

Development Management Sub Committee

Wednesday 29 January 2014

**Application for Planning Permission 13/03407/FUL
At Land Adjacent To New Street, 2, 4, 5 New Street, 221, 223,
227, 231 Canongate,
Redevelopment/demolition/erection of buildings for mixed
use development comprising class 7 hotels, class 1, 2, 3
commercial, class 4 business, community uses (class 8 &
10), leisure (class 11), other associated uses,
landscaping/public realm and other associated works.**

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

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITD11, CITE1, CITE2, CITE3, CITE4, CITE5, CITE6, CITE7, CITE8, CITE9, CITE12, CITE16, CITE17, CITE18, CITOS3, CITH6, CITH8, CITCO1, CITCO2, CITEM1, CITEM3, CITEM4, CITR6, CITT1, CITT2, CITT3, CITT4, CITT5, CITI4, CITI6, CITCA1, NSG, NSART, NSDCAH, NSESBA, NSGD02, NSGESS, NSLBCA, NSMDV, NSP, CRPOLD, CRPWHS,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Paton, Planning Officer

E-mail: jennifer.paton@edinburgh.gov.uk Tel: 0131 529 6473

Executive summary

**Application for Planning Permission 13/03407/FUL
At Land Adjacent To New Street, 2, 4, 5 New Street, 221, 223,
227, 231 Canongate,
Redevelopment/demolition/erection of buildings for mixed
use development comprising class 7 hotels, class 1, 2, 3
commercial, class 4 business, community uses (class 8 &
10), leisure (class 11), other associated uses,
landscaping/public 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 hotel 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 5 October 2012 (Reference: 12/03624/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 29, 30 October 2012 and 3 November 2012 with an interactive workshop on 2 November 2012. A second public event 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 January 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. Thirty letters of representation have been received including letters from the Edinburgh Old Town Development Trust, The Cockburn Association and one from The Architectural Heritage Society of Scotland. revised plans were submitted on 26 November 2013. The revised proposals did not introduce any material changes and no further public consultation was undertaken. The Old Town Community Council objected to the application. Their comments can be viewed in detail in the consultation section.

Material Representations

The representations raised the following material issues:

Support

- Improvement over the proposal submitted by Mountgrange
- Welcome retention of Canongate Venture
- Welcome retention of Cranston Street on alignment

Objections

- Poor location of the affordable housing
- no private or social housing or small businesses
- Lack of provision for community, no local shops and cultural activities
- lack of support for cultural activities
- Poor for the economy of the area
- Concern re vehicular movement and service access
- No cycle parking for visitors and customers
- The development is vague, not enough information on what specific buildings in the development will be used for, an outline permission, speculative development
- Too much focus on tourists
- Will create a corporate ghetto
- No sense of place
- The design shows lack of flexibility in building uses, unsustainable in economic and environmental terms
- Will result in loss of World Heritage Status/disastrous effect on World Heritage Site
- Design of buildings is homogeneous repetitive character
- Out of character with the Old Town, does not preserve spatial characteristic
- Poor choice of materials
- The public square will be overshadowed and exposed to winds, fails to take account of microclimate and topography
- New Town neo-classical spaces onto a medieval pattern
- Two storey high pend out of character -weakens spatial enclosure
- The glazing structure will obscure the Jeffrey Street Arches
- Contrary to ECLP policies ENV 1,2,3,4,5 and 6 and DES 1,3 and 6.
- Adverse impact on Canongate Venture, will affect the setting of the listed building
- Lack of sheltered public green spaces
- Concern regarding demolition of Sailors Ark and the Ebenezer Macrae tenements
- Late night noise and disturbance to existing residents
- The sunlight assessment for the square is inaccurate
- Night time lighting impact

Non Material Representations

- Council ownership of part of the site will influence land sale and contract
- Developers will sell on the land with the benefit of planning permission
- Objection to the management of the development area by a private security company

The Old Town Community Council objected to the application. Their detailed comments can be viewed in detail in the consultation section; in summary they relate to process, appropriateness of the mixed use, design of buildings, public realm and pedestrian connections.

Background reading / external references

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

Application for Planning Permission 13/03407/FUL At Land Adjacent To New Street, 2, 4, 5 New Street, 221, 223, 227, 231 Canongate, Redevelopment/demolition/erection of buildings for mixed use development comprising class 7 hotels, class 1, 2, 3 commercial, class 4 business, community uses (class 8 & 10), leisure (class 11), other associated uses, landscaping/public realm and other associated works.

1. Background

1.1 Site description

The application site, referred to as the Caltongate South, covers an area of approximately 1.5ha. To the east of New Street, the site includes the south western corner of the former bus depot site together with buildings fronting onto Canongate including the Old Sailor's Ark, category C listed building (ref:-46707, listed 1/2/00) and the MacRae tenements. To the west of New Street, the site extends on the south side of East Market Street to Cranston Street, including the Canongate Venture building, category c listed building (ref:-29393 listed 13/8/87) together with surrounding playground and the former CEC vehicle maintenance building on East Market Street. West of Cranston Street, the site includes the Jeffrey Street Arches, category c listed building (ref:-49085 listed 24/1/03) which occupy space under Jeffrey Street, and disused land between the Jeffrey Street Arches and Cranston Street. The Arches are mainly vacant with some used ad-hoc for storage. The Canongate Venture was last used as start up business units, however over the last four to five years it has been used ad hoc for community meetings and the last temporary user last summer was by an artist. The building has since been closed to the public. The vehicle depot has been recently been used for storage by the election team.

To the south of the site, the Canongate, runs east to west. There are a number of listed buildings surrounding the site including properties in Jeffrey Street, Cranston Street (5a,7,9 Cranston Street, B listed ref 29192, listed 13/8/87) and on Canongate.

The remainder of the former bus depot site, extending to 0.85ha, is subject to a parallel planning application known as Caltongate North, application reference number 13/03406/FUL.

Planning permission was granted on the Caltongate North site for office, retail, food and drink, financial and professional services, and business use. This included a podium and ground source heating and cooling system (application number 07/01287/FUL, this was renewed in May 2013 (application number 13/00088/FUL).

As part of the consented Caltongate North development, planning permission exists for the construction of a development podium (a concrete substructure to be used as foundations for the buildings above). It is proposed to implement that planning

permission (PA2) (application reference number 07/00101/FUL) as renewed in May 2013 (application number 13/00085/FUL).

Planning permission was granted for residential development on the eastern part of the site, (PA4) (application reference 07/04400/FUL). It is proposed to implement this permission as renewed in May 2013 (application number 13/00090/FUL).

The site is within the Edinburgh World Heritage Site.
This property is located within the Old Town Conservation Area.

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 on Caltongate North (application number 07/00101/FUL).

10 July 2008 - conservation area consent granted for demolition of building and boundary wall (as amended) at East Market Street/Cranston Street (application number 07/01290/CON).

10 July 2008 - conservation area consent granted for demolition of buildings with part retained facade at 227-229 Canongate (application number 07/01206/CON).

10 July 2008 - listed building consent granted for the demolition of building, boundary walls and gatepiers at 5 New Street (application number 07/01208/LBC).

10 July 2008 - listed building consent granted for the demolition of building with part retained Canongate and New Street facade at 231 Canongate (application number 07/01231/FUL).

10 July 2008 - listed building consent was granted for internal and external alterations of arches, and erection of new building (as amended) at Jeffrey Street Arches/Jeffrey Street Market Street (application number 07/01289/LBC).

10 July 2008 - listed building consent was granted for internal and external alterations, including to gable wall (north elevation) and internal walls at 5a,7 and 9 Cranston Street (application number 07/01207/LBC).

30 October 2008 - planning permission was granted for the erection of buildings for residential and business (Class 4) and/or community facility, and retail (Class1) and/or food + drink(Class 3) purposes PA4A (application number 07/04400/FUL).

30 October 2008 - planning permission was granted for the redevelopment and erection of buildings (including bridge link over New Street), with part retained facades, for use as hotel and conference centre, retail (class 1), car parking, access, servicing area, open space and landscaping including public square, work to south end of New Street, and associated works PA5 (as amended) (application number 07/01237/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) use, retail (Class 1) and/or food and drink (class 3)

use and retail (class 1), financial and professional services (Class2) and/or business (class 4) use. Podium structure (including ground source heating and cooling system), car parking, access, open space and landscaping including public square, works to south end of New Street, and associate works PA3 (as amended) (application number 07/01287/FUL).

30 October 2008 - Planning permission was granted for "Redevelopment and erection of buildings for residential flats, offices, alternative office and/or community facility and retail (class 1) use, access and servicing area. Realignment and alterations of Cranston Street PA6 (as amended) " (application number 07/01288/FUL).

30 October 2008 - Planning permission was granted for "Redevelopment, alterations and change of use of arches (19-24) and erection of buildings for use as offices, retail (class 1), restaurant/bar and leisure (class 11), access, open space, landscaping and associated works. External alterations and change of use of arches (1-18) for food and drink purposes (class 3) and alternative use for retail (class 1) and/or business (class 4) purposes. Realignment and alterations to Cranston Street, External alterations to 5a-9 Cranston Street and change of use to residential and offices, and alternative use of ground floor (9 Cranston Street) for retail (class 1) financial and professional service (class 2) and/or business (class 4) purposes." PA7 (application number 07/01241/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.

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of planning permission 07/04400/FUL to extend the time period for commencement of development (PA4A) (application number 12/03621/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of planning permission 07/01237/FUL to extend time period for commencement of development (PA5) (application number 12/03622/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of planning permission 07/01288/FUL to extend time period for commencement of development (PA6) (application number 12/03623/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for the redevelopment/demolition/erection of buildings for mixed use development including potential residential; office; hotel; class 1,2,3 commercial; leisure; and/or community uses and other associated uses and works (application number 12/03624/PAN).

5 October 2012 - a Proposal of Application Notice was submitted for a Section 42 application to vary condition 1 of planning permission 07/01241/FUL to extend time period for commencement of development (PA7) (application number 12/03625/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 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 Section 42 application to vary certain pre-commencement conditions attached to planning permission 07/01287/FUL to allow

phased implementation of consent - Condition 2 (Archaeology); Condition 4 (Sustainability Management System); Condition 6 (Construction Details); Condition 7 (Sustainability Management System); and Condition 21 (Boundary Treatments)(application number 12/03629/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 07/04400/FUL to allow phased commencement (application number 12/03631/PAN).

22 March 2013 - consent was granted under section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for variation of condition 1 of listed building consent 07/01289/LBC to allow additional time for works to commence at Jeffrey Street/Market Street/ Jeffrey Street Arches (application number 13/00102/LBC).

22 March 2013 - consent was granted under section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for variation of condition 1 of listed building consent 07/01207/LBC to allow additional time for works to commence at 5A - 7-9 Cranston Street (application number 13/00107/LBC).

15 April 2013 - planning permission was granted to vary condition 1 of planning permission 07/01290/CON East Market Street/Cranston Street (application number 13/00103/CON).

15 April 2013 - planning permission was granted to vary condition 1 of planning permission 07/01206/CON 227-229 Canongate (application number 13/00106/CON).

18 April 2013 - consent was granted under section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for variation of condition 1 of listed building consent 07/01208/LBC to allow additional time for works to commence at 5 New Street (application number 13/00100/LBC).

18 April 2013 - consent was granted under section 17 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 for variation of condition 1 of the listed building consent 07/01231/LBC to allow additional time for works to commence at 231 Canongate(application number 13/00101/LBC).

22 May 2013 - planning permission was granted for a Section 42 Application to vary condition 1 of planning permission 07/00101/FUL (PA 2) (application number 13/00085/FUL).

22 May 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).

22 May 2013 - planning permission was granted for a Section 42 Application to vary condition 1 of planning permission 07/04400/FUL (PA4a) (application number 13/00090/FUL).

22 May 2013 - planning permission was granted for a Section 42 Application to vary condition 1 of planning permission 07/01237/FUL (PA5) (application number 13/00091/FUL).

22 May 2013 - planning permission was granted for a Section 42 application to vary condition 1 of planning permission 07/01288/FUL (PA6) (application number 13/00092/FUL).

22 May 2013 - planning permission was granted for a Section 42 application to vary condition 1 of planning permission 07/01241/FUL (PA7) (application number 13/00093/FUL).

22 May 2013 - planning permission was granted for a Section 42 application to vary Condition 3 (Archaeology) and Condition 5 (Boundary Treatment and Footway Details) of Planning Permission 07/00101/FUL (PA2) (application number 13/00094/FUL).

22 May 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 (PA5) (application number 13/00095/FUL).

22 May 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 17 (Boundary Treatments) of planning permission 07/04400/FUL (application number 13/00096/FUL).

The application is part of a number of applications for planning permission, listed building consent and conservation area consent:

23 August 2013 - application submitted 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, on site referred to as Caltongate North (application number 13/03406/FUL).

23 August 2013 - application submitted for listed building consent for internal and external alterations to arches and erection of new building to west of Cranston Street abutting arches at Land at East Market Street, 1 to 15 East Market Street, 16-24A Cranston Street Edinburgh (application number 13/03405/LBC).

23 August 2013 application submitted for listed building consent for alterations to building, boundary walls and gatepiers including removal of existing plinth and new additions to building at 5 New Street (application number 13/03399/LBC).

23 August 2013 - application submitted for listed building consent for part demolition/part retention of building with part retained Canongate and New Street facade at 2,4 New Street/221,223,227,229,231 Canongate (application number 13/03400/LBC).

23 August 2013 - application submitted for conservation area consent for demolition of building and boundary wall at CEC Depot , East Market Street (application number 13/03402/CON).

23 August 2013 - application submitted for conservation area consent for part demolition of buildings with part retained facade at 221, 223, 227, 229 Canongate (application number 13/03403/CON).

2. Main report

2.1 Description Of The Proposal

The proposal is for a mixed use development totalling floorspace of 21,195 square metres. The principal use will be hotel use of 15,572 square metres split between the proposed Royal Mile Hotel and two hotels on East Market Street providing a total of 403 bed spaces. The remaining 5,623 square metres of floorspace at ground floor level, the Jeffrey Street Arches and the Canongate Venture will accommodate mixed commercial use. These uses include a wide range of uses; class 1: retail, class 2: financial/professional services, class 3: food and drink, class 7: hotel, and class 11: assembly and leisure. The application also seeks an element of public house use within the development.

The proposal includes the narrowing of the New Street carriageway to create a one way route south bound to Canongate with increased pedestrian space.

The facades of the Old Sailors Ark building and MacRae tenements fronting onto the Canongate would be retained and developed with the land to the north to form a 146 bedroomed hotel. The proposed hotel would have a north facade finished in stone and metal screen, addressing the new civic square.

To the east of the hotel a new pend linking the Canongate to the new public square would be created by partial demolition of the unlisted tenements fronting onto the Canongate and opening up Old Jack's Close. The tenement facades will be retained on the Canongate with the new hotel building incorporating an increased ridge height, in part, with new scotch slate roof and chimneys rebuilt. At ground floor level new stone shopfronts would be created.

The Old Sailors Ark facade would have existing stone work repaired and re-pointed. The original outer door would be retained and renovated. A light weight frameless glazed facade is proposed at roof level.

The application includes the construction of a new public square that would be located north of the proposed Hotel. The new public square would be predominately hard landscaped with stone paving with areas for tree planting. It would be bound to the north by the proposed office building, to the east by part of the consented Caltongate Development PA4 mixed use site, to the west by New Street.

The consented scheme allows for the demolition of the Canongate Venture. Under the proposed development, the building would be retained as existing with repairs and refurbishment of the structure and railings. A glazed extension is proposed on the southern side. The existing plinth to the north of the building facing onto East Market Street would be replaced by a new plinth with a proposed restaurant use (class 3) facing onto East Market Street and terrace area above. The proposed use of the building would be mixed ranging from use class 1,2,3,4,7,8,10 and 11.

The central area of the southern site (between the Canongate Venture building to the east and Cranston Street to the west) would be developed into two six storey high L-

shaped buildings, separated by a new courtyard. The buildings would be predominately hotel use with a portion at street level accommodating a mix of commercial uses including retail units and restaurants. The hotel building to the east would be developed over the existing playground closing down the gap to a five metre space to the Canongate Venture and would be finished in metal cladding. The hotel adjacent to Cranston Street would be finished in stone and roughly follows the existing line down Cranston Street. On the corner of Cranston Street and East Market Street a triangular pavilion building at two storeys in height is proposed to accommodate a restaurant use.

A glazed building is proposed on the land at the bottom of Cranston Street, following the curve of the corner of Jeffrey Street. This would be two storeys high matching the height of Jeffrey Street carriage way; internally the space would integrate the arches behind. A public terrace will be formed on the top of this new building. A building is proposed on the public terrace to accommodate a café or alternative use. The Jeffrey Street Arches would be largely retained in their existing structural form with new linings and fittings and the entrances would be replaced with glazed, metal and timber sliding external screens. A mix of commercial uses including artist studios is proposed for the arches. A new pedestrian route is proposed, from Jeffrey Street to Cranston Street, set off the adjacent listed Jeffrey Street tenement.

Across the whole site the proposed landscaping will be mainly hard, using high quality stone throughout to maintain a sense of continuity and place. Natural Stone (ashlar sandstone), Caithness Stone and whinstone cobbles are proposed for public spaces.

The proposed development includes a new public square, improved pedestrianisation on New Street, pedestrian links from Jeffrey Street to East Market Street and a new viewing terrace from Jeffrey Street. A private courtyard will be created between the hotels at the rear of Cranston Street.

Overall, the buildings sit within the heights set out in the Caltongate Masterplan (stepping down from 74metres to 72metres) and will be finished in a variety of materials including glazing, stone and metal cladding.

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 information and revisions;

- the treatment of New Street is revised including its relationship to the new square
- refinements are made to the layout of the public square increasing the area that could be used for Festival/Fringe events
- the pend is revised, lowering the crown of the arch and the vault and simplifying the symmetry
- revision to the finish to the Cranston Street corner pavilion building
- an oval pavilion is proposed on the Jeffrey Street roof terrace
- revision to the roofline of the Old Sailors Ark frontage
- refinement of detail of the new works to the Canongate Venture
- a proposal to gate the upper courtyard of the Cranston Street Hotel

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 covering 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, Sustainability Form S1 and Heritage Statement. A Supplementary Design Statement and Supplementary Transport Statement was 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 the Old Town Conservation Area, 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;
- j) the proposals affect flooding;
- k) there are other material issues;
- l) there are any other material points raised in the representations.

a) Principle of Development

The Edinburgh City Local Plan adopted January 2010 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 Edinburgh City Local Plan the application site, Caltongate South, 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 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.
- a close-grained layout which reflects the distinctive spatial pattern of the Old Town and provide for a new strategic route to link East Market Street to 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 and vistas into and across the site.

The original schedule of planning applications approved 30 October 2008 and renewed on 22 May 2013 met the aspirations of the Caltongate Masterplan. Those applications, with associated legal agreement, promise delivery of housing (PA4 site) including 25% affordable housing (36 units)(PA1 site), small business units, a community facility and shops within the wider Caltongate Site.

This application, for the southern side of the site, proposes hotels, and mixed commercial uses including retail, financial/professional services, food and drink and some class 11 use, excluding nightclub/dance hall. The parallel planning application for Caltongate North (application number 13/03406/FUL) proposes office use with a mix of ground floor uses. Comprehensively, the new applications for the northern and southern Caltongate sites, with approved PA4 and PA1 meet the aspirations for a balanced mix of land uses in this part of the city centre. Work has commenced on the affordable housing site (PA1) on Calton Road and the proposed residential element will run up the east of Caltongate north site from Caltongate to the boundary with Gladstone Court.

The consented scheme of 2008 resulted in housing being lost from the Royal Mile MacRae tenements, appropriate residential accommodation has been allocated elsewhere in the site and was fully assessed through the previous application. This displacement will be met on the approved PA4 site (as amended) and the PA1 site.

The principle of hotels running parallel to the Royal Mile is acceptable and exceeds the requirements set out in the Caltongate Master Plan. Policy Emp 5 of the Edinburgh City Local Plan supports hotel development in city centre locations where they form part of a mixed use scheme.

The national target for tourism growth is a 50% increase in the value of Scottish tourism by 2015. The City of Edinburgh Hotel Development Schedule 2012 sets out that in order to meet this target, Edinburgh's accommodation in terms of volume would need to increase by 35% to 50% by 2015. This equates to an additional 2,800 to 4,000 hotel bedrooms between 2006 and 2015.

The 2012 schedule sets out that a total of 7,544 rooms have been developed or granted consent since 2007. This is over 188% of the upper target of 4,000 additional rooms required by 2015. However, only 2,379 of these have actually been completed, amounting to 59% of the target. The vast majority of completions and developments are in the city centre.

The proposed mix of commercial uses together with the potential for ground floor activation and the re use of the Canongate Venture will assist integration of the new development with the Old Town. It is considered that the proposed mix of uses on this element of the Caltongate site meets with the aspirations of the 2006 Caltongate Master Plan and the Edinburgh City Local Plan, and will provide for a flexibility of end users ensuring that a vibrant sector is created.

The retention of the facades of the MacRae tenements and the Old Sailors Ark is welcomed in principle. The loss of the rear element of these buildings was assessed as part of the original consent and is also assessed in the parallel listed building application (application number 13/03400/LBC) and application for conservation area consent (application number 13/03403/CON). The Street Work charity, which currently uses the Old Sailors Ark, will relocate to new office premises being built on Calton Road as part of the affordable housing development (PA1) as agreed within the previous consents.

The proposed large flat public square 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 throughout the year as set out in the Caltongate Master Plan.

Housing is not provided within the East Market Street block but it is provided elsewhere in the Caltongate site as approved on PA4 and PA1 (affordable housing element). The balance of uses across the wider Caltongate site was fully addressed at the consideration of the original application and the increase in residential units in this central location is considered satisfactory and distributed in a balanced way.

The principle of the development is acceptable and meets with policy CA 1 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, running parallel to the Royal Mile. The site is not considered to be typical of the organic medieval form that underpins much of the Old Town. The Old Sailors Ark and the Canongate Venture provide some positive contribution to the character and quality of the setting of this part of the World Heritage Site.

The proposed redevelopment would deliver a contemporary development within the World Heritage Site integrating where possible the remains of the cultural heritage along East Market Street. The retention of the listed buildings, in particular the Canongate Venture, the redevelopment of the Old Sailors Ark retaining the facade and the reuse of the listed arches under Jeffrey Street will ensure the protection of historic assets which contribute to the Outstanding Universal Value of the World Heritage Site.

The loss of the former market building and redevelopment of this area with abundant ground floor activation will bring life to street level along East Market Street, identified as a key route from Waverley Station to the Scottish Parliament, and will enhance the spatial structure of this part of the World Heritage Site. The delivery of the public square and upgrading of the public realm in this location will enhance the pedestrian experience within the World Heritage Site.

The loss to the rear of the Old Sailors Ark is assessed in the parallel Listed Building Application number 13/03400/LBC where the SHEP test is used. The impact of the demolition of the rear of the MacRae tenements and the CEC garage upon the World Heritage Site are assessed in parallel applications 13/03403/CON and 13/03402/CON in accordance with policy ENV 2 of the Edinburgh City Local Plan.

The Environmental Statement assesses the impact of the proposal upon the cultural heritage assets of the city. This includes a Townscape Visual Impact Analysis involving viewpoints around the site agreed by City of Edinburgh Council and Historic Scotland. View points are principally in and around the Caltongate site with longer views assessed from Calton Hill, Arthurs Seat and Edinburgh Castle. The analysis shows that the important views into and out of the World Heritage Site will be retained and enhanced. Views across the Waverley Valley from Calton Hill to the Royal Mile would be retained by the proposed development.

In addition to the retention of the listed buildings, further positive enhancements over the consented scheme include the viewing platform on Jeffrey Street and the retention of the alignment of Cranston Street. The new development would be subservient to the

Canongate ridge as the proposed heights of the buildings, stepping down from 74m to 72m, which meets the principles of the Caltongate Masterplan.

It is concluded that the current proposal offers an improvement over the previously approved scheme, offering heritage gains, 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 concluded 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. The development should protect the setting of the conservation area 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 has evolved over time and experienced periods of growth and renewal and subsequently showcasing a variety of building styles and materials. By bringing forward a coordinated development with a number of building, architectural styles and reuse of historic fabric the proposal satisfies the aspirations of the Caltongate Masterplan to deliver a large development that will provide both unity and diversity of styles.

The proposed buildings sit within the heights set out in the Caltongate Masterplan with variations to the roof articulation responding to the context of the townscape and building heights stepping down from the Canongate tenements to East Market Street. The proposed design approach respects the character of the conservation area in terms of its spacing, height and massing. The setting of the hotels along East Market Street, closing the gap to the Canongate Venture, respects the close grain character of the conservation area and allows for glimpses through to courtyards at the rear.

The various heights, roof form and blocks proposed across the site and the variety of elevational treatment along East Market Street and the public square will assist the integration of the development into this part of the Old Town Conservation Area. Its finish will be of high quality, using a limited palette of materials, predominately stone reflective of the character of the conservation area. The introduction of contemporary metal cladding pays homage to the metal roofs of the CEC garage and the metal screening on the CEC building opposite, complementing the retained listed buildings. It is considered that the proposed development will result in an acceptable contemporary response to this part of the conservation area and an enhancement upon the utilitarian CEC garage.

The formation of new links, ground floor uses and high quality proposal will include improving the pedestrian experience and public realm within the application site. The proposed arch linking the public square through to the Canongate reopens an original pend, Old Jack's Close, and satisfies the aspiration of the Caltongate Master Plan to create a new Strategic Link through the development. The proposals for the pend (as revised) will form a symmetrical arrangement with upgraded shop fronts finished in stone on Canongate enhancing this part of the conservation area, connecting visually with the corresponding John Street pend opposite.

The narrowing of the New Street carriageway creating a one way traffic route and widening the pavements meets with the aspirations of the Royal Mile Action Plan and will allow for the ease of pedestrian connection between the Canongate Venture and the new Public Square. The steps proposed to the western end of the development will improve links from Jeffrey Street down to East Market Street.

A detailed public realm/streetscape plan has been submitted providing upgrades to the public realm including new paving and planting treatment around the public spaces, the square and the Jeffrey Street terrace, and within the private spaces created between the East Market Street Hotels, 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 and some excavation works have taken place on the wider Caltongate site. Archaeology 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. The proposal satisfies ENV 8 and ENV 9 of the Edinburgh City Local Plan.

The proposals are of an appropriate scale and design and will not detrimentally impact upon the setting of the conservation area. The proposal satisfies policy ENV 6 of the Edinburgh City Local Plan. The proposal will not have an adverse impact upon the setting of the listed buildings.

d) The proposal scale, design and materials are acceptable

The Caltongate Masterplan contains specific guidance to ensure redevelopment respects the built form of the Waverley Valley. 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 13/03406/FUL for Caltongate North, offers a co-ordinated development which will achieve the comprehensive development of the area and meets the objectives of Policy Des 2 of the Edinburgh City Local Plan.

The proposed building between Jeffrey Street and Cranston Street is in-keeping with the architectural integrity of the existing structure and harmonises with their surroundings. The proposal around provides a contemporary lightweight solution incorporating extensive areas of glazing that allows the Jeffrey Street retaining wall and arches to remain visible behind. The creation of the public terrace above provides an elevated open space that will enjoy open views to Calton Hill. The proposed development will bring the arches into sustainable use and will benefit the structural and physical maintenance. The proposed building will be lower than that approved thus retaining views to Calton Hill from St. Mary's Street. The proposal respects the setting of the listed building complies with policy ENV 3 of the Edinburgh City Local Plan.

The new steps will be set off the end of the tenement offering a desirable link between Jeffrey Street and Cranston Street whilst offering an improvement to the residential amenity of the occupants of the Cranston Street tenement over the existing scheme. The retention of the line of Cranston Street, rather than the consented realignment, preserves views through to Calton Hill and is welcomed.

The hotel cornering Cranston Street will be built following a similar alignment to the existing building and will retain views to Calton Hill from St. Mary's Street. The proposed roof form and street activation offered are satisfactory in this location. The hotels along East Market Street would both be of different character and would be built hard to the edge of the street. The massing of the building at the southern boundary is set back from the boundary to the language school to provide relief. The proposed contrast of the narrow aluminium clad building, enlivened by colours of the Canongate Venture, and the stone clad hotel will add vitality to East Market Street. The proximity to the Canongate Venture listed building is considered acceptable and reflective of the close urban grain which prevails in this area. It creates a sense of enclosure when

viewed from the new plinth to the front of the Canongate Venture and its side elevation will provide a focal point when looking out from the public square. The proposed courtyard between the buildings follows the principle of the Caltongate Masterplan. The setting of the Canongate Venture will be enhanced by the proposal.

The low level triangular building on the corner of Cranston Street and East Market Street provides a low rise sculptural building with views retained over to Calton Hill from Canongate down Cranston Street. It reads comfortably with the proposed glazing building around the arches on the opposite side of the road.

The retention and reuse of the Canongate Venture listed building is welcomed. The removal of the front portion on the plinth facing onto East Market Street allows for a glazed modern addition that will provide better engagement with East Market Street. The new entrance on the north eastern corner is welcomed and improves internal circulation and accessibility of the building. The rear glazed extension is sympathetic to the category C listed building and makes good use of the former school playground. Features of interest such as the bellcote with cockerel weathervane would be restored. The proposal will enhance the listed building and complies with ENV 4 of the Edinburgh City Local Plan.

The Royal Mile Hotel will restore the key elements of the Old Sailors Ark incorporating the Canongate facade and the stone portion of the New Street facade into a new courtyard hotel building. The result will be a strong civic building addressing the new public square with ground floor activation. The large wall head dormers and large scale fenestration are reflective of the retained frontage of the Old Sailors Ark building. It is considered that the design solution sits comfortably in its context and will retain the important elements of the listed building.

The pend from Canongate through to the public square connects the development to the Royal Mile and satisfies the need for a strategic pedestrian link set out in the Caltongate Masterplan. It is backed up by Pedestrian Flow Analysis prepared by "Intelligent Space" analysis. The scale of the pend (as revised) is based on multiples of Big Jack's close width which ensures symmetry and balance. The crown of the arch has been lowered so its springing point aligns with the soffit of Big Jack's Close. The creation of the pend satisfies policy Des 7 of the Edinburgh City Local Plan.

The new shopfronts match the character of those on the Royal Mile, and the wrapping around through the close brings activation to this new pedestrian route.

Throughout the development the proposed buildings achieve a harmonious height with varying roof forms. The use of a limited palette of materials ensures a unity of character, whilst the varying size and design of the building blocks will achieve diversity and visual interest.

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 proposal was met favourably at the pre-application stage by the Edinburgh Urban Design Panel in January of 2013. The proposal 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. Buildings

and features worthy of retention have been incorporated into the design and ease of adaptability of the buildings will meet future needs and allow for mixed uses to be accommodated. The layout design follows the principles of the Caltongate Master Plan and the external spaces have been designed as an integral part of the scheme as a whole.

The proposal satisfies design principles policies Des 1-7 of the Edinburgh City Local Plan.

e) The proposal is detrimental to the amenity of neighbours

The proposed development is surrounded by residential properties; along the Royal Mile to the south, at the southern end of New Street to the east and down Cranston Street at the west. The redevelopment of the site will have an impact upon the 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 North (13/03406/FUL). All impact from the construction of the development, for example dust or noise, will be controlled under separate legislation outwith 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 - the consented scheme proposes 31,517 sq m of floor space, the Artisan scheme proposes 24,650 sq metres (of which 21,195 sq metres is within the southern site application). It is also assessed that the traffic generated from the proposed scheme would be less than the consented, where the 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 full 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 new uses. Conditions are recommended in respect of design, installation and operation of plant machinery and equipment and ventilation details. Such details will need careful scrutiny by the Head of Planning to ensure that they are sympathetic to the listed buildings and the character of the conservation area.

The site has been used for a variety of uses over the years. The Environmental Statement summarises in the Geoenvironmental Interpretive Report that the clearance of the buildings will give rise to the need for a further site investigation to be carried out to assess what level of contaminants are on the site and identify remedial and/or protective measures. A condition to this effect is therefore recommended.

In the Environmental Statement it is concluded that as the proposed development for the southern 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 of more sunlight at the spring equinox.

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. While this does not meet the threshold set out in the Edinburgh Design Guidance, to achieve 3 hours or more sunlight over more than 50%, The BRE suggest that 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.

Both the consented and proposed development would have an adverse impact upon the bedroom windows on the end of 7 Cranston Street. The proposed development would be positioned further away from the new windows than the approved. The new staircase would have a balustrade that would obscure direct overlooking into that window. Such a change is a positive enhancement over the approved scheme.

A significant change from the consented scheme is the proposed hotels on East Market Street which project deeper into the site than the consented blocks for this location. The hotel blocks come closer to the southern boundary at the rear of the site than the approved scheme. No. 271 Canongate (Edinburgh School of English) and no. 2 Cranston Street which operates as a women's hostel lie close to the boundary of the site. Whilst set off the boundary, the new build will be higher than the existing garage building on the site and will impact negatively on the daylighting to the bedroom windows. However, as these are used for short-term accommodation for temporary residents a relaxation of the daylight guidance in this location is considered acceptable.

It is concluded that the proposal will not have an unacceptable detrimental impact upon residential amenity and satisfies HOU8 of the Edinburgh City Local Plan.

f) The proposal affects road safety

A Transport Statement has been submitted in support of the application.

Transport is satisfied that the addendum to the original Transport Statement is acceptable.

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 podium approved for PA 2 site, will sit largely under the site of the Northern Caltongate application accommodating car parking associated with the development. The principles of Transport movements within the southern site are largely as per the consented, however the application proposes a move away from shared surface to south bound one way system up the southern end of New Street with widened pavements. The Caltongate Master Plan sought to achieve a vehicle free route, except for emergency vehicles and limited services, however the Royal Mile Action Plan seeks

to encourage access to the Royal Mile, the proposal will provide a compromise between aspirations.

Transport has raised no objection to the development subject to a suitable legal agreement. The Tram contribution from the development remains capped at £50,000 as per the existing 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.

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. In addition the applicants have provided a commitment to further sustainability measures such as the inclusion of the grey water recovery system to filter and recycle waste water for use within the hotel buildings. An energy hierarchy approach has been adopted in the design of the proposed East Market Street Hotels which will allow the development to meet and better the carbon requirements of Section 6 of the 2010 Building Regulations and achieve a bronze active rating under Section 7 (sustainability) of the 2010 Building Regulations.

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 has 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 demolition of

the buildings and 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.

Building and Structures has requested additional information in order to assess the 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 of the site in 2008 and renewed in 2013. The principle of development across the site has therefore been established.

The scale of consents approved for the southern site relate to a total of 31,517 square metres (gross). By comparison, the proposed scheme is for 21,195 square metres. A reduction of 10,322 square metres (gross) of floor space will therefore result should the proposed scheme be consented and implemented.

The proposed scheme retains more elements of the existing townscape than the previously consented Caltongate proposals and is of a reduced scale, dividing up what might otherwise be large scale buildings. The proposed scheme retains important views of key landmark features as in the case of Jeffrey Street. Other welcomed elements include the retention and adaptation of the Canongate Venture.

The proposed development would represent a layer of built heritage, designed to contemporary standards, reflecting the evolving requirements of the city. The proposal responds to the topography of the site and the setting and would represent an improvement over the currently consented scheme.

The proposal includes extensive upgrade to public realm within the application site including the public square, Jeffrey Street terrace, improvements to new street and new paving and landscaping, the delivery of public realm will be secured through the amended s75 legal agreement.

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).
- No private or social housing or small businesses - this is addressed in section 2.3a).

- Lack of provision for community, no local shops and cultural activities - this is addressed in section 2.3a).
- Lack of support for cultural activities - this is addressed in section 2.3a).
- Poor for the economy of the area - this is addressed in section 2.3b).
- The development is vague, not enough information on what specific buildings in the development will be used for, an outline permission, speculative development - this is addressed in section 2.3a).
- Too much emphasis on providing city hotels and not affordable family housing that will create a sustainable urban neighbourhood -this is addressed in section 2.3a).
- Too much focus on tourists -this is addressed in section 2.3a).
- No sense of place - this is addressed in section 2.3d).

Transport

- Concern re vehicular movement and service access, further congestion will arise – this is addressed in section 2.3g).
- Traditional routes through the development are largely ignored - this is addressed in section 2.3g).
- No cycle parking for visitors and customers - this is addressed in section 2.3g).

Design

- The design shows lack of flexibility in building uses, unsustainable in economic and environmental terms - this is addressed in section 2.3 a).
- Will result in loss of World Heritage Status disastrous effect on World Heritage Site - this is addressed in section 2.3 b).
- Design of buildings is homogeneous, bland and prosaic, ugly, lumpy, repetitive character - this is addressed in section 2.3 d).
- Out of character with the Old Town, does not preserve spatial characteristic - this is addressed in section 2.3 c).
- Scale layout and massing would be alien to this area - this is addressed in section 2.3 d).
- Poor choice of materials - this is addressed in section 2.3 d).
- The public square will be overshadowed and exposed to winds, fails to take account of microclimate and topography - this is addressed in section 2.3 d).
 - Vast floor plates and corporate shed hotels out of character - this is addressed in section 2.3 c).
- Excess of unarticulated roofscapes - this is addressed in section 2.3 d).
- New Town neo-classical spaces onto a medieval pattern - this is addressed in section 2.3 d).
- Civic square is foreign to the Old Town -this is addressed in section 2.3 d).
- Design philosophy inappropriate - this is addressed in section 2.3 d).
- Two storey high pend out of character - this is addressed in section 2.3 c).
- The glazing structure will obscure the Jeffrey Street Arches - this is addressed in section 2.3 d).
- contrary to ECLP policies ENV 1,2,3,4,5 and 6 and DES 1,3 and 6. - this is addressed in section 2.3 (a) - (l)
- loss of playground of Canongate Venture will affect the setting of the listed building - this is addressed in section 2.3 c).
- lack of sheltered public green spaces - this is addressed in section 2.3 d).
- concern regarding demolition of Sailors Ark and the Ebenezer Macrae tenements, poor replacement response - this is addressed in section 2.3 b).

- late night noise and disturbance to existing residents this is addressed in section 2.3 e).
- the sunlight assessment for the square is inaccurate - this is addressed in section 2.3 e).
- unsympathetic alterations to the Canongate Venture - this is addressed in section 2.3 d).

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.

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. i) Prior to the commencement of construction works on site:

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

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

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

3. 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.

4. 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.

5. 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 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.

6. Class 7 Hotel

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 Planning Authority.

7. Plant Ventilation and Machinery - All uses

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

8. Class 8 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 Planning Authority.

9. 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 Planning Authority.

10. 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.

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

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

13. 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.

14. 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; Note: samples of the materials may be required.

15. 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

16. 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 ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
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. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. To preserve the townscape of the area.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order enable the Head of Planning and Building Standards to consider this/these matters in detail.
12. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
13. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
14. In order to safeguard visual amenity.
15. To ensure that a satisfactory drainage system is acheived.

16. 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 Planning Authority.

6. 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

7. 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:

Make application for a Traffic Regulation Order to make New Street from its junction with East Market Street to its junction with Canongate one way in a South Easterly direction. An application for the order to be made prior to commencement of works within the development site. All costs associated with the order from application stage to confirmation to be met by the developer.

Make application for a Redetermination Order applicable to a section of New Street from its junction with East Market Street to Canongate to change the conventional road layout (carriageway with footpath either side) to a shared surface over the full length. Application to be made prior to any works commencing on the application site. All costs associated with the order from application stage to confirmation to be met by the developer.

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.

8. 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.

9. The developer is encouraged to provide vehicle electric charging points within the development site for use by both development users and the public. 50% of the Electric Vehicle charging outlets should be to the following standard:

70 of 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.

10. Lighting associated with the road/footway system that is deemed to be prospective 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.

11. 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.

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.

The Management Plan 2011-2016 for The Old and New Towns of Edinburgh World Heritage Site provides a framework for the effective management of the World Heritage Site. The management Plan endorses the recommendations of the November 2008 joint UNESCO/ICOMOS reactive monitoring mission to Edinburgh.

Date registered

23 August 2013

Drawing numbers/Scheme

01,02, 03a 04a 05b 06b, 07, 08a-10a, 11-20, 21-35, 36a-37a, 38-40, 41a, 42, 43a-44a, 45-46, 47-48a, 49-56, 57a-64a, 65-66, 67a, 68,69a, 70-87, 88a, 89, 90a-91a, 92-111, 112a, 113, 114q, 115, 116a-118a,, 119, 120a-122a, 123,

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 Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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

Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

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 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

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 12 (Trees) sets out tree protection requirements for new development.

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 6 (Loss of Housing) identifies the circumstances in which the change of use of an existing dwelling to another use will be permitted.

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 Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

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 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.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community

World Heritage Site

The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the United Nations Education, Scientific and Cultural Organisation's (UNESCO's) List of World Heritage Sites in December, 1995. This represents international recognition that the Site is of outstanding universal value.

The organic plan form of the medieval Old Town and the clarity of the geometrically planned neo-classical New Town together with the outstanding historic buildings are fundamental characteristics of the World Heritage Site. All proposals affecting the plan form or historic buildings, including their setting, will be considered for their impact on their design integrity.

Appendix 1

Consultations

Archaeology

Further to your consultation, I would like to make the following comments and recommendations in respect to this application for the redevelopment /demolition / erection of buildings for mixed use development comprising class 7 hotels; class 1 ,2, 3 commercial; class 4 business; community uses (class 8 & 10); leisure (class 11) landscaping/ public realm and other use and associated works.

The site occupies a central area at the core of Edinburgh's Old Town, within the medieval burgh of the Canongate. In addition to the important upstanding heritage (e.g. Sailors Ark, Canongate Venture, MacRae Tenements) the site is likely to contain significant archaeological remains from its medieval 12th century origins through to the early 20th century. Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV3, ENV4, ENV7, 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.

Buried Archaeology

As stated the development site as a whole is regarded as being of archaeological significance primarily in terms of its medieval and post-medieval archaeology relating to the development of the Old Town and burgh of the Canongate. The proposed development will require extensive excavations in terms of construction of demolitions, new buildings, landscaping, utilities, roads, landscaping etc. Such works are regarded as having on the whole a moderate impact upon the buried archaeological resource.

Accordingly it is recommended that a programme of archaeological works is undertaken prior to development/demolition. In essence this will see a phased archaeological programme of works across the area, the initial phase being an archaeological evaluation of each development area up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains affected. In addition associated isolated works such as new associated services which require ground breaking works will require also appropriate archaeological mitigation to be agreed.

Archaeological Public Engagement

Further given the potential importance of the archaeological remains in terms of the history of Edinburgh's Old town, it is essential that this programme of works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Historic Buildings

Firstly it is to be welcomed that the Victorian former North Canongate Infant School (Canongate Venture) is to be retained and reused within this new scheme. However the site contains a range of important historic buildings the development of which will see either significant demolition or alterations to their fabric most notably to the listed Sailors Ark and locally important MacRae tenements on the Royal Mile.

Accordingly if consent is granted it is recommended that a programme of historic building survey (level 2-3) is undertaken both prior to and during any demolition / alteration works that will affect the historic fabric of the listed Sailors Ark, Canongate Venture, Market Street Arches & also to the locally important Canongate MacRae Tenements (221,223, 227 & 231 Canongate), Market Street Garages and associated boundary walls. The works will be undertaken in accordance with an agreed brief with this office. This is in order that any archaeological remains (historic building fabric) that may be affected are properly recorded where preservation in situ is not possible.

Caithness Slabs

Furthermore in 2102 nationally important early fish fossil remains were identified within the Caithness Slabs situated along Market Street & Cranston Street and which are subject to an ongoing research programme involving this Office. As such any Caithness Slabs that may be affected by this developed must be assessed for containing these remains and appropriate measures put in place for their conservation and analysis.

It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Recording, excavation, analysis & reporting, publication, public engagement & 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.

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.

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 usage 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.

Flood Prevention - response dated 11/09/2013

1;200yr (0.5%AEP) event with an allowance for climate change attenuation is important for development site as detailed below.

Surface Water Management Plan

The surface water management plan should deal with flood risk from surface water, ensuring that flood risk elsewhere is not made worse by runoff from the development. The main elements of the surface water management plan should be analysed and designed up to the 1;200yr (0.5%AEP) event with an allowance for climate change and include as follows:

Discharge Point

- 1. Discharge point(s) for the drainage system must be identified, and the approval in principle from the owner, or Scottish Water in the case of a sewer, for the discharge to that point must be demonstrated.*
- 2. If the drainage system discharges to a watercourse, directly or indirectly, it must be served by SUDS in accordance with the SUDS manual, and SUDS for roads where applicable. The treatment methods must be approved by SEPA. Maximum discharge rates should not exceed 4.5l/s/ha or the 2yr greenfield rate, whichever is the lower. Attenuation volume must be designed for the full capacity of the drainage system.*

Flow Paths

- 1. Surface water should be dealt with by analysing the existing and proposed flow paths and depths for surface water runoff. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system.*
- 2. New buildings in the development must not be at risk of flooding as a result of these flow paths and depths*
- 3. Where runoff from the site could increase flood risk elsewhere, the increased runoff from paved surfaces, relative to greenfield runoff, (up to the 1;200yr event) should be attenuated on site.*
- 4. If the development alters existing flow paths in a way which increases flood risk to existing property, additional attenuation or other measures may be required.*

SUDS Maintenance

- 1. Details of the organisation taking on the responsibility of the proposed SUDS (including underground attenuation tanks), the size of SUDS retention ponds along with GIS co-ordinates is required.*

It is recognised that small, restricted sites may require some relaxation in respect of attenuation volumes on site.

Information should be supplied in a report detailing proposed mitigation measures with supporting and appropriate drawings and calculations. Print outs from InfoWorks solely is not considered as a sufficient report.

Drainage issues cannot be left as a condition on an FUL or AMC application, since it can have significant impacts on finished floor levels, property locations, location of paths and other hard landscaping aspects. This information is required prior to this department's determination.

SEPA - response dated 12/09/2013

Thank you for your consultation letter which SEPA received on 03 September 2013. We note that there is a similar application (Your Ref 10/03406/FUL) by the same applicant on an adjacent site which you have also consulted us on. While the relevant issues to which we wish to see addressed are largely similar, we have also provided a separate response in relation to that development.

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.

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 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. Further details can be obtained at www.scotlandontap.gov.uk.

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.

These proposals may involve the discharge of trade effluent to the public sewer and may be subject to control as defined in Part II of the Trade Effluent Control and Charging Scheme. 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.

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.

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

Thank you for sending us planning applications 13/03406/ful and 13/03407/ful

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

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 (e.g. 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 place making, 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 (e.g. Transport assessment, break down and distribution of uses, and development viability statements).

Transport

The Tram contribution remains capped at £50,000 as per 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:

Make application for a Traffic Regulation Order to make New Street from its junction with East Market Street to its junction with Canongate one way in a South Easterly direction. An application for the order to be made prior to commencement of works within the development site. All costs associated with the order from application stage to confirmation to be met by the developer.

Make application for a Redetermination Order applicable to a section of New Street from its junction with East Market Street to Canongate to change the conventional road layout (carriageway with footpath either side) to a shared surface over the full length. Application to be made prior to any works commencing on the application site. All costs associated with the order from application stage to confirmation to be met by the developer.

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.

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 prospectfully 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.

Environmental Health

The site is located in Edinburgh's Old Town and comprises of properties along the Canongate (including the Old Sailors' Ark), the Canongate Venture, the former council vehicle depot on East Market Street, an existing informal carpark to the west of Cranston Street and the arches at Jeffrey Street/East Market Street. It is referred to the Southern site which represents the southern section of the previously consented Caltongate application. The northern aspect is subject to a separate application (13/03406/FUL).

The applicant proposes redevelopment of the above site for mixed use, comprising Class 7 hotel, Class 4 Business, Class 1, 2 and 3 Commercial (retail, office and food and drink), community uses Class 8 and 10 Class 11 Leisure, public realm and other associated works.

To the south of the site is the Canongate and the High Street forming part of the Royal Mile, with a mixture of uses including retail, commercial, bars and restaurants, hotels and residential. Part of the site adjoins Jeffrey Street, which continues the mixture of uses from the Royal Mile. To the east and west of the site is a mixture of commercial and residential uses and parts of Waverley train station.

For the purposes of describing the site proposals, it has been broken into four individual sub-sites as follows:

- o Royal Mile Hotel - The site at the former Sailor's Ark and properties at Canongate and including New Street;*
- o Canongate Venture Building*
- o East Market Street Hotels - The site of the former CEC vehicle depot;*
- o Jeffrey Street Arches - The existing car park site immediately east of Jeffrey Street /west of Cranston Street abutting the arches and the arches underneath Jeffrey Street and along East Market Street.*

Across some of the proposed new buildings and commercial units the applicant is seeking a flexible approach to the uses, which means that it has been difficult to fully assess the impact of the application. In many cases, condition will be required to provide further information to the Local Authority when it is available, to ensure residential amenity is protected foremost and that there is no significant impact on the environment.

With the information that is available, Environmental Assessment has considered the proposal in terms of the environmental impact relating to noise, air quality, odour and land quality.

The existing planning permission (for Caltongate) is a material consideration that establishes the principle of the proposed uses 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 significantly 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 air louvers - extraction and intake - are located to the rear of the East Market Street hotels and on the roof of the Royal Mile hotel. A plant room located within the Arches adjoins a property to the basement of Jeffrey Street. 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.

On the Royal Mile Hotel site, east of the proposed pend a number of 'commercial' uses are proposed. As well as odour being a potential impact from any Class 3 use taken-up (mentioned further below) there are also noise impact considerations. Residential properties adjoin this aspect of the development on Canongate. It is imperative that the building design and envelope is constructed such that it will insulate noise and protect existing residential amenity. Therefore it is recommended that a condition, such as the following, be attached to any permission given to ensure protection of amenity;

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

The uptake of Class 10 (Non-residential) or Class 11 (Leisure) use could see various noisy activities located adjacent to existing residential use surrounding the site, without a full assessment of the noise implications. In addition introduction of Class 8 (Residential) could be to the detriment of future occupants should it be located unsuitably. Therefore a number of conditions are recommended to control and protect against noise impacts. For Class 8 and 10 this includes the need to carry out a detailed noise impact assessment should the uses 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 use of external areas of buildings 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). Due to the fact that it is not clear where other uses will be located and whether they will utilise outside space, it is anticipated that any noise impact assessments associated with the uptake of these uses (as mentioned above) will assess the impact of this noise affecting nearby residents.

In addition, to protect nearby residents from odours from cooking effluvia associated with commercial cafes and restaurants, 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.

Some concern has been raised by Environmental Assessment about the potential low level discharge of these kitchen systems. At two sites - the oval kiosk eatery at Jeffrey Street Arches and the restaurant, corner of the East Market Street and Cranston Street - the roofs are at a much lower level than neighbouring residential properties. There is a likelihood that cooking effluvia will not achieve good disperse and hence adversely affect the amenity of local residents. Therefore the siting of the termination point of these kitchen ventilation systems will be crucial in protecting amenity. The Local Authority will only agreed systems that termination at least 25 meters from the nearest residential window. It may also be necessary for the systems to be capable of expelling effluvia at an increased flow rate. An informative should be put on any consent given, to advise the applicant of this criterion.

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 a servicing strategy is to be developed for the site (along with the Northern application). An informative should be put on any permission given to ensure that this strategy aims to protect residential amenity and the environment, 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. it's 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 (AQMAs) (Planning Advice Note 51).

Some sections of the site are located within 100m 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 (200m south) 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.

¹ 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:

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

An informative is recommended in respect to this. Environmental Assessment recommends that a proportion of the charging units should be of the following standard and an informative is also 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.

Land contamination

The East Market Street and Royal Mile hotel sites have some potential for land contamination due to previously industrial uses on and adjoining to the sites. Jeffrey Street Arches are known to have some informal storage and workshop in the past, which could pose localised areas of hydrocarbon contamination.

A condition is therefore recommended to ensure that the condition of the site will be made fit for its proposed new uses.

Conclusion

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

Conditions;

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.

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.

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 permission.

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

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

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.

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

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.

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

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.

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

Class 7 Hotel

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.

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.

Class 8 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.

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.

Informatives;

- o 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.*
- o The use of the external areas should be restricted to between the hours of 0800 to 2100 hours Monday to Saturday and 0900 to 1900 hours Sunday.*
- o Where kitchen ventilation systems terminate at a lower level than surrounding residential properties (Cranston Street/Jeffrey Street), it should be located a minimum of 25 meters from the nearest residential window. The kitchen ventilation shall also be designed and installed so that gases are expelled with a minimum upwards velocity of 15 metres per second.*
- o Dedicated parking spaces, including a number of on-street spaces should be made available with electric vehicle charging facilities. Other parts of the development should incorporate ducting and infrastructure to allow electric vehicle charging provision to be readily accommodated in the future.*
- o 50% of the 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

Edinburgh Urban Design Panel Report Caltongate 23 January 2013

Executive Summary

The Panel welcomes the revised proposals for this important site in the Old Town. The quality of thought that has gone into developing these proposals is commended. The

intentions to retain more of the structure of the historic environment (ie the retention of the Canongate Venture and the alignment of Cranston Street) as well as potentially breaking up originally proposed mass of the buildings are likely to better integrate the development into the Old Town.

In relation to uses, while the Panel fully agrees with the aspiration to create a diverse and vibrant development, it is keen that this overarching aim is supported by both design decisions (size of units, orientation etc) and an appropriate amount of flexibility.

Main Report

1 Introduction

1.1 This report relates to new proposals for the southern sites along East Market Street of the Caltongate scheme. The Caltongate proposals have planning permission but have not been built yet.

1.2 The brief for the current project envisages that the sites, (shown as sites 5, 6 and 7 in the pre meeting papers) will be re-evaluated with a view to improving the proposal from a commercial point of view and in terms of better integrating it with the Old Town. Potential changes to the planning permission proposal include:

- The retention of the alignment of Cranston Street and potential reduction in height of the building proposed immediately to the west of the foot of Cranston Street;*
- The potential retention of the Canongate Venture*
- The omission of the high and low level link buildings at New Street*

1.3 This is the first time that the proposals have been reviewed.

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 The changes proposed

2.1 The Panel supports the proposed changes to the existing planning permission. The intended mix of uses, the retention of views down Jeffrey Street, and the potential omission of the high and low level link buildings across New Street are all likely to help better integrate the proposal into the surrounding Old Town.

3 Mix of uses

3.1 The aspiration for further diversity and the intention to create a vibrant mixed use development that builds on and integrates with the Old Town is fully supported.

3.2 In assessing the proposals, the Panel is mindful of the economic realities of development at the moment: particularly in relation to town centres. The recession has amplified problems with the viability of many town centres across Scotland. Many have the critical mass of accommodation for uses and facilities that if occupied could create vibrant and interesting places but because they remain under-occupied do not achieve this.

3.3 This means that it is essential that the design fully supports the overall place making aims. In this regard, it will be important that there is appropriate flexibility both in what is consented and in terms of what the accommodation is designed for as over prescription through design or consent would frustrate the ability of the proposal to adapt to changing circumstances.

3.4 Counter to this, over flexibility can also be a problem. For example units that are suitable for larger businesses may be too large or unaffordable for smaller enterprises. A mixture of unit sizes may therefore be appropriate.

3.5 It can be difficult to get occupation of development until a critical mass of space is occupied. Temporary uses are one way of helping to overcome this Catch 22 situation. Intermediate uses such as workshops, artist studios for example would create interest and activity that may stimulate the market and encourage more permanent uses such as shops or restaurants to establish.

3.6 The inclusion of social housing within the site will be of benefit to the proposals as a whole as this will help the social sustainability of the development. It is important to be mindful of the needs of these occupants at all times of the year. Integration of facilities like a convenience shop would help in this regard.

4 Massing and architecture

4.1 While the proposals for south of East Market Street were not discussed in detail, the breaking up of the proposed office building into 2 or 3 buildings would be more likely to help this part of the development integrate into the wider urban design of the area since it is characterised by buildings that tend to be smaller in footprint than the office as originally proposed.

4.2 Related to this, the potential for a number of different practices to design the individual buildings is something that should be explored. This would be likely to help the ability of the proposal to build upon the strong sense of place that exists in the Old Town which is in part a result of the varied character of the architecture.

5 Retention of Canongate Venture

5.1 Broadly, the retention of the Canongate Venture is welcomed. This is a building of architectural and historic interest so it has intrinsic value in these respects. It could help anchor the scheme as a whole into its wider surroundings. Additionally, its retention would complement the suggestion above for a variety of architectural designs.

5.2 Because it is raised above the street level of East Market Street, it does present a design challenge, so as well as exploring how the detail of the design can help integrate it into the development as a whole, it is also suggested that it may be worth examining the potential benefits of a new building.

6 Permeability

6.1 The proposal to create permeability East / West and North / South through the site are supported as this will help promote pedestrian movement and supporting increased cycling. The potential sequence of spaces created by the North / South routes will be interesting and will help integrate the proposal into its surroundings. Note: in relation to the opening up of closes, care needs to be taken with community safety (see below).

6.2 The removal of motorised vehicles through top end of New Street would have a significant positive effect on the quality of the proposed square. By reducing potential traffic through this important connection to the square, it is much more likely that it will be an attractive environment for pedestrians and in turn this will help support uses like cafes and restaurants etc.

6.3 It is important that this approach does not undermine the intention to make East Market Street a similarly attractive environment via the consequence of increasing the traffic upon it. Care needs to be taken with the Cranston St in particular. It is likely that limiting traffic to one way (most likely South to North) - both via regulation and through the design of the foot of the Street would help ensure that this does not become an attractive rat run for motor vehicle users.

6.4 The design of routes through the site should enable people to cycle as well as being suitable for pedestrians.

6.5 The Panel advocates an approach that provides barrier free design for the site.

7 Quality of Square / Orientation

7.1 The square is a positive way of terminating East Market Street.

7.2 The quality of the square and its ability to support the mix of uses suggested will be influenced by its detail design and the scale and positioning of the buildings surrounding it. The south facing and north facing sides of streets have different characteristics of use in Edinburgh. The north facing side of the High Street, for example, tends to have a lesser proportion of activity than the south facing side.

7.3 Trees currently proposed on the northern edge of the square will have an impact on sunlight. It may be better that they are positioned elsewhere within the site in order that sunlight can better penetrate the space at times of day when it will be most beneficial to supporting the proposed uses. E.g. to the east of the square as this could also act as a green termination to East Market Street.

7.4 Sun-path analysis which shows how sunlight will penetrate the space throughout the day and at different times of year will be key to informing decisions about how best to take advantage of sunlight within the design.

7.5 The area near the bottom of Cranston Street is likely to benefit from sunshine due to its size in relation to the size and height of the buildings surrounding it. The potential for this site should be investigated during the design process.

8 Community safety

8.1 Crime and anti-social behaviour is an issue in the streets, closes and squares of the Old Town. The urban design of the proposal will have an influence on this. The Panel supports the approach of the design reflecting the pattern of buildings and spaces that exist in the Old Town as this will help ensure the proposal integrates well with the urban design of the area. In doing this, it is essential to take account of community safety however. This issue is particularly important in relation to the re-opening of closes. Passive surveillance and lighting will be key to ensuring the area as safe an environment as possible.

9 Consultation

9.1 The Panel supports the consultation strategy and the questions that have been asked of the community.

10 Recommendations

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

- The mix of uses and the intention to create a vibrant development that integrates with the Old Town.*
- The intention to improve connectivity and permeability for pedestrians and cyclists through the site and to further break up the site through an increase in the number of buildings.*
- The retention of the Canongate Venture - unless an alternative proposal can be demonstrated to have significant advantages.*

10.2 In developing the proposals the Panel suggests the following matters should be addressed:

- Consideration of how the aim of creating a vibrant mixed use development can be supported through the design and via enabling adaptability.*
- Community safety and in particular, the incorporation of passive measures such as good lighting and natural surveillance to help ensure that proposed new closes do not become problematic in respect of this issue.*

- *Consideration of the issue of how sunlight can be used to support the wider design objective of creating a successful and vibrant place. In this regard, consideration of detailed aspects such as the size and form of buildings and the positioning of trees may have some influence. The potential for a range of design teams to design the individual buildings.*

