, NSMDV, NSP,

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Executive summary

**Application for Planning Permission 13/03406/FUL
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realm and other associated works.**

Summary

The proposal is in accordance with the Edinburgh City Local Plan, the non-statutory guidance and the Caltongate Masterplan. The proposed office development and mixed commercial use is acceptable in this location. The proposals are of an appropriate scale and design and will not detrimentally impact upon the conservation area or the Outstanding Universal Value of the World Heritage Site. No other considerations outweigh this conclusion.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

The application is subject to a legal agreement for developer contributions.

Equalities impact

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

Pre-Application Process

Pre-application discussions took place on this application.

A Proposal of Application Notice was submitted and registered on 22 January 2013 (Reference: 13/00214/PAN). Copies of the notice were also issued to

- Old Town Community Council;
- New Town/Broughton Community Council;
- Councillor Karen Doran;
- Councillor Joanna Mowat;
- Councillor Alasdair Rankin;
- City Centre Neighbourhood Partnership;
- Edinburgh Old Town Association;
- Edinburgh Old Town Development Trust;
- Edinburgh World Heritage;
- Cockburn Association;
- Architecture and Design Scotland and
- Historic Scotland.

Community consultation events took place on 14 and 16 March 2013. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online Services.

A pre-application report on the proposals was presented to the Development Management Sub Committee on 21 November 2012. The Committee noted the key issues to be addressed.

The initial proposal was presented to the Edinburgh Urban Design Panel of April 2013. Full details of the response can be found in the Consultation section.

Publicity summary of representations and Community Council comments

The application and accompanying Environmental Statement were advertised on 30 August 2013. 11 letters of representation have been received, including comments from the Edinburgh Old Town Development Trust, The Cockburn Association and The Architectural Heritage Society of Scotland. The letters of representation raised the following material issues:

Support

- improvement over the proposal submitted by Mountgrange
- welcome retention of Canon Venture

Objections

- poor location of the affordable housing, dislocated from public transport and shops, needs to accommodate families
- lack of provision for community and cultural activities
- an over provision of offices
- should provide housing to alleviate pressure on greenbelt
- lack of provision for small business
- the public square will be overshadowed and exposed to winds
- the design shows lack of flexibility in building uses
- oversized blocks out of character

- concern re vehicular movement and service access, further congestion will arise
- objection to the management of the development area by a private security company
- design of buildings is poor, homogeneous, bland and prosaic
- lack of information to assess traffic impact
- development is too vague, not enough information
- will create a corporate ghetto
- no sense of place
- vast floor plates of the office accommodation out of character with the location
- misinterpretation and lack of ambition for the World Heritage Site
- excess of unarticulated roofscapes
- flat roofs and excessive glass not characteristic of Old Town or World Heritage Site
- design philosophy is inappropriate
- contrary to ECLP policies ENV 1,2,3,4,5 and 6 and DES 1,3 and 6.
- will not achieve good place making
- will impact negatively on local amenity
- doesn't respect historic character of the area
- more cycle provision required for visitors and customers

The Old Town Community Council objected to the application. Their comments can be viewed in detail in the consultation section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Application for Planning Permission 13/03406/FUL At Land Adjacent To, New Street, Edinburgh Redevelopment/erection of buildings for mixed use development including offices (class 4) class 1,2,3 commercial, non-residential institutions (class 10), leisure (class 11) and other associated uses, landscaping/public realm and other associated works.

1. Background

1.1 Site description

The site, referred to as the Caltongate Northern site, covers an area of approximately 0.85ha. The site is immediately bound by Calton Road in the north. On the east of the site is the consented Caltongate Development PA4 residential site. To the south of the site lies the Old Sailors Ark, category C listed building (ref:- 46707, listed 1/2/00), and Canongate, proposals for which are included in the Caltongate southern site application reference 13/03407/FUL. The site includes the northern part of New Street at its junction with East Market Street and a small part of East Market Street.

To the north west of the site the East Coast Mainline railway emerges from a tunnel below Calton Hill. The site is surrounded by a number of listed buildings to the north, St Andrews House category A listed building (ref 27756 , 14/12/70) and the monuments on Calton Hill. The southern side of the site is addressed in the parallel southern site application reference number 13/03407/FUL.

The site was formerly used as a bus depot but has now been cleared. As part of the consented Caltongate development, planning permission exists for the construction of a development podium (a concrete substructure to be used as foundations for the buildings above, accommodating car parking), it is proposed to implement that planning permission (PA2) (application number 07/00101/FUL).

The site is within the Edinburgh World Heritage Site. The site is within the Old Town Conservation Area and sits adjacent to the New Town Conservation Area, the boundary of which falls on Calton Road.

1.2 Site History

October 2006 - Caltongate Masterplan for the wider Caltongate site was approved.

21 May 2008 - planning permission was granted for enabling works including erection of podium structure, installation of ground source heating and cooling system and associated works (application number 07/00101/FUL).

30 October 2008 - planning permission was granted for the 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) (PA3) (application number 07/01287/FUL).

29 August 2012 - the Heads of Terms of a Section 75 Legal Agreement for the wider Caltongate site was agreed by Development Management Sub Committee.

7 September 2012 - planning permission was granted for the temporary use of land to provide hotel accommodation for up to 70 days per calendar year, comprising installation of serviced accommodation and other ancillary facility (application number 12/02507/FUL).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of Planning Permission 07/00101/FUL to extend time period for commencement of development (PA2). (application number 12/03619/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary certain pre-commencement conditions attached to planning permission 07/00101/FUL to allow for phased implementation of consent - condition 3 (Archaeology) and condition 5 (Boundary Treatment and Footway Details) (application number 12/03627/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of Planning Permission 07/01287/FUL to extend time period for commencement of development (PA3) (application number 12/03620/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary certain pre-commencement conditions attached to Planning Permission 07/01287/FUL to allow phased development (PA3) (application number 12/03629/PAN).

21 January 2013 - a Proposal of Application Notice was submitted for the Redevelopment/erection of buildings for mixed use development including potential office class 1,2,3 commercial, leisure, residential and/or community uses and other associated uses and works.(application number 13/00214/PAN).

20 March 2013 - planning permission was granted for a Section 42 Application to vary condition 1 of Planning Permission 07/00101/FUL (PA2) (application number 13/00085/FUL).

20 March 2013 - planning permission was granted for a Section 42 Application to vary condition 1 of Planning Permission 07/01287/FUL (PA3) (application number 13/00088/FUL).

20 March 2013 - planning permission was granted for a Section 42 application to vary Condition 2 (Archaeology); Condition 4 (Sustainability Management System); Condition 6 (Construction Details); Condition 7 (Sustainability Management System); and Condition 21 (Boundary Treatments) of Planning Permission 07/01287/FUL (PA3) (application number 13/00095/FUL).

2. Main report

2.1 Description Of The Proposal

The proposal is for a mixed use development totalling 18,727 square metres. 16,678 square metres of office space is proposed, with 2,049 square metres of other mixed commercial floorspace proposed at ground floor level.

The proposed mixed uses include class 1: retail, class 2: financial/professional service; class 3: food and drink; class 7: hotel, and class 11: assembly and leisure.

The development would take the form of three large building blocks, two of which would be joined by a central atrium. A glazed linking bridge at first floor level would connect the northern office building with the southern office building. A pedestrian route running east to west between the northern and southern office buildings would provide additional linkage. The buildings will accommodate principally office use with a mix of uses proposed at ground floor level. The buildings will be finished in a variety of materials including sandstone walls and zinc roofing. The northern block would have an accessible sedum green roof.

The principal entrance to the building will be from the new public square that links the Caltongate north site with Caltongate south, part of which falls within the application. The new public square would be predominately hard landscaping with stone paving with some tree planting. It would be bound to the north by the Northern site office building, to the east by part of the consented Caltongate Development (PA4) mixed use site, to the south by the Hotel proposed in the Caltongate South application and to the west by New Street.

Thirty eight car parking spaces are allocated within the approved podium structure under the building (application number 07/00101/FUL). No new parking is proposed as part of this application.

Revised plans were submitted on 26 November 2013.

The proposed changes do not materially change the nature or scale of the development. The proposals are supported by a supplementary design statement and include the following;

- more street activation on New Street
- further material on architectural language and roofscape.

A new section 75 Legal Agreement was drawn up between CEC and Artisan in relation to the consented scheme which incorporates the issues set out in report of 29 August 2012 to the Development Management Sub Committee. Provisions include contributions to car club, pedestrian crossing and transport information, street improvements works, community facility, affordable business space, green travel plan, re-use of existing stone, management strategy for the public square and public art strategy, affordable housing and tram contribution. The affordable housing (PA1), opposite the site on Calton Road, is about to commence and a separate legal agreement has been signed. The original legal agreement will be revised to accommodate the new proposals.

Supporting Information

The application has been accompanied by an Environmental Statement (ES), arising from the Environmental Impact Assessment to establish the potential impacts, both beneficial and adverse, of the proposed development and proposes mitigation to avoid, reduce and offset any potential significant adverse environmental effects.

Information contained within the ES relates to construction and environmental management, townscape and visual impacts, cultural heritage, archaeology, daylight sunlight and overshadowing, ground conditions, and water resources. The statement was accompanied by a Non-Technical Summary.

The ES has been carried out for both the Caltongate southern application 13/03407/FUL and the Caltongate Northern application 13/03406/FUL. Other developments that were assessed for the purpose of cumulative impact assessment are application reference 07/04440/FUL Caltongate PA4 consent and 07/00560/FUL Caltongate PA1 consent. Application reference 10/02474/PPP and 12/03343/AMC Holyrood Student Accommodation and Services consent.

The applicant also submitted a Planning Statement, Report of Consultation and associated Business Survey Report, Design and Access Statement, Transport Statement and Sustainability Form S1. A Supplementary Design Statement and Supplementary Transport Statement were submitted on 26 November 2013 with revised drawings.

These documents are available to view on the Planning and Building Standards Online Services.

2.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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?

2.3 Assessment

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

a) the principle of the development is acceptable;

- b) the proposals will have any impact upon the Outstanding Universal Value of the World Heritage Site;
- c) the proposal will preserve and enhance the setting of Old Town and New Town conservation areas, and setting of listed buildings and ancient monument;
- d) the proposal scale, design and materials are acceptable;
- e) the proposal is detrimental to the amenity of neighbours;
- f) the proposal affects road safety;
- g) the proposal meets sustainability criteria;
- h) the proposals have any equalities or human rights impacts;
- i) the proposals affect biodiversity; and
- j) the proposals affect flooding.
- k) any other material points raised in the representations;

a) Principle of Development

The Edinburgh City Local Plan identifies the city centre as the main focus of the city's economic growth encouraging development which maintains and enhances the character, attractiveness, vitality and accessibility of the city centre and contributes to its role as the regional service centre and Edinburgh's role as a capital city (policy CA1).

Within the adopted Edinburgh City Local Plan the application site, Caltongate North, forms part of a larger area identified as a city centre regeneration site - Proposal Ca 2 - Caltongate. This proposal refers to the Caltongate Masterplan formally approved by CEC in October 2006 and proposes that the site is allocated for mixed use development to achieve a sustainable and integrated city quarter. It states that the proposal will be expected to provide for;

- a mix of uses including housing, offices, small business units, a hotel, shops, (including a small supermarket), food and drink premises and community facilities.

The original schedule of planning applications approved 30 October 2008 and renewed 22 May 2013 satisfied the land use aspirations of the Caltongate Masterplan. Those applications, with associated legal agreement, promise delivery of housing including 25% affordable housing, small business units, a community facility and shops including a supermarket within the wider Caltongate Site.

The application for this site proposes 18,727 square metres which includes 16,678 square metres of office space with a mix of ground floor uses totalling 2049 square metres. The parallel planning application for Caltongate South (application number 13/03407/FUL) proposes hotel use with a mix of ground floor uses and commercial use. The previous proposal for this site was for office accommodation. The principle of office space in this location is acceptable and meets the aspiration of the Caltongate Master Plan.

The proposed mix of commercial uses at ground floor will enhance the pedestrian experience and connect the development back to the public square, providing facilities for those living and working in the Old Town. It is considered that the proposed mix of uses on this element of the Caltongate site, whilst speculative in nature, meets with the aspirations of the 2006 Caltongate Master Plan and will provide for a flexibility of end users ensuring that a vibrant sector is created.

The level of permeability offered through the new development including links from Waverley Station through Calton Road, New Street and up to the Royal Mile and East Market Street satisfies the aspirations of the Caltongate Master Plan.

The proposed large flat public square, which connects this development with Caltongate South and the approved residential development PA4 will meet with the aspiration for further public event space in this part of the city to accommodate a range of formal and informal activities.

The principle of the development is acceptable and meets with policy CA1 of the Edinburgh City Local Plan and the aspirations of the Caltongate Masterplan.

b) The proposals will have any impact upon the Outstanding Universal Value of the World Heritage Site

The Outstanding Universal Value of the World Heritage Site is expressed in the Statement of Significance adopted by the World Heritage Committee of UNESCO.

The application site is a sensitive location within the World Heritage Site, however it is not considered to be typical of the organic medieval form that underpins much of the Old Town. The application site has been an empty gap site since prior to the previous application was approved, having been cleared of the remnants of the former bus depot and the industrial legacy of the Waverley Valley. In its current form it does not provide a positive contribution to the character and quality of the setting of this part of the World Heritage Site.

The proposed redevelopment would deliver strong urban blocks characteristic of the large buildings along the Waverley Valley, such as the railway station, CEC building and St Andrews House, sitting in the valley between the New Town Conservation Area and the Royal Mile corridor of the Old Town Conservation Area.

The applicant has submitted an Environmental Impact Assessment which assesses the impact of the proposal upon the cultural heritage assets of the city, including a Townscape Visual Impact Analysis involving viewpoints around the site agreed by City of Edinburgh Council and Historic Scotland. This facilitates assessment of the impact of the proposal upon views into and out of the World Heritage Site. View points are principally in and around the Caltongate site with longer views assessed from Calton Hill, Arthurs Seat and Edinburgh Castle. The proposal would not detrimentally harm these views. Historic Scotland has raised no objection.

The delivery of the public square and upgrading of the public realm along Calton Road, under the railway bridge and up New Street will enhance the pedestrian experience within the World Heritage Site.

The current proposal, by means of breaking up the massing of the building and greening over part of the roof, offers an improvement over the previously approved scheme and meets the requirements set down by UNESCO following their visit to Edinburgh in November 2008.

The proposal meets the objectives of The World Heritage Site Management Plan 2011-2016(5.1) "The Vision" which supports a confident and thriving capital city centre, its communities and its cultural and economic life.

It is considered that the proposal would not harm the qualities which justified the inscription of the Old and New Towns as a World Heritage Site and complies with policy ENV1 of the Edinburgh City Local Plan.

c) The proposal will preserve and enhance the setting of Old Town and New Town conservation areas, and setting of listed buildings and ancient monument

The application site is within the Old Town Conservation Area, and on the edge of the New Town Conservation Area. The development should protect the setting of the conservation areas and the setting of the listed buildings within and around the site.

The Old Town Conservation Area Character Appraisal identifies the following distinctive elements of the Old Town Conservation Area;

The plan of the Old Town has retained much of its ancient pattern and distinctive character. It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied spatial structure. The compactness and fine grained pattern also allows many forms of activity to function in close proximity.

The spatial structure of the Old Town is a microcosm of urban development, reflecting the multiple layering of built heritage and responding to the drama of the site's topography and setting.

Building lines and heights respond to natural features and contours to create a sculptural appearance as streets wind up and down hill, reinforcing the organic character of the Old Town.

The hard edged nature of the main streets and spaces within the area formed by the continuous frontages of tall buildings built directly up to the back pavements.

The importance in providing consistent and high quality natural materials, street furniture and lighting in the public realm to unite and set off the built heritage.

The consistent and harmonious height and mass of buildings: usually four or five storeys high on street frontages.

The quality and robustness and durability of the materials of construction. The importance of stone as a construction material for both buildings and the public realm. The limited palette of materials, mainly stone and slate, provide a unity of character. The importance of archaeological record.

The numerous important institutional and public service uses that contribute to its character and the nation's capital. The strong and continuing presence of a residential community. Mixed uses at ground floor level are important in securing active streets and street life.

The Old Town Conservation Area has evolved over time and experienced periods of growth and renewal and subsequently showcasing a variety of building styles and materials. The proposal satisfies the aspirations of the Caltongate Masterplan to deliver a development that will provide both unity and diversity of styles within the conservation area.

The proposed buildings sit within the heights set out in the Caltongate Masterplan with variations to the roof articulation responding to the context of this part of the conservation area. The proposed design approach respects the character of the neighbouring conservation areas in terms of its spacing, height and massing. The breaking up of the large building blocks will allow for greater permeability and a massing that respects the character of the Waverley Valley.

The public square will assist the integration of the development into this part of the Old Town Conservation Area.

The stepping down of the buildings in height across the site from the proposed public square down to Calton Road respects the topography of the site. The finish will be of a high quality, using a limited palette of materials, predominately stone with hardwood louvre screens, reflective of the character of the conservation area. The roofs will be finished in zinc standing seam with roof mounted photovoltaic panels sensitively located. The building will sit comfortably under Calton Hill and will not adversely impact upon the setting of the category A listed building, St Andrew's House. The buildings will sit lower than the Canongate Venture and the Old Sailors Ark such that the development will not impact adversely on the setting of the listed buildings. It is considered that the proposed development will result in an acceptable contemporary response to this part of the Old Town Conservation area.

The proposal will improve upon the pedestrian experience and public realm within the application site, opening up routes from Calton Road and New Street through to the Royal Mile, and satisfies the aspiration of the Caltongate Master Plan to create a new Strategic Link through the development.

A detailed landscape plan has been submitted providing upgrades to the public realm including new paving and planting treatment around the public square and the internal streets, thus upgrading and enhancing the environment of the conservation area.

The site has been identified as occurring within an area of potentially high archaeological significance, to date a substantial level of excavation works have taken place on this part of the Caltongate site. The city archaeologist has no objections subject to a programme of archaeological work to fully excavate, record and analysis any archaeological remains, a condition to this effect is therefore recommended. One of the objectives of the World Heritage Management Plan is to increase awareness through interpretation, guidance and promotional activities, this will be achieved with the assistance of the City Archaeologist meeting objectives ENV8 and ENV 9 of the Edinburgh City Local Plan

The proposals are of an appropriate scale and design and will have a positive impact upon the Old Town Conservation Area and the setting of the New Town conservation area. The proposal satisfies policy ENV 6 of the Edinburgh City Local Plan.

d) The proposal scale, design and materials are acceptable

The proposed height scale and massing of the development meets with the parameters set out in the Caltongate Masterplan. The proposal, in conjunction with application reference 13/03407/FUL for Caltongate south, offers a co-ordinated development which will achieve the comprehensive development of the area, and meets the objectives of Policy Des 1 and Des 2 of the Edinburgh City Local Plan.

The proposed public square will provide a central focus to the development of both the North Caltongate and South Caltongate sites and provides for connectivity through the site linking Calton Road to the Royal Mile. The public square and public realm will be finished with high quality natural paving providing safe, key routes and an event space. The design of the public square is integral to the north and south Caltongate development and satisfies Policy Des 5 of the Edinburgh City Local Plan. The route from the square to Calton Road will be characteristic of the tighter medieval grain with a high level of enclosure.

Historically this part of the Old Town Conservation Area has contained large buildings. The three building blocks are reflective of the scale of buildings in the Waverley Valley, broken up into different building styles to create both a diversity and a density of built form. They sit comfortably with the CEC Waverley Court across New Street and the consented PA4 scheme to the east.

The building height steps down the site to Calton Road. In order to meet the demands of end users the buildings contain generous open plan floorplates and therefore the relationship with the topography of New Street is reflective of that seen in the CEC building. Activation is provided at key points up New Street, connecting the development with the street.

Throughout the development the proposed buildings achieve a harmonious height with varying roof forms. The use of a limited palette of materials with stone as the dominant element ensures a unity of character, whilst the varying size and design of the building blocks will achieve diversity. The proposal provides an acceptable contemporary design solution in this part of the conservation area.

The proposal was met favourably by the Edinburgh Urban Design Panel at pre-application stage in April of 2013. It meets with the standards set out in the Edinburgh Design Guidance and the Caltongate Masterplan. The proposal will result in a high quality environment contributing to the regeneration of the wider area.

In conclusion the proposal respects the character and historic context of the Old Town. The proposal responds successfully to issues of spatial structure, permeability, townscape, architectural expression, heights, roofscape and materials in accordance with the principles of the Caltongate Masterplan. The proposal retains and enhances views to Calton Hill by means of the proposed viewing platform on Jeffrey Street and views along New Street are terminated beyond the public square. The proposal satisfies policies Des 1-7 of the Edinburgh City Local Plan.

e) The proposal is detrimental to the amenity of neighbours

The proposed development site is currently a gap site, but when PA2 is implemented will sit in close proximity to residential properties. The redevelopment of the site will have an impact upon existing and proposed residential properties throughout site clearance and construction work. The Environmental Statement predicts a programme of works over a span of 40 months commencing in April 2014 with completion by July 2017 over both the north and south Caltongate sites. To ensure minimal disruption to neighbouring residents the applicant has advised that a Construction Environmental Management Plan will be prepared cumulatively with the application for Caltongate South (13/03407/FUL). All impact from the construction of the development, for

example dust or noise, will be controlled under separate legislation out with the control of the Planning Authority.

Air Quality was scoped out of the ES on the basis that the quantum of proposed development is lower than the consented scheme. It is also assessed that the traffic generated from the proposed scheme would be less than the consented, where assessment concluded that no significant effects were likely. The podium car parking is consented and not part of the new applications. Transport was therefore scoped out of the ES.

Given the flexibility of uses sought in each of the buildings detailed internal plans including ventilation systems and noise assessment has not been carried out. Environmental Health is unable to assess the impact of the proposal on neighbouring residential amenity. It is therefore recommended that conditions be imposed to ensure both existing and proposed residents are protected from the introduction of the proposed new uses. Conditions are recommended in respect of design, installation and operation of plant machinery and equipment, ventilation details, deliveries and collections and the use of external areas.

A contamination survey has been carried out on the site following the demolition of the buildings. The conditions in respect of site survey in relation to the consented scheme for PA3 (07/01287/FUL) have been discharged. There is therefore no requirement for a further site investigation on this site.

In the Environmental Statement it is concluded that as the proposed development for the northern site is of a similar or reduced massing to the consented scheme, the potential for impact on Daylight Sunlight and Overshadowing is not increased over that identified previously. In summary, the impact of the consented development is identified as having a similar or greater impact than the proposed.

The location of the Public Square is identified in the Caltongate Master Plan and approved in the original scheme. A detailed Daylight Sunlight and Overshadowing assessment has been carried out for the public square in accordance with the Edinburgh Design Guidance. The assessment illustrates that 35.5% of the public square (on the northern side) will receive 3 hours or more sunlight at the spring equinox. The Edinburgh Design Guidance requires that 50% of the public square receives 3 hours or more sunlight at spring equinox. While it does not meet the threshold set out in the Edinburgh Design Guidance, the square meets the recommended standards set out in the BRE standards achieving 2 hours or more sunlight over more than 50% of the square. In accordance with the BRE standards the square would appear adequately lit. The level of overshadowing and access to sunlight is considered acceptable given the townscape context and based on the established massing parameters set for the site in the Caltongate Masterplan and offers an improvement over the consented scheme.

The Daylight, sunlight and overshadowing results in the EIA show that appropriate levels of daylighting and sunlight remain on the consented PA4 residential development. The levels of daylight predicted are considered typical of what would be expected within the Old Town Edinburgh context, and no significant impacts have been identified. The proposal satisfies the criteria of DES 3 of the Edinburgh City Local Plan.

It is concluded that the proposal will have no detrimentally impact upon residential amenity and satisfies policy HOU 8 of the Edinburgh City Local Plan.

f) the proposal affects road safety

Transport is satisfied that the addendum to the original Transport Statement is acceptable. The Tram contribution from the development remains capped at £50,000 as per the existing legal agreement.

In assessing the previous application, it was concluded that the overall proposed development would have no greater traffic generation than the previous bus depot use on the site. The principles of Transport movements within the northern site are largely as consented, with the introduction of further pedestrian routes through the office blocks.

Transport has raised no objection to the development subject to a suitable legal agreement. The proposals meet the principle of the Caltongate Masterplan and satisfy policies TRA 1, TRA 3 and TRA 6 of the Edinburgh City Local Plan.

g) the proposal meets sustainability criteria

The applicant has submitted a sustainability statement in support of the application, and an Energy Statement. The site is within close walking distance of Waverley Station and the city centre offering a range of amenities. A Transport Statement has been submitted in support of the application.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. The proposal satisfies policy Des 6 of the Edinburgh City Local Plan.

h) Equalities and Human Rights Impact

The proposal includes buildings which will be accessible to the public. Access for people with physical disabilities will be required to meet with current building standards. Issues with respect to protecting neighbouring amenity have been addressed in section 2.3 e). An Equalities and Rights Impact Assessment has been completed.

i) the proposals affect biodiversity

A previous walkover bat survey was carried out in January 2013 as background to the application to renew planning consent. The surveys identified a low likelihood of bat roosting. A further detailed survey was carried out as part of the Environmental

Statement on dates in May and August at dawn and dusk. No bats were recorded roosting in the study area. No bats were observed feeding and very low numbers were observed commuting through the site. It is concluded therefore that the proposed new development would not impact upon bats and therefore no mitigation is required.

j) the proposals affect flooding

The Environmental Impact Assessment concludes that the proposed development does not vary significantly from the consented Caltongate development. A review of SEPAs indicative flood map shows that the site is not located in an area at risk of flooding from rivers or the sea. There are no records of the site having experienced flooding in the past from any source. It is not anticipated that the proposed development would result in the creation of new sensitive receptors in relation to the water environment nor introduce environmental risk to new sensitive water receptors.

Bridges and Structures has requested additional information in order to assess the full impact of the proposal, however given the time constraints of the planning application this has not been forthcoming. Conditions to ensure appropriate surface water management and drainage of the site is achieved is therefore recommended.

k) other material issues

Planning permission was granted for development on the site in 2008 and renewed in 2013. The principle of development across the site has therefore been established.

The proposals represent a less monolithic, more diverse yet cohesive array of building parts, roofs and roofscape features, which blend in with the historic grain. A mix of uses are proposed at lower ground levels to provide active frontages to key routes and to front the consented public square. The scale and massing of the new proposals are significantly reduced compared to that of the consented scheme. The total floorspace now proposed is 18,727 square metres, the consented scheme permits 20,861 square metres.

The proposed scheme meets the recommendations of UNESCO. Additionally the scheme will retain important views to Calton Hill and Arthurs Seat. It is considered that the proposed scheme provides positive enhancements over the consented scheme.

l) Any other material points raised in the representations

Material Comments

Mix of Uses

- poor location of the affordable housing, dislocated from public transport and shops, needs to accommodate families - this is addressed in section 2.3a.
- lack of provision for community and cultural activities - this is addressed in section 2.3a).
- an over provision of offices will arise - this is addressed in section 2.3a).
- should provide housing to alleviate pressure on greenbelt- this is addressed in section 2.3a).
- lack of provision for small business - this is addressed in section 2.3a).

- the public square will be overshadowed and exposed to winds this is addressed in section 2.3e).
- the design shows lack of flexibility in building uses - this is addressed in section 2.3d).
- oversized blocks out of character - this is addressed in section 2.3d).
- development is too vague, not enough information - this is addressed in section 2.3a).

Transport

- concern re vehicular movement and service access, further congestion will arise - this is addressed in section 2.3g).
- lack of information to assess traffic impact - this is addressed in section 2.3g).
- no cycle parking for visitors and customers - this is addressed in section 2.3g).

Design

- design of buildings is poor, homogeneous, bland and prosaic, no sense of place - this is addressed in section 2.3d).
- vast floor plates of the office accommodation out of character with the location - this is addressed in section 2.3d).
- misinterpretation and lack of ambition for the World Heritage Site - this is addressed in section 2.3b).
- excess of unarticulated roofscapes - this is addressed in section 2.3d).
- flat roofs and excessive glass not characteristics of Old Town or World Heritage Site - this is addressed in section 2.3d).
- design philosophy is inappropriate - this is addressed in section 2.3d).
- contrary to ECLP policies ENV 1, and 6, and DES 1,3 and 6 - addressed in sections 2.3a)-(l).
- unsustainable - this is addressed in section 2.3h).
- will not achieve good place making - this is addressed in section 2.3d).
- will impact negatively on local amenity - this is addressed in section 2.3e).
- doesn't respect historic character of the area - this is addressed in section 2.3c).

Old Town Community Council Comments

Process - The public consultation exercise is summarised in the consultation and engagement summary.

Appropriateness of the speculative proposed mixed uses - assessed in section 2.3 a) and 2.3 e)

Design of Buildings - assessed in section 2.3 d)

Public Realm - assessed in section 2.3 d)

Pedestrian connections addressed in section 2.3 g)

Reference to comments received through the Scotsman social media site - these comments were submitted to a newspaper article and not directly through the official planning portal.

CONCLUSION

In conclusion, the proposal represents a positive contribution to area wide aspirations and is supported by the Development Plan in this location. The quality of urban design solution will enhance the conservation area, the Edinburgh World Heritage Site and the setting of listed buildings. The development is considered to be in line with the policies of the Edinburgh City Local Plan and the approved Caltongate Masterplan. There are no material considerations which outweigh this conclusion.

The recommendation is subject to conditions in respect of archaeology, plant and machinery, noise, ventilation, class 11 restriction, public art, waste management, materials, landscaping, drainage and SUDs.

3. Recommendations

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

3.2 Conditions/reasons

1. 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 and reporting, publication, public engagement and interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

2. 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 from any nearby living apartment.

3. 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.

4. Class 3 Food and Drink

Prior to the commencement of construction works on site, the applicant shall submit details of the kitchen's ventilation system, which shall be capable of achieving 30 air changes per hour, and 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 and Building Standards. The ventilation systems shall be installed, tested and operational, prior to the use hereby approved being taken up.

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.

5. Plant Ventilation and Machinery - All uses

All plant ventilation and machinery shall be contained within the approved building envelope.

6. Class 10 Non Residential Institutions

Prior to the commencement of construction work on site, the applicant shall submit details of the kitchen's ventilation systems, which shall be capable of achieving a minimum of 30 air changes per hour and be ducted to the roof level, to ensure that no cooking odour escape or are exhausted into any neighbouring premises. The ventilation system shall be installed, tested and operational, prior to the use hereby approved being taken up.

Prior to the commencement of construction works on site, details demonstrating that noise from the associated plant complies with NR25 as measured within any neighbouring living apartment. All details shall be submitted for written approval by the Head of Planning and Building Standards.

7. Class 11 Leisure

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

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.

8. Details for any structure required for the fixing of public art must be submitted to and approved in writing by the Head of Planning and Building Standards.

9. Prior to the commencement of works on site, details of access to and space for waste management facilities within the building envelope, including recycling, shall be submitted to and approved in writing by the Planning Authority. Thereafter, the requirements agreed shall be implemented to the satisfaction of the Head of Planning and Building Standards, prior to the occupation of the development hereby approved.

10. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. A full size sample panel of all facade components should be erected at a location agreed with the Planning Authority.

11. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

12. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

13. No development shall take place until an agreement is made with Scottish Water regarding the drainage strategy for this development before planning consent is granted

14. No development shall take place prior to the submission of a Sustainable Urban drainage System to be agreed by the Head of Planning and Building Standards.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. To preserve the townscape of the area and protect views from Regent Road and Calton Hill.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to enable the Head of Planning and Building Standards to consider this/these matter/s in detail.
9. In order enable the Head of Planning and Building Standards to consider this/these matters in detail.
10. In order to enable the planning authority to consider this/these matter/s in detail.
11. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
12. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
13. To ensure that a satisfactory drainage system is acheived.
14. In order enable the Head of Planning and Building Standards to consider this/these matters in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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 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. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

5. Prior to the commencement of construction work on site, details of a Construction Environmental Management Plan shall be submitted for written approval by the Head of Planning and Building Standards.

6. The developer is encouraged to provide vehicle electric charging points within the development site for use by both development users and the public.

7. Lighting associated with the road/footway system that is deemed to be prospectively adopted to be agreed with the department lighting officer.

8. Alterations to the existing road layout - New Street/East Market Street and Canongate may result in changes to the existing lighting levels. The lighting engineer will be consulted on design changes affecting these roads and the developer will meet the cost of any alterations needed to maintain lighting standards.

9. Prior to the issuing of consent the applicant to enter into a suitable legal agreement or amend/add to the existing agreement to make provision for the following:

Meet the cost for the provision of 3 car club vehicles within the development site the cost includes for the promotion of traffic Regulation Order to provide 3 spaces for the siting of the vehicles. The maximum cost will be £18,000 payable on commencement of site development.

Junction Works - note: New Street/ Canongate and New Street/East Market Street

The developer shall submit to the Head of Transport the design for New Street including junction details for

(a) East Market Street/New Street junction.

(b) New Street/ Canongate junction.

This design is required as submission in support of the application for Traffic Regulation Order affecting the new movements for New Street, including pedestrian movements.

10. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent

11. Network Rail guidance should be adhered to.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations/piling works and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a possession which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters.

Statutory Development Plan Provision

The Edinburgh Local Development Plan Proposed Plan March 2013 was out to public consultation from 1 May 2013 - 14 June 2013. That Plan includes Proposal CC2 which sets out development principles for the site as approved in the Caltongate Master Plan of 2006 to create a mixed use redevelopment to create sustainable and integrated city quarter in the heart of Edinburgh's Old Town. A Master Plan was approved in 2006.

Development Principles of reference CC2

Proposals will be expected to provide for

- a mix of uses including housing, offices, small business units, a hotel, shops (including a small supermarket), food and drink premises and community facilities.
- a close-grained layout which reflects the distinctive spatial pattern of the Old Town provides a new strategic route between East Market Street and Canongate and includes a new public square within the site.
- new buildings, including landmark buildings, which respect the form and contours of the Waverley Valley and which preserve or enhance important existing views and the potential to create new views into and across the site.

Date registered 23 August 2013

Drawing numbers/Scheme 01, 02a, 03b, 04b, 05b, 06-08, 09, 10-19, 20a, 21-24,

David R. Leslie

Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 7 (New Pedestrian Routes in the City Centre) relates to the creation of new pedestrian routes in the City Centre.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Policy Emp 3 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Tra 14 (City Centre Public Parking) outlines the circumstances in which car parks in the Central Area will be supported.

Policy Inf 4 (Renewable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy generation.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'ART IN PUBLIC PLACES' set out good practice to ensure that contemporary art works match the quality of the past, and enhance and contribute to the environment.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

NSESBA - Non-statutory guidelines Part A of 'The Edinburgh Standards for Sustainable Building' requires new development in Edinburgh to reduce their carbon emissions in line with the current Building Regulations

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

Consultations

Scottish Water - response dated 14/09/2013

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections.

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Due to the size of this proposed development it is necessary for Scottish Water to assess the impact this new demand will have on our existing infrastructure. With Any development of 10 or more housing units, or equivalent, there is a requirement to submit a fully completed Development Impact Assessment form. Development Impact Assessment forms can be found on our website.

Glencorse Water Treatment Works

Has limited capacity available for new demand. The Developer should discuss their development directly with Scottish Water.

Water Network

Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

Edinburgh PFI Wastewater Treatment Works

At present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

Wastewater Network

Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

Scottish Water is funded to provide capacity at Water and Waste water Treatment Works for domestic demand.

Funding will be allocated to carry out work at treatment works to provide growth in line with the Local Authority priorities. Developers should discuss delivery timescales directly with us. Developers should discuss delivery timescales directly with us.

If this development requires the existing network to be upgraded, to enable connection, the developer will generally meet these costs in advance. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules. Costs can be reimbursed by us through Reasonable Cost funding rules

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Appropriately sized grease traps must be installed on all drainage outlets from food preparation areas. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment / disposal of their contents, or be prejudicial to health.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

An appropriate water storage system Water storage equivalent to 24 hours usage is recommended for commercial premises. Details of such storage installations must be forwarded can be discussed to Scottish Water's Customers Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that will require to be implemented by the developer to protect our existing apparatus.

*Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department.
If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website.*

Archaeology - response dated 04/09/2013

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for redevelopment/ erection of buildings for mixed use development including offices (class 4), class 1,2,3 Commercial, non-residential institutions (class 10), leisure (class 11) and other associated uses, landscaping/public realm and other associated works.

The site covers a large section of Edinburgh's historic medieval burgh of the Canongate and was the site of the 19th century Gasworks one of the first of its kind in the world. According the site was subject to an extensive programme of archaeological excavation carried out by AOC Archaeology relating to the redevelopment of the former bus station and Caltongate developments (PA2-4).

Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As mentioned as part of the earlier demolition and construction of the Caltongate PA3 Podium most of the archaeological remains have been archaeologically recorded and therefore the majority of this site requires no further archaeological mitigation, other than the necessary undertaking and completion of the post-excavation analysis from these earlier AOC excavations. That said, areas of significant archaeological remains were preserved in situ across the northern third of the site close to Calton road under the foundations of the podium.

Accordingly any proposed new foundations which may extend below the formation of the current Podium may have an archaeological impact requiring appropriate mitigation. There it is essential that detailed foundation designs are submitted prior to development commencing in order that any such archaeological mitigation can be agreed to ensure the excavation, recording and analysis of affected remains. In addition it is noted that the application site extends across and includes the junction of New Street and East market Street. Underlying archaeological remains may be disturbed by ground breaking works in this area and an appropriate archaeological mitigation strategy must be undertaken to excavate and record any such significant remains that may be disturbed.

Lastly given the international importance of the former gas works it is essential that this site is commemorated as part of an archaeological/heritage interpretation strategy, incorporated within the overall landscaping/ public realm strategy for this site and the associated development covered by application 13/03407/FUL.

Accordingly is it is essential that the following condition is attached to this consent to ensure that completion of the programme of archaeological works on this site.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis, publication & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Network Rail - response dated 19/09/2013

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations/piling works and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a fail-safe manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a possession which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

Health + Safety Executive - response dated 25/09/2013

HSE is a statutory consultee on relevant developments within the consultation distance of a major hazard site or a major accident hazard pipeline. Planning authorities should use PADHI+, HSE's on-line software decision support tool, to consult HSE on such applications and produce a letter confirming HSE's advice.

PADHI+ should be used to consult HSE on any developments which meet any of the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- o residential accommodation;*
- o more than 250m² of retail floor space;*
- o more than 500m² of office floor space;*
- o more than 750m² of floor space to be used for an industrial process;*
- o or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.*

HM Explosives Inspectorate should be consulted on any developments which meet the above criteria and which lie within the safeguarding zone of a licensed explosives site.

*The Office for Nuclear Regulation should be consulted on developments within the vicinity of a licensed nuclear installation which meet any of the criteria listed at <http://www.hse.gov.uk/nuclear/land-use-planning.htm>
HSE's FOD Quarries Team should also be consulted if a development is proposed at a quarry, or within 1 kilometre of the agreed planning permission boundary of a quarry.*

To help planning authorities to use PADHI+, a User Guide has been produced, which is available at <http://www.hse.gov.uk/landuseplanning/padhi/index.htm>. It provides information and advice on HSE's role in land use planning and how to use PADHI+, along with several video examples of planning applications being put through PADHI+, showing how it should be used to obtain HSE's advice in each case. If you need any assistance with using the PADHI+ please feel free to contact us on padhisupport@hsl.gsi.gov.uk or telephone 012982 18159.

There is also further information on HSE's land use planning and when to consult PADHI+ can be found here: www.hse.gov.uk/landuseplanning/padhi.pdf

Historic Scotland

Thank you for your letter of 2 September 2013 regarding the above application and its accompanying Environmental Statement (ES), which we received via the Scottish Government Planning Division for our role as a statutory consultee under the terms of the above regulations.

This letter also contains our comments on the planning application itself under the terms of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 for our historic environment interests. That is scheduled monuments and their settings, category A listed buildings and their settings, Inventory gardens and designed landscapes (GDL) and Inventory battlefields.

Historic Scotland's Position

We do not wish to object to the above proposed development. We are satisfied that there will be no significant effects on the site or setting of any heritage assets within our remit. We note that the Environmental Statement findings concur with this view. We are content to agree with these findings and therefore have no further comment to offer.

Historic Scotland's Advice

Please also seek information and advice from your Council's Archaeology and Conservation Service on the adequacy of the assessment of the likely impacts and mitigation proposed for heritage assets, including those of regional and local importance identified in the ES.

www.historic-scotland.gov.uk

SEPA

We have no objection to this planning application. Notwithstanding this, please note the advice provided below.

We will expect Edinburgh City Council to undertake their responsibilities as the Flood Prevention Authority in regards to flood risk.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take account of factors not considered at the planning stage.

Advice for the planning authority

1. Flood Risk

1.1 Review of the Indicative River and Coastal Flood Map (Scotland) shows that the site is not at risk of fluvial/coastal flooding.

1.2 The FRA has identified that the nearest watercourses is 450m away from the site and won't pose a risk of flooding.

1.3 We do not hold any additional information to suggest that the site is at risk from pluvial or groundwater flooding. As a result we offer no objection to the proposed development. It is recommended that contact is made with the flood prevention officer at City of Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

2. Drainage

Foul Drainage

2.1 The applicant is proposing to discharge foul drainage arising from the development to the public drainage network vested by Scottish Water (SW).

2.2 We note that the applicant is dealing directly with SW to confirm that the existing sewerage infrastructure has sufficient capacity to accept the volume of foul drainage arising from this development proposal. We will expect SW to ensure that this connection will not cause or contribute to the operation of existed consented sewer overflows.

Surface Water

2.3 In accordance with the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, also known as The Controlled Activity Regulations (CAR) surface water runoff arising from the hardstanding areas, inclusive of road and roofs will require to be collected, treated and disposed of using sustainable drainage techniques.

2.4 The applicant has outlined within the application that surface water arising from the development will be discharged into the combined system.

2.5 It should be noted that SW only accepts surface water into a combined system in exceptional circumstances. Removing surface water from the combined sewer is beneficial as it, increases capacity in infrastructure for future development and reduces the risk of pollution events.

2.6 Should the application be altered in the future in that surface water will discharge to the water environment then we will expect to be reconsulted. In that instance the applicant will be required to provide SUDS in line with CIRIA 697. For the avoidance of doubt we would outline that the proposed storage tanks mentioned in the accompanying ES, is not recognised as appropriate SUDS and therefore this would not be acceptable by SEPA as a required level of treatment should the normal requirements apply.

2.7 We have observed in the past that once installed such tanks tend to be neglected and not adequately maintained. For that reason the Council should ensure that such issues are addressed as part of any future development management plan. We would suggest that any drainage design at the site should allow for potential future disconnection of surface water (future proofing).

3. Space for waste management provision within site layout

3.1 *Scottish Planning Policy Paragraph 215 states that "residential, commercial and industrial properties should be designed to provide for waste separation and collection." In accordance with this policy and PAN 63 Waste Management Planning, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. Please consult with your local council's waste management team to determine what space requirements are required within the application site layout. Some local authorities have an information sheet setting out space requirements.*

3.2 *The Duty of Care Regulations should be adhered to in relation to any movements of excavated waste off site - waste should be removed using a licensed waste carrier to an appropriately authorised site. Further testing to ascertain if the waste is classified as hazardous may be needed.*

4. *Air quality*

4.1 *The local authority is the responsible authority for local air quality management under the Environment Act 1995, and therefore we recommend that Environmental Health within the local authority be consulted.*

4.2 *They can advise on the need for this development proposal to be assessed alongside other developments that could contribute to an increase in road traffic. They can also advise on potential impacts such as exacerbation of local air pollution, noise and nuisance issues and cumulative impacts of all development in the local area. Further guidance regarding these issues is provided in NSCA guidance (2006) entitled Development Control: Planning for Air Quality.*

5. *Contaminate Land*

5.1 *The Local Authority is the lead authority in relation to contaminated land and we therefore request that you consult your Environmental Services Department and those responsible for implementing the contaminated land regime regarding this proposal. These contaminated land specialists will take a lead on commenting on the planning application,*

5.2 *If the local authority contaminated land officers require further advice on issues relating to the water environment then they should contact our contaminated land specialists directly.*

Detailed advice for the authority/applicant

6. *Flood Risk Caveats & Additional Information*

6.1 *The Indicative River & Coastal Flood Map (Scotland) has been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river cross-sections and low-lying coastal land. The outlines do not account for flooding arising from sources such as surface water runoff, surcharged culverts or drainage systems. The methodology was not designed to quantify the impacts of factors such as flood alleviation measures, buildings and transport infrastructure on flood conveyance & storage. The Indicative River & Coastal Flood Map (Scotland) is designed to be used as a national strategic assessment of flood risk to support planning policy in Scotland. For further information please visit www.sepa.org.uk/flooding/flood_extent_maps.aspx.*

6.2 *Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.*

6.3 *The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the*

phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

7. Sustainable Urban Drainage Systems

7.1 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled *The SUDS Manual*. Advice can also be found in the SEPA Guidance Note *Planning advice on sustainable drainage systems (SUDS)*. Please refer to the SUDS section of our website for details of regulatory requirements.

8. Construction Phase, Pollution Prevention

8.1 Construction works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at www.sepa.org.uk and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

8.2 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

8.3 The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

8.4 We will duly expect the applicant to take all necessary measures are in place to ensure that pollutants typically associated with the construction phase of the project do not cause pollution of the environment, specifically the water environment. This should give particular consideration to contaminated surface water run off arising from earthworks, roads, drainage, compounds, concrete batching facilities and any other associated infrastructure.

8.5 We would therefore expect the applicant to install temporary drainage facilities, inclusive of good housekeeping arrangements to manage this aspect of the project. This is a legal requirement of the Controlled Activity Regulations. The system should comply with the rules detailed in GBR's 10 & 11.

Regulatory advice for the applicant

9. Regulatory requirements

9.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office

Scottish Natural Heritage

Thank you for your consultation of 3 September 2013 regarding the above proposal. The proposal is for the re-development of the land adjacent to New Street in Edinburgh. We note the limited likely impacts on natural heritage interests and therefore we have made some minor comments relating to protected species, aspects of landscape and visual impacts where relevant, and green infrastructure.

Bat surveys

It's noted that Ecology was scoped out of the EIA after a bat survey had been undertaken to determine useage of the area. The comprehensive bat survey did not identify any roosts and determined that the site had limited potential to support bats. Based on these results, a licence would not be required for this development to proceed.

Landscape and visual; Green infrastructure

There will be some degree of change to local views, including those views towards key features of the city's natural heritage. For example, the viewpoint analysis portrays the impact of built development and the changes in the composition of readily available views from city streets and public spaces towards Salisbury Crags, Arthur's Seat, Calton Hill, the Waverley Valley and the coast.

In terms of ameliorating the likely landscape and visual impacts of the proposals and visually breaking up the otherwise medium to large scale, often linear masses created by the main buildings and their rooftops, the proposed roof gardens are likely to have some degree of beneficial effect. We would suggest that the positive appearance of the green roofs within the composition of existing views are portrayed in the submitted photomontages, particularly those derived from the elevated viewpoints such as from Regent Road and Calton Hill (viewpoints 17 and 18).

We support this form of green infrastructure and it is a sensible aspect of this site's design and overall environmental mitigation. We advise that further details of the form and design of planting of the roof should be sought, and this will need to be carefully managed in relation to overall character of the area and with regards to the potential appearance of the planting. There may be further benefits to be gained in extending the use of green roofs elsewhere in the development. For example, further use of green roofs could reduce the mass and linearity of some of the larger buildings proposed elsewhere in both the northern and southern development sites (and as portrayed in the Calton Hill/ Regent Road photomontages) while also enhancing the green infrastructure contribution of the combined development site.

Old Town Community Council - response dated 15/10/2013

The Old Town Community Council wish to strongly OBJECT to the following applications

Ref. 13/03407/FUL and all the associated Listed Building and Conservation Area applications for the redevelopment of 'The Southern Site' and, Ref. 13/03406/FUL for the development of offices and mixed use buildings on the Gap site

We wish to raise objection to both the proposals submitted and the processing of applications.

With regard to the Process.

The consultation period for these major applications has failed to follow the advice and commitments laid out in the new Planning Concordant. The plans were submitted with little support offered to community or public to access these enormous documents or provide summarised interpretation of the proposed buildings and their uses.

There is no processing agreement in place (previous timetables presented during pre-application events have all been subject to slippage).

No development viability statement has been provided and the economic benefits presented are speculative in the extreme and are not supported by independent analysis.

The information submitted does not include sufficient detailed assessments of the traffic and environmental impacts of this development. The traffic statement provides little detail of traffic generation and makes no reference to agreed and planned changes to traffic services and emerging patterns (eg. Royal Mile pedestrianisation and traffic calming measures).

The proposed buildings are described as having a mix of uses but uses are not defined in their layout either geographically or by breakdown of floorspace.

The applications should not have been validated until all the necessary information needed to assess the development had been submitted.

The plans are Major and comprise multiple buildings making it very difficult for the public to access and comment. The lack of publicity and difficulty many have experienced accessing the Council's on-line planning portal have created further barriers for the public to comment on these plans.

It should be noted that the plans generated some 250 comments to just one posting on social media after details were published in the press (the article describing the proposals having been published only one day AFTER the public consultation closed).

The planning process has failed to allow fair opportunity for the public to comment. Many have expressed their objections to this proposal but have had no opportunity to comment through lack of information and access. The planning portal has limited access as public need to log on and limit comments to 2000 characters with the portal 'timing out' repeatedly. In light of these issues, the confusion caused and the limited time afforded for public comment for such a major development comments submitted through social media platforms have been listed at the end of this letter.

With regard to the plans submitted we object to the design, mix of uses and speculative nature of the proposals which, although scaled back slightly from the previous scheme, still fail to meet the economic, social and environmental needs of the area and the City.

The proposed demolitions and partial demolitions do not comply with current Local and National environmental, heritage and sustainability policies, including Edinburgh Local Plan Environment Policies Env 1, Env 2, Env 3, Env 4, Env 5, Env 6, and Env 12.

The proposals do not comply with Edinburgh Local Plan Design Policies Des1, Des 3 and Des

6. The development lies within an Outstanding Conservation Area and should reflect and protect the characteristics, authenticity and quality of design of the area. The proposals are bland 'anywhere' architecture not appropriate in the Old Town.

In particular

The Mix of Uses

There is an over provision of accommodation for transient residents in the area which has led to a worrying decline in the %age of permanent residents. More housing is needed in the city centre and in this locality in particular. The need to adapt the Local Plan and local supplementary planning guidance (eg. Masterplans and development briefs) has been the subject of responses to the Local Plan and other local Action Plans.

The number of hotels is excessive for the site. The previous consent permitted a 210 bed hotel. The proposals now include an additional two more hotels taking the proposed bed space to 403. The previous scheme included some affordable housing on East Market St and within the McRae tenements on the Canongate, these have now been deleted from the plans.

Recent Business Bulletin on Hotel provision stated provision was now at 188% of that required. The developments at Cowgate and Advocates Close have seen hotel development expand, at Advocates Close this was accomplished through the deletion of over 80 new flats.

There is a potentially excessive level of bad neighbour developments planned (hot food takeaways, bars, nightclubs, restaurants etc). It is not possible to assess the cumulative impact of these uses on neighbouring residential streets and properties as the plans do not detail the size or location of each use.

Retail uses are included as one of a number of uses for each block.

The range of uses 'planned' for each unit covers Classes 1(retail),2 (professional services/office), 3(food and drink), 4 (office), 7(hotels and hostels), 8 (residential institutions), 10 (non residential institutions) and 11 (assembly and leisure) as well as other unclassified uses. As these uses have differing servicing and transport requirements it is impossible to ensure an appropriate mix is delivered for each part of the site or control the impact of such uses.

The Design of the buildings

The overall design is bland and oversized. There is a monotony about the design which could be better handled by using a wider range of architectural styles and finer grain to the blocks of new build. The existing listed and unlisted buildings are capable of being restored and reused without the large scale demolitions proposed on the Royal Mile and the unnecessary demolitions and additions of glass extensions to the Listed Buildings on East Market Street.

The two hotel blocks proposed on East Market St are too high and over dominant, they impact negatively on the Listed Canongate Venture and its setting as well as on key views through the Waverley Valley obscuring the spine of the Royal Mile, Canongate Venture and other Listed Buildings and landmarks. The Blocks will overshadow neighbouring properties and the Canongate Venture.

The excessive pend to be created on the Canongate is completely unnecessary for a pedestrian only route and will have a hugely negative impact on the appearance of the Royal Mile.

The design of each block is architecturally more in keeping with the form and scale of the New Town.

The finishings and building materials are not sympathetic to the Old Town and will create further damage to the integrity of the World Heritage Site.

The inappropriateness of the design has been described most accurately in letters of objection from both the Cockburn Association and AHSS.

The public realm

The proposal claims to improve public realm but the planned public square and Parliament Way will be privately owned and managed. The management team will have control over access, traffic and servicing of buildings around the square negotiated by private arrangement/fees and it is unclear which other roads (eg. Residential Street) will also be 'managed' by a private company or be adopted by the Roads Authority.

We still believe the public square is one of the key failures of the proposals as the layout will create an unpleasant windy uniform space which is mostly in shadow, the purpose as an alternative pedestrian route remains questionable particularly as the Royal Mile Action plan is now focussed on improving the pedestrian route along the Royal Mile. Whilst the inclusion of new routes and connections through the area is to be encouraged the creation of public realm in this location should support the traditional pattern of small courtyards linked through closes and wynds connecting streets and spaces at different levels.

There is a need for human scale, well designed green public spaces but the proposed public realm works fail to achieve this and the plans not only fail to improve the pedestrian environment on North New St but the traffic and servicing planned and office uses proposed will result in a further deterioration of the environment and safety around the New St Calton Road junction.

The public square and repaving of streets offers little improvement to existing traffic routes and do little to support the planned pedestrianisation and other works proposed in the Royal Mile Action Plan.

The proposals also describe the internal ground floor space of Canongate Venture as public realm whilst the proposed redevelopment of the playground will significantly reduce existing public realm.

The development of the land in front of the Arches (west Cranston St) will also reduce public realm. This area was identified by many stakeholders throughout the pre-application consultation as a sheltered sunny space which is more suited for creating a successful landscaped area of public space.

In conclusion we respectfully request that further amendments and consultation is carried out to ensure the finalised plans fulfil the needs and aspirations of the

community for a truly sustainable example of mixed use city centre development that meets the urgent needs of the local community and supports the City's wider aims.

This is a World Heritage Site and the development should provide an exemplar of resilient redevelopment which accords with the most recent guidance and policies on placemaking, heritage, conservation and sustainability.

This ill fated protracted speculative development has worn down the local community and through the process of attrition there are those within the community who have given up while others are of the opinion that anything would be better than the blighted gap site. However, in spite of the delay in development it is only proper for such a development that thorough public consultation is carried out.

The Council have shown much favour to private development interests throughout the process, neglecting their primary duty to serve the public, that the credibility of both the Council and this master plan is fundamentally in question.

Given the outstanding World Heritage location, the controversial sale of public listed assets through confidential closed transactions is a glaring example of Council failure when these sales cannot show themselves to represent Best Value for what is a magnificent opportunity for sensitive, world class redevelopment.

Consideration should be given to the comments received through social media in response to the Scotsman article published after the consultation closed (see appendix 1 below)

The OTCC request further full consultation on any amendments and the additional information required (eg. Transport assessment, break down and distribution of uses, and development viability statements).

Flooding

il refer to the above planning application and would comment as follows:

1. The Environmental Statement includes, in technical appendix 13 section 11.1, a flood risk and drainage impact assessment. This demonstrates an intention to include a sustainable drainage system, however there are factors which prevent the current documents from being fully acceptable.
2. It is proposed that tanked storage be provided to allow attenuation for runoff in an event of 200yr return period. This would be acceptable; however this volume depends on the discharge rate being the 5l/s/ha which Scottish Water have previously accepted.
3. Scottish Water have indicated that there may be capacity issues with the existing sewer network, and have the right to insist that the developer fund upgrading works should that be necessary. Since there is a history of sewer flooding in the area downstream of this development, I would share Scottish water's reservations.
4. It is not normal practice for Scottish Water to discuss the details of a drainage impact assessment until a development has been granted planning consent. However if Scottish Water subsequently require the developer to reduce the discharge into the sewer, the developer may require to significantly increase the volume of storage required. That may pose significant problems once consent has been granted.
5. The drainage impact assessment appears to assume that the attenuation required will include whatever is necessary for the adjacent site (application number

13/03407/FUL). That would be a responsible course of action. It shows an indicative location of underground runoff storage tanks being on the boundary of the two sites. Due to the potential difficulties in incorporating this into a development of this kind, I would recommend that both applications should include a more detailed outline design of the drainage system.

6. This site is close to an area which is predicted to have a high risk of surface water flooding. Since the nearest watercourse is 1.5km away, as indicated in the drainage assessment, it is unlikely that an alternative outfall to Scottish water's combined sewer will be available. I would therefore recommend that an agreement should be made with Scottish Water regarding the drainage strategy for this development before planning consent is granted.

Environmental Health

The applicant proposes redevelopment of the derelict site south of Calton Road/ adjacent to New Street area (part of the previous Caltongate site) for a mixed use development of offices (Class 2 & 4), retail (Class 1), food and drink establishments (Class 3), non-residential institutions (Class 10), leisure (Class 11) and other associated uses including landscape and public realm.

The area has existing planning permission for mixed use development previously consented in 2008 (and renewed in 2013). The applicant states that the principal reasoning for the submission of this detailed planning application is to break up the originally proposed single office atrium building into a number of buildings. The reason for this is principally commercial, to deliver a greater flexibility of commercial space. Therefore some of the proposed uses with this application are speculative, in so far that it is not clear whether they will be taken up.

In addition to the principal class 4 office use, the plans propose to allow Use Class 1, 2 and 3 fronting the new public square and Class 1, 2, 3, 4, 10 and 11 uses to the rear (north) of these units and at the lower level.

Adjacent to the application site there are a number of different uses, including sensitive uses as residential (existing and proposed) and offices.

Environmental Assessment has considered the proposal in terms of the environmental impact relating to noise, air quality and odour, which have the potential to impact adversely on the surround environment and local residents.

The existing planning permission (for Caltongate) is a material consideration that establishes the principle of office development, of a similar scale, height and massing to that now proposed as part of this detail planning application.

The previously consented development proposals on the site were subject to an Environmental Impact Assessment as part of the Environmental Statement (ES) prepared for the Caltongate Development. Although this current application is similar to the previous the general the scale of the development has been reduced. It was therefore agreed that it was appropriate to refer to the findings of previous ES to identify some issues that are not expected to result in significant adverse environmental impacts. This included elements of noise and vibration and air quality impacts (discussed in more detail below).

Construction Environmental Management

The construction phase of the development which may last for a number of years has the potential to have adverse impact on neighbouring residents in respect to noise and dust. Construction processes are also capable of reducing local air quality having regard to dust and direct emissions from vehicles and plant/equipment.

The ES details some potential effects and mitigation measures in respect to this, however there needs to be more detail and ultimately agreement on this approach. For example, what construction traffic route will be used and has impact on air quality been considered? Also the generation of exhaust emissions from lorries has been identified but no mitigations measures are specified. Emissions from plant/equipment and monitoring strategies including action levels are not mentioned. Also some of the noise mitigation requires further consideration. Should planning permission be granted, it is recommended that a condition be put on any consent to ensure agreement of an appropriate CEM Plan with the Local Authority. Good practice guidance needs to be considered.

Noise, Vibration & Odour

The amount of plant and equipment associated with the end uses is substantial. Numerous extraction/air intake units are located on the roofs of the buildings. It is therefore recommended that a condition is attached to any planning permission given, to ensure that noise impact assessments are carried out prior to commencement of development, when details of the operation are known. In addition a condition requiring the control of this noise to be limited to NR (Noise Rating) 25 should also be attached.

The uptake of Class 10 (Non-residential) or Class 11 (leisure) use could see various noisy activities located adjacent to the residential use which extends along the east of the site, without a full assessment of the noise implications. As it is not clear whether or not these Uses will actually be taken up, a number of conditions are recommended. For Class 10 this includes the need to carry out a detailed noise impact assessment should the use be taken up. For Class 11 a condition restricting the use which could extend to extremely noise activity such as discotheques/dance hall, concert halls, bingo hall or casino to gymnasium use only is recommended.

The external area of the building for the purpose of Class 3 (Food and Drink) use could have adverse impact on neighbouring residential properties, therefore an informative is recommended to advise control of the land use during certain times (in line with the previous consent).

In addition, to protect nearby residents from odours from cooking effluvia associated with commercial restaurant(s) (under Class 3 use), a condition is recommended to ensure that details of the kitchen ventilation are submitted and agreed by the Local Authority before the use is taken up. The applicant has been advised that certain criteria needs to be met with regards these systems.

Noise from the servicing of commercial units including early morning deliveries or bin collections, can have an adverse impact on residential amenity in terms of noise. Plus heavy polluting vehicles can degrade air quality. It is noted that some minor servicing will be undertaken from the new residential street, therefore there may be the potential for some conflict here. It is also noted that a servicing strategy is to be developed for the site. An informative should be put on any permission given to ensure that this strategy aims to protect residential amenity, in respect to noise and air quality.

The planning application refers to the potential for Uses to change to public house use without further recourse to the Planning system. Due to the fact that public house use has the potential to impact adversely on residential amenity, a full assessment of the conditions of the use would need to be undertaken i.e. its precise location, the noise impact and any mitigation measures needed. It is therefore recommended that change be restricted, under the terms of this application.

Air Quality

Where a proposed development is likely to give rise to significant air quality impacts on the surrounding area or be impacted upon by existing poor air quality, the planning process requires assessment of the impacts and the introduction of measures to minimise any adverse impacts. National planning policy requires particular attention to be paid to development within or close to areas formally designated as air quality management areas (AQMA) (Planning Advice Note 51).

This site is located approximately 300m east of the Central AQMA. The Caltongate ES demonstrated that existing air quality is compliant with guidelines, and therefore the proposed development would not result in introduction of new sensitive receptors (i.e. people in the proposed new buildings) into an area of poor air quality. The Caltongate ES also found that traffic associated with the proposed development would not result in a significant reduction in air quality on roads around the site. The current proposed developments are smaller in scale than those assessed in the Caltongate ES, have reduced car parking provision and would generate less traffic, so are not predicted to result in a significant reduction in air quality.

Nevertheless the Local Authority continues to identify area of poor air quality in respect to traffic pollution and since the previous scheme was consented there have been extensions to the Central AQMA - in the Cowgate (400m south west of the site) and London Road (approximately 800m to the north east) relating to road traffic pollution.

The Council is currently considering options around Low Emission Zones (LEZs) in the City¹ and in addition a number of other developments in close proximity to the site, some of which were major developments (such as St James' Centre), are likely to have changed the baseline information for an air quality impact assessment since the previous consent.

Following an instruction by the Transport and Environment Committee in November 2012 and the "Developing a New Local Transport Strategy: Issues for Review", considered by the same Committee on 15 January 2013.

It is therefore recommended that the applicant considers mitigations in respect of air quality. Environmental Assessment encourages the applicant to keep parking numbers to a minimum and make provisions for electric vehicle (EV) charging. It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of electric charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- * Dedicated parking spaces with charging facilities.*
- * Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Environmental Assessment recommends that at least one Electric vehicle charging outlet should be of the following standard and an informative is recommended in this respect:

70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

It should be noted that support is available to Scottish businesses to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.

Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

Other transport related mitigation measures should also be considered in consultation with the Local Authorities guidance. Contributions should be sought to support the City Car Club and development of electric vehicle on-street charging explored.

A range of 'Smarter Choices' also need to be considered to mitigate against air quality and provide support of the Local Authorities Transport policies. In conjunction with Transport Planning team, the applicant would need to develop appropriate travel plans and promote public transport, cycling and walking.

Conclusion

Environmental Assessment recommends approval of the application subject to the following conditions and informatives;

General conditions covering the entire site;

Prior to the commencement of construction works on site, details of a Construction Environmental Management Plan shall be submitted for written approval by the Head of Planning and Building Standards. Construction work shall be undertaken in respect to the Plan.

Notwithstanding the approved plans, the use of any part of any premises for public house or other sui generis use will require a further planning application.

Prior to the commencement of works on the site, details demonstrating that noise from the associated plant complies with NR25 as measured within any neighbouring living apartment. All details shall be submitted for written approval by the Planning Authority.

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 from any nearby living apartment.

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.

Class 3 Food and Drink

Prior to the uptake of Class 3 use, the applicant shall submit details of the kitchen's ventilation system, which shall be capable of achieving 30 air changes per hour, and 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 Planning Authority. The ventilation systems shall be installed, tested and operational, prior to the use hereby approved being taken up.

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.

Class 10 Non Residential Institutions

Prior to the use being taken up, the applicant shall submit details of a noise impact assessment including mitigations measure where necessary, for approval in writing by the Planning Authority. The scheme approved shall be incorporated into the development.

Class 11 Leisure

The use shall be restricted to gymnasium purposes only. Any changes to this use must be applied for through the planning application process to the Planning Authority.

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.

Informatives;

** A servicing strategy is to be developed for the site. Prior to the commencement of operations, details of the strategy shall be agreed by the Head of Planning and Building Standards.*

** For Class 3 use, consideration should be given to restrict the use of the external eating area to between the hours of 0800 to 2100 hours Monday to Saturday and 0900 to 1900 hours Sunday.*

** Electric Vehicle charging outlet(s) should be of the following standard:*

70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

Edinburgh Urban Design Panel

Report of meeting held at Lothian Chambers on 24 April 13

Caltongate - New Street Site

Executive Summary

The Panel welcomes the revised proposals for this site. The intention to break the originally proposed building up will help connectivity and the ability of the proposal to integrate into the pattern of historic development in the Old Town. The Panel encourages the design team to develop the scheme further taking care to ensure the detail of it helps deliver the design intent that has been expressed by the team.

Main Report

1. Introduction

1.1 This report relates to proposals for a mixed use development on New Street. It is part of the development which stretches along East Market Street known as Caltongate.

1.2 The brief for the current project envisages offices on upper floors and a mix of uses in order to help provide activity to streets and spaces at the ground floor levels of the building.

1.3 This is the first time that the proposals for this site have been reviewed in detail. The Panel also reviewed proposals for the wider Caltongate site at its meeting of 23 January 2013. While the proposals for this particular part of the site were not discussed in detail, the principle of breaking up the previously proposed large footprint single buildings was supported. It was accepted that this would help the proposals integrate into the wider urban design of the area since it is characterised by buildings that tend to be smaller in footprint. This has now been done.

1.4 No declarations of interest were made by any Panel members in relation to this scheme.

1.5 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.

1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

2 Form of development

2.1 In relation to the consented scheme, the proposal to break the building up into two individual elements separated by an east west street is a significant improvement. The additional street will help connectivity between Calton Road and New Street. The buildings will have better potential to adjust to the topography of the site. The pattern of development created will fit better with that of the grain of buildings in the Old Town.

3 Scale

3.1 Providing the buildings with a human scale is very important. The breaking of the building up in two parts helps with this.

3.2 Giving the buildings a human scale should be a key aim when developing the design and detail of the elevations.

3.3 The elevations running north / south need to respond to relatively steep gradients. It will be important to ensure that there is good visual connectivity between the ground floor of the building along the north / south streets to ensure that it does not have the appearance of being floated above.

4 The square, streets and connectivity

4.1 The sloping site is challenging but the advantages provided by it should be embraced. This is particularly the case at the square where the level change along New Street gives an opportunity for an interesting design response to the square. At present, it is not clear that the level of the square is optimised in terms of minimising the need for steps to the south west corner and ensuring barrier free circulation from New Street.

4.2 A landscape architect should be engaged. Their expertise will help unlock the potential of the design of external spaces - including the square.

4.3 Making the square and the streets around it publicly accessible is welcomed. In relation to this, it is important that all people feel welcome within the development. Therefore, any development of the design which creates the impression that the outside space is privatised would be regrettable. Sterility should be avoided if people are to feel adequately engaged with the space and the development.

4.4 In considering connectivity, as noted above, the proposed additional street is welcomed. This will allow people coming from the north east avoid the Calton Road / New Street railway bridge which is currently unpleasant for pedestrians.

4.5 Improvements to this area should also be considered with the aim of making it more attractive to people on foot. Tree planting is something that may help with this through softening its appearance.

4.6 As well as improving pedestrian connectivity, the connectivity for cyclists should be prioritised.

5 Activity and uses

5.1 The success of the development in urban design terms is directly related to the activity that it can provide at street level. Having uses like cafes, shops and so on onto the square are fully supported by the Panel. Giving over more accommodation to uses like these is therefore strongly advocated.

5.2 Because of the level changes, it is more difficult to do this on New Street. However, the design should aim to bring activity. A use like a gym would be a good way of doing this.

6 Residential amenity

6.1 The proposed nearby housing (to the east) will be affected by the proposal. With this in mind, care should be taken to ensure that residential amenity is adequately provided for / protected.

6.2 The street to the east of this site should therefore be considered as a whole rather than only in relation to this proposal.

7 Security

7.1 In relation to community safety, the proposals are welcomed.

7.2 The passive surveillance provided by the proposed uses around the square and streets will help ensure security.

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7.3 In developing the design, consideration should be given to how the development and the spaces and streets within and around it will be used throughout the day and night. It is understood that uses like nightclubs are not proposed.

8 Views

8.1 *It is important to consider the scheme in the context of the wider city centre. In doing this it will be important to see how the proposal relates to this context using visual analysis and in particular its impact views.*

9 Recommendations

9.1 *In developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:*

The breaking up of the originally proposed building into two (or more) elements.

The proposed mix of uses - particularly those uses which encourage activity at ground level

9.2 *In developing the proposals the Panel suggests the following matters should be considered:*

Development of the elevations and form of the buildings to ensure these have a human scale.

Further development of the square to ensure its urban design potential is maximised.

Consideration of connectivity for cyclists.

The potential impacts on residential amenity on neighbouring sites.

Community safety throughout the day and night.

Transport

The Tram contribution remains capped at £50,000 as in the existing legal agreement.

Prior to the issuing of consent the applicant to enter into a suitable legal agreement or amend/add to the existing agreement to make provision for the following:

Meet the cost for the provision of 3 car club vehicles within the development site the cost includes for the promotion of traffic Regulation Order to provide 3 spaces for the siting of the vehicles. The maximum cost will be £18,000 payable on commencement of site development.

Junction Works - note: New Street/ Canongate and New Street/East Market Street

The developer shall submit to the Head of Transport the design for New Street including junction details for

(a) East Market Street/New Street junction.

(b) New Street/ Canongate junction.

This design is required as submission in support of the application for Traffic Regulation Order affecting the new movements for New Street, including pedestrian movements.

New Street Rail Bridge - Collision

A plan showing a route through the development roads for vehicles in the event of the New Street rail Bridge becoming blocked. The proposed route shall be built to adoptable standards.

Travel Plan

A travel plan shall be submitted for the Hotel Development. The plans management agreement shall be agreed and in place prior to the hotel opening to the public.

Condition

Cycle parking to conform to current parking standards to be provided for each element of the development and to be secure and under cover in addition general cycle parking to be provided the location and numbers to be agreed with the Head of Transport (Reason to encourage a more sustainable mode of transport for both employees and visitors to the development)

Informatives

The developer is encourages to provide vehicle electric charging points within the development site for use by both development users and the public.

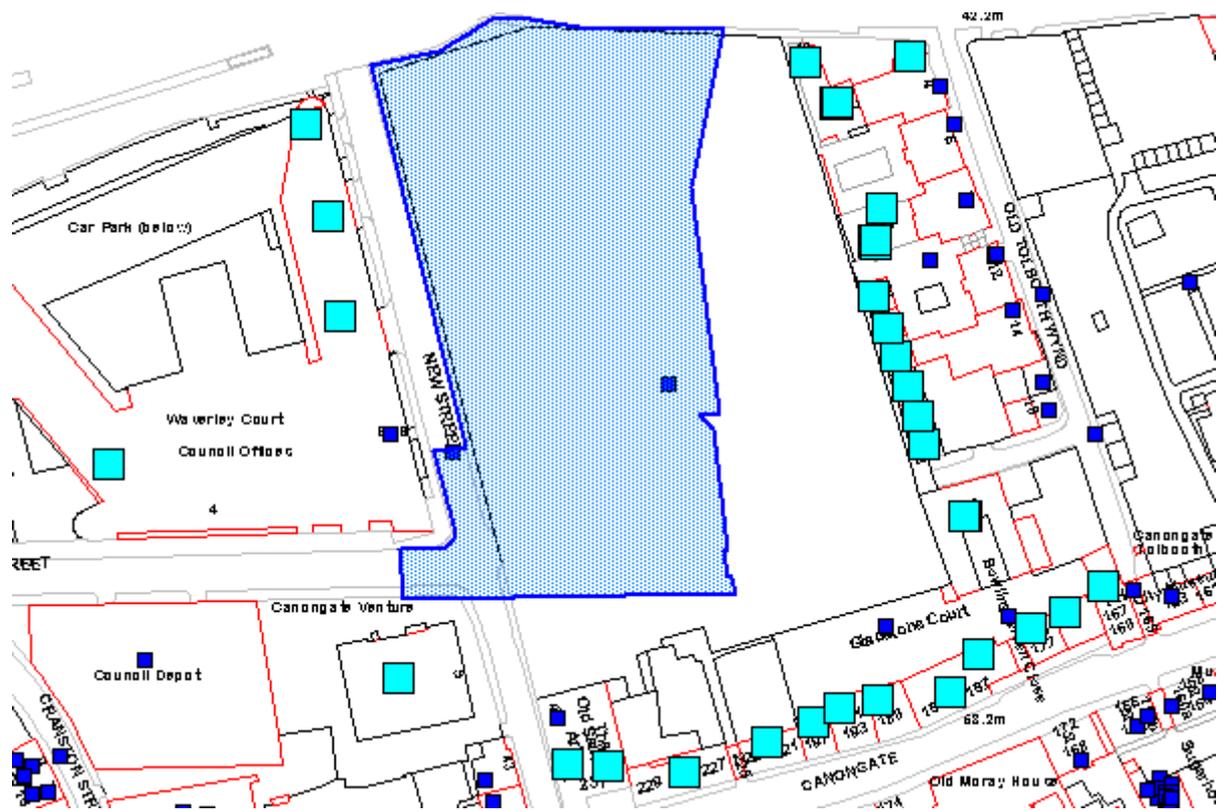
Lighting

Lighting associated with the road/footway system that is deemed to be prospectively adopted to be agreed with the department lighting officer.

Alterations to the existing road layout - New Street/East Market Street and Canongate may result in changes to the existing lighting levels. The lighting engineer will be consulted on design changes affecting these roads and the developer will meet the cost of any alterations needed to maintain lighting standards.

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.

Location Plan



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