

# Development Management Sub Committee

Wednesday 29 January 2014

**Application for Listed Building Consent 13/03400/LBC  
At 2, 4 New Street, 231 Canongate, Edinburgh  
Part demolition/part retention of building with part retained  
Canongate and New Street facade.**

<b>Item number</b>	6.4
<b>Report number</b>	
<b>Wards</b>	A11 - City Centre

## Links

<a href="#">Policies and guidance for this application</a>	LPC, CITE1, CITE2, CITE3, CITE4, CITE5, CITE6, CITE8, CITE9, CITCA1, NSG, NSLBCA, CRPOLD,
--	---

**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Daniel Lodge, Planner  
E-mail: [daniel.lodge@edinburgh.gov.uk](mailto:daniel.lodge@edinburgh.gov.uk) Tel: 0131 529 3901

# Executive summary

## **Application for Listed Building Consent 13/03400/LBC At 2, 4 New Street, 231 Canongate, Edinburgh Part demolition/part retention of building with part retained Canongate and New Street facade.**

### Summary

---

The proposal is in accordance with the Scottish Historic Environment Policy 'test for demolition', Edinburgh City Local Plan, the non-statutory guidance and the Caltongate Masterplan. The partial demolition and proposed alterations to the retained facade are acceptable and will not prejudice the architectural or historic interest of the listed building. The works will not detrimentally impact upon the conservation area, setting of listed buildings 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

---

There are no financial implications to the Council.

### Equalities impact

---

The proposals were assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

### Sustainability impact

---

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

### Consultation and engagement

---

#### **Pre-Application Process**

Pre- application discussions took place on this application.

## Publicity summary of representations and Community Council comments

The application was advertised on 30 August 2013. Twelve letters of representation have been received including one from the Edinburgh Old Town Development Trust and one from The Cockburn Association. Comments were also received from the Old Town Community Council. Revised plans were submitted on 26 November 2013. The revised proposals did not introduce any material changes and no further public consultation was undertaken.

### Material Representations

#### Support

- Improvement over the proposal submitted by Mountgrange

#### Objections

- Will result in loss of World Heritage Status/disastrous effect on World Heritage Site;
- Contrary to ECLP policies ENV 1,2,3,4,5 and 6 and DES 1,3 and 6;
- Concern regarding demolition of Old Sailor's Ark;
- Adverse impact on Canongate Venture including its setting; and
- Poor choice of materials.

### Non Material Representations

The non material representations do not relate to this site or this application but relate to the concurrent applications for planning permission, listed building consent and conservation area consent.

The Old Town Community Council objected to the application. Its detailed comments can be viewed in detail in the consultation section, in summary they relate to demolition and design.

A full assessment of the representations and Community Council comments can be found in section 2.3 of the main report.

## Background reading / external references

---

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

## **Application for Listed Building Consent 13/03400/LBC At 2, 4 New Street, 231 Canongate, Edinburgh Part demolition/part retention of building with part retained Canongate and New Street facade.**

### **1. Background**

---

#### **1.1 Site description**

The Old Sailor's Ark is situated on the corner of New Street and Canongate and has most recently been occupied by the Ark Trust at basement level with the majority of the building being vacant.

The building is category C listed (listed on 01.02.2000, ref 46707) and is located within the World Heritage Site. This building is four storeys in height designed by Tarbolton & Ochterlony in 1934-6. The principal frontage is located on Canongate and is constructed in rubble stonework with 17th century detailing, returning 10 metres onto New Street. It has an advanced single bay curved stairtower to the outer left of the building, leaving the remainder of the elevation symmetrical with regular sash and case fenestration to floors above. It has a round-arched doorway with stone entablature at ground level, with a plaque to the left of it and a round-arched niche in the architrave centred above.

The remainder of the building stretching to the rear of the property down New Street is in a contrasting modern style constructed in brick with a flat-roof and casement windows.

This application forms part of a number of applications for the redevelopment of the Canongate area.

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.

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).

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 (as amended) (application number 07/01237/FUL).

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

18 April 2013 – listed building 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).

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).

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).

#### Related applications

23 August 2013 - application submitted 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 (application number 13/03407/FUL).

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 (application number 13/03399/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 proposals relate to the demolition and redevelopment of the rear brick section and the retention of the stone facade of the front section addressing Canongate and New Street. The proposals are similar to the previous consent that approved listed building consent for the partial demolition and redevelopment with retention of the Canongate and New Street stone facades.

In place of the demolished brick section, a contemporary hotel building is proposed that takes a courtyard form. The proposals have been amended to connect with the retained facade through a thinly framed glazed roof projection set back from the eaves to the Canongate retained facade. A thinly framed glazed vertical link connects the new build element with the retained facade on New Street. The retained facade will become the main entrance and reception area into the proposed hotel accessed off Canongate. Internally within the stair tower, the staircase will be removed and the space utilised for an office and four hotel rooms located on each floor. The existing fenestration and 17th century detailing will not be altered. The contemporary hotel building is assessed in more detail in the concurrent application for planning permission (ref: 13/03407/FUL).

The applicant has submitted a Planning Statement, Report of Consultation, Design and Access Statement and Heritage Statement. A Supplementary Design 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

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

### 2.3 Assessment

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

- a) the demolition of part of the listed building is acceptable;
- b) the proposed alterations to retained facade will preserve the special architectural or historic interest of the listed building including its setting;
- c) the proposals will have any impact upon the Outstanding Universal Value of the World Heritage Site;
- d) the proposal will preserve or enhance the setting of the Old Town Conservation Area, and setting of neighbouring listed buildings;
- e) the proposals have any equalities or human rights impacts; and
- f) comments raised have been addressed.

#### a) Loss of the rear brick elevations of the Old Sailors Ark building

The Scottish Historic Environmental Policy (SHEP) sets out the context for considering applications for the demolition of listed buildings. It states that it is Scottish Ministers' policy that no listed building should be demolished unless it can be clearly demonstrated that every effort has been made to retain it.

Consequently planning authorities should only approve such applications where they are satisfied that:

- A. the building is not of special interest; or
- B. the building is incapable of repair; or
- C. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- D. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

This position is supported by Policy Env 2 of the Edinburgh City Local Plan (ECLP), which also states that demolition will only be supported in exceptional circumstances, taking into account the merits of alternative proposals for the site and whether there are public benefits to be derived from allowing demolition which outweigh the loss.

The applicants have questioned whether the proposals constitute demolition under the definition provided in the SHEP and whether the works to the Old Sailor's Ark should be treated as an alteration to the listed building rather than demolition given that the parts of the building which are of greatest architectural and historic interest are being retained. Nevertheless, they have provided information indicating that they seek to justify the partial demolition of the building concentrating on SHEP tests A and C. It should be noted that demolition is considered acceptable should only one of the four tests be fully justified.

#### Test A: Special Interest

In assessing the special interest of a building, attention should be paid not only to its architectural merit but also to its historic interest. This includes not only historic associations but also light thrown by the design, plan, materials or location of a building on the character of a past age or on the development of a particular skill or technology.

The Old Sailor's Ark is category C listed and is therefore of local importance in heritage terms. The principal rubble built facade is the most architectural interesting aspect of the listed building and is being retained. The facade is well detailed and has an interesting curved projecting stair tower. It complements its historic surrounding and provides an active frontage onto the Royal Mile. Internally, the main areas of visual interest are also within the front section of the building. These are the Art Deco style staircase and entrance screen. However, the entrance screen has been altered over the years which has diminished its quality and this will be replaced with a contemporary

screen. The staircase itself, while of some interest, is not architecturally significant and it is not feasible to retain as part of the wider proposals.

The utilitarian rear brick element of the building is particularly obtrusive when viewed from Regent Road, appearing bulky and without relief and is of limited aesthetic value. The public elevation to New Street does not engage with the street and has an oppressive negative impact within the area. Internally this modern section has large rooms on the upper floors with good proportions.

### Test C: Economic and Social benefits

The building is currently unoccupied. The proposed partial demolition of the Old Sailor's Ark forms part of the comprehensive redevelopment and regeneration of the Canongate area and cannot be considered in isolation to the wider scheme.

The Redevelopment Strategy for the Waverley Valley (2000) and the subsequent Waverley Valley Co-ordinating Framework (2001) forms a long term strategy for the future development in the Waverley Valley. This Waverley Valley Strategy acknowledges that whilst there is a general presumption against the demolition of buildings and groups of buildings of architectural and historic significance, there will be scope for clearance where it enhances the setting, assists with the restoration or improves the permeability and ambiance of the area. The Caltongate Masterplan was borne from the aspirations of the Waverley Valley Strategy.

The Caltongate Masterplan recognises the importance of the heritage of the Canongate as one of its thirteen principles. However, similar to the Waverley Valley Strategy, it recognises that, in certain circumstances, a case can be made that outweighs the individual historic and architectural value of the building, such as the benefits of a wider regeneration scheme, the planning benefits gained and the quality of the replacement buildings.

Redevelopment allows the creation of a contemporary sympathetic building which preserves its most important frontages and, from a wider 'planning' point of view, helps bring forward development plan proposal CA2 in the Old Town allowing the comprehensive regeneration of the Canongate area retaining only those elements of uncompromised architectural integrity. Furthermore, the current proposals, unlike the consented scheme, will allow for the adjacent listed Canongate Venture building to be retained for the long-term and brought back into active use and for the listed arches at Jeffrey Street to be refurbished and re-used. This is a significant heritage benefit in comparison with the consented scheme that approved the demolition of the Canongate Venture building and the erection of a larger hotel spanning across New Street. The proposals will help in bringing forward mixed use development introducing new hotels, shops, restaurants and other uses into the heart of the Old Town which will benefit existing residents and visitors, and bring considerable economic benefits / growth through, for example investment, new jobs and construction employment.

Therefore, in relation to the assessment of the proposals against the SHEP tests, on balance, there is justification under tests a) and c) for the partial demolition of the listed structure given that the most important architectural and historic elements are retained and the wider economic benefits that the Caltongate redevelopment scheme delivers as a whole.

## **b) Proposed alterations to the retained facade**

The main areas of architectural interest are on the building's principal facade which is being retained. These areas include the asymmetrical stair tower, the timber studded doors with key stone entablature, the 17th century detailing and the regular fenestration pattern. These elements shall all remain unaltered.

The proposed new-build hotel will harmoniously connect the historic facade to the contemporary hotel and creates a functioning space behind the main entranceway off Canongate. The stairtower will house a hotel bedroom on each of its upper three floors and will maintain the relationship with the front elevation windows. The proposed hotel will be 4 storeys in height on Canongate and will not visually dominate or compete with the retained facade. The architectural style of the hotel is clearly modern but uses many references from its context including angular stone facades, a strong vertical emphasis and articulated roofline to ensure it complements its historic setting. The design scale, materials and positioning of the new hotel will respect the building's envelope, internal arrangement and roof line and is further assessed in the concurrent planning application for the Caltongate Southern Site (ref: 13/03407/FUL).

The proposals are acceptable in terms of retaining the areas of historic and architectural fabric of quality and allowing a balanced redevelopment of the wider site. The new build elements are both subservient and sensitively linked to retained elements ensuring that these elements of architectural and historic interest are safeguarded and utilised as the main public entrance to the new hotel.

## **c) 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, directly addressing the Royal Mile. However, the rear of the site is not considered to be typical of the organic medieval form that underpins much of the Old Town and currently does not provide a significant 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 the remains of the cultural heritage with the retention of Canongate and New Street stone facades will ensure the protection of the historic assets which contribute to the Outstanding Universal Value of the World Heritage Site.

In addition to the retention of the Canongate and New Street facades further positive enhancements over the consented scheme include the significant reduction in the size of the proposed hotel with the retention of the Canongate Venture building and removal of the elevated link over New Street. The new development would be subservient to the Canongate ridge and 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.

**d) Whether the proposal will preserve or enhance the Old Town Conservation Area, and the setting of neighbouring listed buildings**

The application site is within the Old Town Conservation Area. The development should preserve or enhance 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 proposals will retain the historic and architecturally important element of the building. The general and immediate impact upon the conservation area will be minimal.

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

The proposed new hotel building sits within the heights set out in the Caltongate Masterplan with variations to the roof articulation responding to the context of the conservation area. The proposed design approach respects the character of the conservation area in terms of its spacing, height and massing.

The punctuated roof form and elevational treatment along New 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 and complements the retained facades and neighbouring listed buildings. It is considered that the proposed development will result in an acceptable contemporary response to this part of the conservation area and will respect the setting of the neighbouring listed Canongate Venture building.

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 proposals retain the architectural elements which make a positive contribution to the conservation area. The proposals are of an appropriate scale and design and will not detrimentally impact upon the special character and appearance of the conservation area or the setting of neighbouring listed buildings. The proposal satisfies policies ENV 3 and ENV 6 of the Edinburgh City Local Plan.

#### **f) Equalities and human rights impact**

The proposed building 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) of the concurrent planning application for the southern site (ref: 13/03407/FUL). An Equalities and Rights Impact Assessment has been completed.

#### **g) Other material points raised in the representations**

##### Material comments

- Will result in loss of World Heritage Status/disastrous effect on World Heritage Site - this is addressed in section 2.3 c).
- Contrary to ECLP policies ENV 1,2,3,4,5 and 6 and DES 1,3 and 6 - this is addressed in sections 2.3 a) – e).

- Concern regarding demolition of Sailors Ark, poor replacement response - this is addressed in sections 2.3 a) – e).
- Excess of unarticulated roofscapes - this is addressed in section 2.3 b) – d).
- Poor choice of materials - this is addressed in sections 2.3 b) – e).

### Non-material comments

The non material issues raised do not relate to this site or this application but relate to the concurrent applications for planning permission, listed building consent and conservation area consent.

### **Old Town Community Council Comments**

The Community Council raised a number of issues in their consultation response which relate to the parallel applications for planning permission, listed building consent and conservation area consent which have been addressed in the related reports. Of relevance to this application are the following points:

- Partial demolition of the Old Sailor’s Ark - assessed in section 2.3 a).
- Design of new build element- assessed in section 2.3 b) – e).

### **CONCLUSION**

In conclusion, the proposed demolition of the rear brick built section of the building satisfies SHEP tests A and C given the retention of the section of the building deemed to possess the architectural and historic interest and the wider economic benefits that the proposals will deliver as part of wider regeneration scheme. The proposals will not prejudice the architectural or historic interest of the retained facade or adversely affect the setting of neighbouring listed buildings. The proposals will not adversely affect the special character or appearance of the Old Town Conservation Area or harm the qualities which justified the inscription of the Old and New Towns as a World Heritage Site.

The proposals are acceptable subject to referral to Scottish Ministers and conditions relating to archaeology, contract for new build replacement and recording of the asset.

## **3. Recommendations**

---

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

### **3.2 Conditions/reasons**

1. The application shall be notified to the Scottish Ministers prior to determination.
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, conservation, historic

building recording, reporting and analysis and publication) 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.

3. No demolition shall take place until the contract for the new development 13/03407/FUL - 'Southern Site' has been let, and written evidence of this has been made available to and accepted in writing by the Head of Planning & Strategy.

4. Prior to work being commenced on site, the following shall be submitted to and agreed in writing by the Head of Planning & Strategy: a. a photographic survey of the interior of the building b. details of which of the existing fittings and materials will be salvaged and/or reused including any other items of architectural and historic interest.

#### **Reasons:-**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard visual amenity.
4. In order to safeguard the interests of archaeological heritage.

#### **Informatives**

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this 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 Masterplan of 2006 to create a mixed use redevelopment to create sustainable and integrated city quarter in the heart of Edinburgh's Old Town. A Masterplan 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.

## Edinburgh City Local Plan (ECLP)

The application site is identified within the ECLP as being within the central area. The site also forms part of Proposal CA 2 - Caltongate.

## Caltongate Masterplan

The Planning Committee on 5 October 2006 approved the Caltongate Masterplan as supplementary planning guidance, subject to amendments requiring improvements to the area around Calton Road Railway Bridge and the principle of including green space.

The Masterplan addresses a series of sites within the Old Town which extend over 3.46 hectares. The Masterplan comprises two sites on Calton Road; the former New Street bus depot (now demolished); Sailor's Ark, properties on 221 - 229 Canongate; and properties on East Market Street (Canongate Venture, former Council garage, two parking lots and the Jeffrey Street Arches).

The Masterplan structure comprises; Site and Context, Vision, Development Objectives, Site Specific Development Principles, Transport and Parking, Infrastructure, Development Contributions, Implementation and Phasing and Appendices.

In addition the document contains guidance on Site Specific Development Principles, Transport and Parking, Infrastructure, Developer Contributions and Implementation and Phasing.

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**

01,02A,03-20,21A,22A,23-25,26A,27,28A,29A,30-31,32A,

Scheme 2

**David R. Leslie**

Acting Head of Planning and Building Standards

## Links - Policies

---

### **Relevant Policies:**

#### **Relevant policies of the Edinburgh City Local Plan.**

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

#### **Relevant Non-Statutory Guidelines**

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

**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

# Appendix 1

## Consultations

---

### **Archaeology - response dated 04/09/2013**

*Further to your consultation request I would like to make the following comments and recommendations in respect to this application concerning the Sailors Ark building for the part demolition/part retention of building with part retained Canongate and New Street Façade.*

*I refer you to my earlier comments in response to the 2007 & 2013 applications and current associated full application 13/03407/FUL, which discuss the fuller archaeological significance and required archaeological mitigation for the site. As such application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The development will have significant impacts upon the upstanding listed 1930's Old Sailors Ark and associated buried archaeological remains associated with the medieval Canongate Burgh. Although it is to be welcomed that front and side façades of the Sailors Ark are to be retained.*

*As discussed in my response to the associated full application (13/03407/FUL) and earlier 2007/2013 applications for Canongate Southern Site / Caltongate, this application will require the undertaking of a comprehensive programme of archaeological mitigation (excavation, conservation, historic building recording, reporting and analysis and publication) both in advance of demolition/development and also during construction. In terms of historic building work this will entail a mix of tailored building recording (min level 2-3) and associated excavations and watching briefs (both internal and external) and any subsequent reporting and analysis. In addition it is required that any areas of Caithness Paving affected by this development are assessed for fossils and the undertaking of a programme of conservation and analysis of any significant fossils discovered.*

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

*'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, conservation, historic building recording, reporting and analysis and publication) 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 - response dated 26/09/2013**

*Thank you for your consultation dated 30 August which we received on 30 August. We have considered your consultation and comment as follows:*

*The application for listed building consent concerns the part-demolition and part-retention of the former Old Sailor's Ark, a Category C listed building designed in 1934 by Harold Tarbolton of architects Tarbolton & Ochterlony. It opened in 1936 as a soup kitchen and dining halls, the end result of a charitable donation by a Master Mariner.*

*The building was designed with a rubble stone frontage and brick rear. The stone frontage was designed, as press reports note, to 'be in keeping with the historic street'. It reflects the conservation movement at this time, in particular the approach taken with the stone fronted tenements built immediately to the east and across the road by the City Architect Ebenezer MacRae in 1930-1932. It is set-back from the building line, likely to address road-widening plans that were abandoned at the end of the decade.*

*As with the previous approved scheme, the application retains the principal stone elevation of the building, the brick portion to New Street being demolished for a new hotel scheme facing the new square. The retained and new building are separated by a glazed strip, although unfortunately the rear of the stone building does not return within the building. The Heritage Statement notes that, as the demolition concerns a lesser part of the building, it could be classed as alteration rather than demolition. It is clear that the stone built portion, a 1930's building reinterpreted in C17th form, is likely the impetus for the original listing, and that in this context the brick building is certainly the less important part of the listed building.*

*However, the level of demolition is surely substantial as only the retained façade of the frontage building is kept. In any case this decision would be made by your Council.*

*Assuming the works are classed as demolition, the Heritage Statement notes that the demolition works can be justified under test c.) that is; the (substantial) demolition of the building is essential to delivering economic growth and delivering wider benefits to the community. This was the approach taken within the previous proposals approved in 2008. The justification then lists the benefits to the scheme including £150M of capital investment. Importantly, the justification for the overall scheme also allows for the retention and reuse of the Canongate Venture, the adjacent Category C listed building.*

*On balance, we consider that the removal of the rear part of the Old Sailor's Ark has been justified by the economic and community benefits of the wider scheme, together with the opportunity to retain the Canongate Venture. With the latter in mind it may be useful to condition the reuse of the Venture at an early stage in the proposals.*

### **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 Adocates Close this was accomplished through the deletion of over 80 new flats.*
- There is a potentially excessive level of bad neighbour developments planned (hot food takeaways, bars, nightclubs, restaurants etc). It is not possible to assess the cumulative impact of these uses on neighbouring residential streets and properties as the plans do not detail the size or location of each use.*
- Retail uses are included as one of a number of uses for each block.*

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

### *The Design of the buildings*

- *The overall design is bland and oversized. There is a monotony about the design which could be better handled by using a wider range of architectural styles and finer grain to the blocks of new build. The existing listed and unlisted buildings are capable of being restored and reused without the large scale demolitions proposed on the Royal Mile and the unnecessary demolitions and additions of glass extensions to the Listed Buildings on East Market Street.*
- *The two hotel blocks proposed on East Market St are too high and over dominant, they impact negatively on the Listed Canongate Venture and its setting as well as on key views through the Waverley Valley obscuring the spine of the Royal Mile, Canongate Venture and other Listed Buildings and landmarks. The Blocks will overshadow neighbouring properties and the Canongate Venture.*
- *The excessive pend to be created on the Canongate is completely unnecessary for a pedestrian only route and will have a hugely negative impact on the appearance of the Royal Mile.*
- *The design of each block is architecturally more in keeping with the form and scale of the New Town.*
- *The finishings and building materials are not sympathetic to the Old Town and will create further damage to the integrity of the World Heritage Site.*
- *The inappropriateness of the design has been described most accurately in letters of objection from both the Cockburn Association and AHSS.*

### *The public realm*

- *The proposal claims to improve public realm but the planned public square and Parliament Way will be privately owned and managed. The management team will have control over access, traffic and servicing of buildings around the square negotiated by private arrangement/fees and it is unclear which other roads (eg. Residential Street) will also be 'managed' by a private company or be adopted by the Roads Authority.*
- *We still believe the public square is one of the key failures of the proposals as the layout will create an unpleasant windy uniform space which is mostly in shadow, the purpose as an alternative pedestrian route remains questionable particularly as the*

*Royal Mile Action plan is now focussed on improving the pedestrian route along the Royal Mile. Whilst the inclusion of new routes and connections through the area is to be encouraged the creation of public realm in this location should support the traditional pattern of small courtyards linked through closes and wynds connecting streets and spaces at different levels.*

- There is a need for human scale, well designed green public spaces but the proposed public realm works fail to achieve this and the plans not only fail to improve the pedestrian environment on North New St but the traffic and servicing planned and office uses proposed will result in a further deterioration of the environment and safety around the New St Calton Road junction.*
- The public square and repaving of streets offers little improvement to existing traffic routes and do little to support the planned pedestrianisation and other works proposed in the Royal Mile Action Plan.*
- The proposals also describe the internal ground floor space of Canongate Venture as public realm whilst the proposed redevelopment of the playground will significantly reduce existing public realm.*
- The development of the land in front of the Arches (west Cranston St) will also reduce public realm. This area was identified by many stakeholders throughout the pre-application consultation as a sheltered sunny space which is more suited for creating a successful landscaped area of public space.*

*In conclusion we respectfully request that further amendments and consultation is carried out to ensure the finalised plans fulfil the needs and aspirations of the community for a truly sustainable example of mixed use city centre development that meets the urgent needs of the local community and supports the City's wider aims.*

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

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

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

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

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

