

Development Management Sub Committee

Wednesday 9 March 2016

Application for Approval of Matters Specified in Conditions 15/04868/AMC

At St James Centre, Edinburgh, EH1 3SS

Application for approval of matters specified in condition 23(ix) of planning permission 08/03361/OUT relating to the road layout at Elder Street and its junctions with York Place and St James Place and associated hard and soft landscaping details under condition 23(xvii)

Item number	4.7
Report number	
Wards	A11 - City Centre

Summary

The proposed road layout and associated hard and soft landscaping details are all acceptable. The proposals accord with the principle established under the Outline Planning Permission. There will be no significant impact on the character and appearance of the conservation area, nor will there be any road safety implications. It will have a positive impact on equalities and human rights.

There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD2, CITD3, CITD5, CITD7, CITE1, CITE3, CITE6, CITE17, CITE18, CITH8, CITT1, CITT2, CITCA1, NSG, NSGD02, NSP,

Report

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Recommendations

1.1 It is recommended that this application be Approved subject to the details below.

Background

2.1 Site description

The masterplan site is to the north of the east end of Princes Street. It is 5.2 hectares and includes James Craig Walk, Elder Street, St James Place, Little King Street, Cathedral Street and much of both Leith Street and Multrees Walk.

Within the site, there is the St James Centre, the New St Andrew's House office, the King James Hotel and two multi storey car parks.

The site that this application relates to is specifically the junction of York Place and Elder Street.

The application site is in the World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

25 March 2009 - Conservation area consent was granted for redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses (including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh (reference 08/03361/CON).

29 April 2009 - Outline planning permission was granted for the redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses (including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh. This is the outline planning permission to which this application for approval of matters specified in condition relates (reference: 08/03361/OUT).

23 May 2014 - Application for approval of matters specified in condition 23 (ii) of Outline Planning Permission 08/03361/OUT submitted. This is pending consideration (reference: 14/02070/AMC).

19 December 2014 - Application submitted for approval of matters specified in condition 23 (i), (iii), (vii), (ix), (x), (xi), (xvi) and (xvii) of Outline Planning Permission 08/03361/OUT relating to number of residential/commercial/business units, design of external features and materials, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, and hard and soft landscaping details. This application has been approved (reference: 14/05263/AMC).

14 April 2015 - Application submitted for approval of matters specified in condition 23 (iv), (v), (vi), (viii), (xii), (xiii), (xiv) and (xv) of Outline Planning Permission 08/03361/OUT relating to cycle parking facilities, showers/lockers, signing of pedestrian/cycle routes, car parking bays, external lighting, hours of deliveries/collections, waste management + hours of operation. This application has been approved (reference 15/01742/AMC).

21 April 2015 - Application submitted for approval of matters specified in Condition 23 of Outline Planning Permission 08/03361/OUT relating to design of the central hotel building (Block C) and associated landscaping and external lighting. This application has been approved (reference: 15/01858/AMC).

10 April 2015 - Application submitted for alterations to department store including reconfiguration of existing entrance, creation of new entrance and provision of temporary plant at 69 St James Centre Edinburgh (as amended) (reference 15/01659/FUL). This application is for changes to the John Lewis Store to facilitate the development during its construction.

2 July 2015 - Application approved for approval of matters specified in Condition 23 of Outline Planning Permission 08/03361/OUT for the precise location and extent of individual uses (reference: 15/02054/AMC).

The St James CPO

9 October 2014 - The St James Quarter Edinburgh (Number Two) Compulsory Purchase Order 2014 was made. This site forms part of the Compulsory Purchase.

24 February 2015 - The St James Quarter Edinburgh (Number Two) Compulsory Purchase Order - Now approved by the Scottish Government's Department of Planning and Environmental Appeals (DPEA reference CPO-EDB-005).

Other related applications within the site

15 December 2015 - Application submitted for listed building consent for internal and external alterations and ancillary works. 27, 29, 31 James Craig Walk Edinburgh EH1 3BA. Currently pending decision (reference 14/05148/LBC).

29 April 2015 - Planning permission granted subject to legal agreement for change of use from student accommodation to Class 1 (Shops), Class 2 (Financial, professional & other services) and/or Class 4 (Business) uses and residential apartments, proposed alterations and ancillary works at 27, 29, 31 James Craig Walk Edinburgh. Currently awaiting signing of legal agreement (reference 14/05147/FUL).

27 April 2015 - Listed building consent granted for internal and external alterations and erection of extension and ancillary works at 3 St James Place Edinburgh. The existing building is St Andrew's Hall and is used as the John Lewis Collection Point (reference 14/05144/LBC).

20 May 2015 - Planning permission granted for change of use to Class 3 (Food and Drink) and Class 4 (Business) uses, proposed alterations, erection of extension and ancillary works at 3 St James Place Edinburgh EH1 3JH (reference 14/05143/FUL).

Main report

3.1 Description Of The Proposal

Approval is sought for matters specified in Condition 23 of the outline planning permission reference 08/03361/OUT for the redevelopment of the St James Centre.

The outline planning permission established parameters for the development including its footprint, form, height and maximum floor areas for individual uses. This AMC application seeks approval for the road layout at Elder Street and its junctions with York Place and St James Place and associated hard and soft landscaping details. The paving will be sandstone slabs with granite curbstones.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

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?

3.3 Assessment

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

- a) the proposed details are acceptable and comply with the planning permission in principle;
- b) the proposal preserves and enhances the character or appearance of the conservation area;
- c) the proposal affects road safety;
- d) the proposal has any equalities or human rights impacts; and
- e) representations raise issues to be addressed.

a) Compliance with the Planning Permission in Principle

The general aim of the masterplan is to improve the pedestrian environment and an outstanding issue of the primary application for approval of matters specified in condition - 14/05263/AMC (the primary AMC) is the pedestrian environment of York Place and Elder Street. The proposals are consistent with the aim of maximising the pedestrian environment with the introduction of shared surfaces with pedestrian priority. This junction is used by a high volume of traffic and the use of different, clearly delineated materials, street furniture and other edge markers will ensure road safety for all users.

Provision for these vehicle movements and space for waiting and parking have been taken into consideration in ensuring pedestrian priority and the design recognises the existing and proposed level changes with the provision of a step free route to the west edge.

The principle is therefore acceptable.

b) Character and Appearance of the Conservation Area

The proposals will incorporate a high quality finish as reflected within the primary public realm areas within the masterplan area. The general design of the hard and soft landscaping to the public spaces is acceptable and responds positively to the site's historic context with the extensive use of traditional materials which in turn will enhance the character and appearance of the conservation area. The impact of the proposal on the conservation area is therefore acceptable.

c) Roads Issues

There are no concerns with the proposals in general terms, however, the full design and specification of all the civil and signal works, and street furniture shall be required to be submitted and agreed under separate application for road occupation. Also given the proximity of the tram, the applicants must agree a safe method of working with the Council and will be required to seek authorisation for works to be undertaken either on or near the tramway.

The subject of this current application is specifically the finishes and general principles to be incorporated into the design of this junction.

Notwithstanding the concerns raised by third parties, it should be noted that, the final layout and design of this junction is subject to approval under separate Transport legislation. It should also be noted that any changes to the design of the City Centre Cycle Route would require the detailing of this junction to be revisited.

The proposals do not raise any road safety issues in terms of this application.

d) Equalities and Human Rights

In relation to equalities, the development will improve accessibility for disabled people. All people will be able to use this junction and the environment created around it. This means there are no adverse impacts on equalities in relation to age, gender identity, marriage/civil partnership, pregnancy/maternity, race or religion/belief.

In relation to human rights, the development will promote health by being accessible to pedestrians and cyclists. Physical security will be promoted through creating a development that provides passive supervision to the spaces and streets around it. There are no adverse impacts in relation to legal security, education and learning, standard of living, productive and valued activities, individual, family and social life, identity, expression and respect, and participation, influence and voice.

e) Public Comments

There has been 20 letters objecting to the proposals. The following material issues have been raised:

- the use of a staggered Toucan Crossing for both pedestrians and cyclists and the conflict this will create in the refuge area (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- too many lanes of traffic on the exit from Elder Street (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- the introduction of the three parking spaces on Elder Street is surplus to requirements (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;

- City Centre cycle route compromised by introduction of substandard junction for both pedestrians and cyclists (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- cycle route seriously diminished as not properly continued and connected at end points (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- Elder Street / York Place junction priority given to cars over pedestrians and cyclists (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- proposals conflict with Council's street design guidance (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- makes conditions worse for people with disabilities contrary to the Equality Act (assessed in 3.3(d) above);
- conflicts with Council's Active travel Plan (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- impact on safe running of the tram (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- the removal of the loading bays will impact on local residents and business deliveries (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- unclear how many loading bays will be retained (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC;
- introduction of two way traffic on James Place (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC; and
- insufficient information to assess proposals (assessed in 3.3(c) above and 3.3 i) of the primary AMC application 14/05263/AMC.

Conclusion

In conclusion, the proposals accord with the principle established under the Outline Planning Permission. There will be no significant impact on the character and appearance of the conservation area, nor will there be any road safety implications. It will have a positive impact on equalities and human rights. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Approved subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. In relation to Condition 23(ix) and 23(xvii) of permission 08/03361/OUT - the general layout of the signalised junctions, including cycle and pedestrian facilities, is approved subject to full design and specification of all civil and signal works, and street furniture being submitted and agreed under separate application for road occupation. All works associated with the signalisation (including lane markings, re-surfacing, civil works, etc.) shall be carried out at no cost to the Council.
2. The Council is currently consulting on the details of the layout and operation of the signals in relation to cyclists and pedestrians and the Roseburn to Leith cycle route. Final design of the junction will be dependent on the results of that consultation.
3. For the avoidance of doubt, the phrase "works on site" in Informative 6 of permission 14/05263/AMC relates to works on the road at the junction of Elder Street, York Place and St James Place and not to the construction of the St James Centre itself;
4. The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - Any excavation within 3m of any pole supporting overhead lines;
 - Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
 - The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
 - See full guidance on how to get permission to work near a tram way
 - <http://edinburghtrams.com/community/working-around-trams>

Financial impact

4.1 The financial impact has been assessed as follows:

The application site is subject of the St James Quarter Edinburgh (Number Two) Compulsory Purchase Order. The financial implications have been reported to the appropriate Council Committees separately.

There are no other financial implications to the Council resulting from this application.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 30 October 2015.

There have been 24 representations received objecting to the proposals.

Material Representations

- application content and notification;
- vehicle and cycle access and parking;
- Transport Impact Assessment;
- air quality;
- flooding and drainage; and
- Edinburgh World Heritage Site.

Non-Material Representations

- effect of construction works; and
- lack of detail in outline consent 08/03361/OUT.

There was no response from the New Town and Broughton Community Council.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application site is identified in the Edinburgh City Local Plan as being within the Central Area. The site forms part of an identified Central Area Development Proposal (CA 1- St James Quarter). The site is also included in the St James Quarter Development Brief.

Date registered

23 October 2015

Drawing numbers/Scheme

01 - 04,

Scheme 1

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Emma Wilson, Senior Planning Officer
E-mail:emma.wilson@edinburgh.gov.uk Tel:0131 529 3634

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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 on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Appendix 1

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Consultations

Roads Authority - comments received 18 December 2015

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *In relation to Condition 23(ix) and 23(xvii) of permission 08/03361/OUT - the general layout of the signalised junctions, including cycle and pedestrian facilities, is approved subject to full design and specification of all civil and signal works, and street furniture being submitted and agreed under separate application for road occupation. All works associated with the signalisation (including lane markings, re-surfacing, civil works, etc.) shall be carried out at no cost to the Council.*

TRAMS - Important Note:

The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;*
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;*
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;*
- Any excavation within 3m of any pole supporting overhead lines;*
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;*
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.*

See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>

Note:

1. The Council is currently consulting on the details of the layout and operation of the signals in relation to cyclists and pedestrians and the Roseburn to Leith cycle route. Final design of the junction will be dependent on the results of that consultation;

2. Conditions 23(ix) and 23(xvii) of permission 08/03361/OUT state:
"Before development starts, further applications shall be submitted to and approved in writing by the Planning Authority in respect of the following reserved matters:

(ix) Amendments or any treatment to adopted roads or footways;

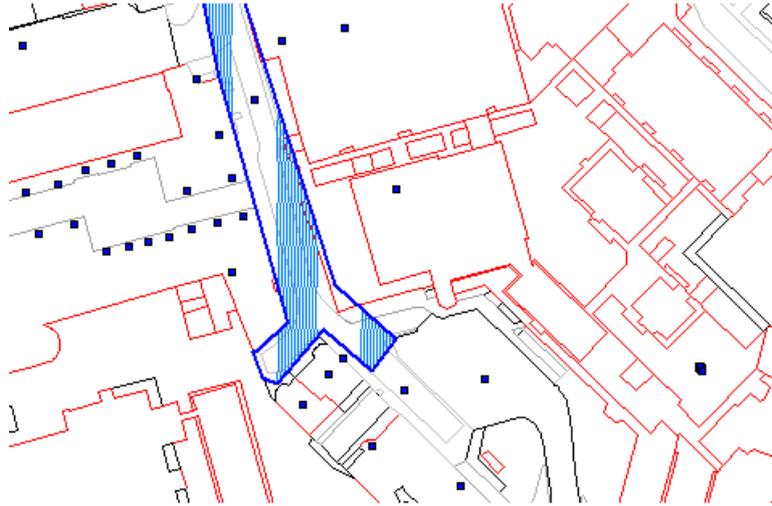
(xvii) Hard and soft landscaping details, which shall include:

(d) Other structures, such as street furniture";

3. For the avoidance of doubt, the phrase "works on site" in Informative 6 of permission 14/05263/AMC relates to works on road at the junction of Elder Street, York Place and St James Place and not to the construction of the St James Centre itself;

4. Informative 6 of permission 14/05263/AMC states:
"Prior to commencement of works on site, in accordance with condition 15 of the outline planning permission to which this application relates (reference 08/03361/OUT) the design and full specification of all traffic controlled junctions and crossings require to be approved by the Council.

Location Plan



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