

# Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/00945/FUL  
at Jury's Inn, 43 Jeffrey Street, Edinburgh.  
Erect new 131 bed boutique hotel, 101 bed extension to  
existing Jury's Inn hotel, two residential blocks containing  
31 flats and retail units. Convert two lower floors of existing  
category C listed tenement building to new hotel entrance  
and lounge. Create public space with pedestrian links into  
the site from existing closes, including new access ramp.  
(As amended to 125 bed boutique hotel and 100 bed  
extension to existing Jury's Inn hotel.)**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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This proposal will deliver a mixed use development which will complement the existing area. The design of the buildings, spaces and routes will create a positive townscape, well-suited to this particular site and the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of adjacent listed buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. The proposals are sustainable and there are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LEMP10, LHOU01, LHOU02, LHOU04, LHOU06, LHOU07, LRET01, LRET11, LEN04, LEN03, LEN06, LEN01, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN09, LEN12, LEN16, LTRA02, LTRA03, LTRA04, LDEL01, LEN21, NSG, NSLBCA, NSGD02, NSESBB, CRPOLD,

# Report

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## Recommendations

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

## Background

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### 2.1 Site description

The application relates to a vacant site to the rear of Jury's Inn Hotel, measuring 0.337 hectares. The site, known as "The Tannery Site", between Jeffrey Street and High Street is bounded by North Gray's Close to the west and Chalmer's Close to the east. The site extends beyond Chalmer's Close to incorporate a strip of land between the rear of Jury's Inn and north of Trinity Apse.

Jury's Inn occupies a seven-storey, Brutalist style, concrete building dating from the 1970s.

The site contains a category C listed, five-storey, sandstone tenement at 55-61 Jeffrey Street (LB reference 29191, listed on 13 August 1987).

There are several listed buildings on the periphery of the site:

- Trinity College Church Apse on Chalmers Close (category A listed and scheduled ancient monument, LB reference 27547, listed 14 December 1970);
- Old St Paul's Church at 63 Jeffrey Street, to the west of North Gray's Close (category B listed, LB reference 27212, listed 14 December 1970);
- the ruin of Bishop Sydsarf's House at 2 North Gray's Close and 125 High Street (category B listed, LB reference 29443, listed 25 April 1989);

- Carrubers Close Mission at 63-67 High Street (category B listed, LB reference 29036, listed on 13 August 1987) and
- category B listed tenements at 107-119 High Street (LB reference 29039, listed on 13 August 1987), 123 High Street (LB reference 29040, listed on 9 September 1988), 127 and 129 High Street (LB reference 29043, listed on 9 September 1988) and 133 and 135 High Street and 4 Carruber's Close (LB reference 29044, listed on 11 January 1989).

The surrounding area is mixed use in character, typically with commercial and retail uses at ground floor level with the upper levels in predominantly residential use.

Vehicular access to the site is via a pend off Jeffrey Street through the Jury's Inn building and there is a second pend through the tenement at 55-61 Jeffrey Street, although this is currently boarded off.

The application site falls within the Old and New Towns of Edinburgh World Heritage Site.

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

## **2.2 Site History**

### Jury's Inn 43 Jeffrey Street

27 November 1997 - planning permission granted for change of use from office to hotel (application reference 97/01557/FUL).

24 August 2007 - planning permission granted to erect flatted residential, 66-bedroom hotel extension and mixed commercial use (application reference 02/03306/FUL).

17 June 2008 - planning permission granted for amendment to planning permission reference 02/03306/FUL to provide 126-bedroom extension to existing hotel, rather than approved 66-bedroom extension, deletion of 34 flats and car parking and changes to elevational treatments of entire new build development (application reference 07/03931/FUL).

19 August 2010 - planning permission granted for variation to planning permission reference 07/03931/FUL to increase number of bedrooms in hotel extension to 139 and modifications to building footprint, elevations and roof form (application reference 07/03931/VARY). Some groundworks for this permission have been implemented, so the consent is live.

17 January 2014 - planning permission granted to erect 101-bedroom student residence with management suite and retail unit on ground floor ((application reference 10/02401/FUL).

### 55-61 Jeffrey Street

5 December 2002 - listed building consent granted for external and internal alterations, including new pend access (application reference 02/03312/LBC).

17 January 2014 - listed building consent granted to erect new internal partitions at ground and first floor levels to create management suite for student residences, form five-bedroom student cluster flat on first floor and convert one rear window to form doorway (application reference 10/02401/LBC).

Current application for listed building consent (reference 19/00946/LBC) under consideration for alterations to nos. 55-61 Jeffrey Street associated with the erection of a new adjoining hotel affecting the lower two floors (as amended).

## **Main report**

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### **3.1 Description of the Proposal**

The Jury's Inn Hotel and tenement within the site will be retained.

#### Scheme 2

The application is for the demolition of remnants of boundary walls of the site and erection of a new 125-bedroom boutique hotel (floor area 4976 square metres), a 100-bedroom extension to the existing Jurys Inn hotel (floor area 3582 square metres), two residential blocks containing a total of 31 flats, and five retail/workshop units with a total floor area of 348 square metres. The building forms are traditional geometric forms with mainly duo-pitch roofs. External alterations are proposed to the tenement at 55-61 Jeffrey Street.

#### New Hotel

The proposed new boutique hotel is a north-south aligned, seven-storey and attic building, to the rear of the tenement at 55-61 Jeffrey Street. The building will join the tenement's rear elevation at ground and first floor levels. The front half of the proposed structure features a low-profile roof, incorporating dormer windows on the front and side elevations. An ancillary restaurant and bar are located at ground floor level and the kitchen is also located on this floor. The basement houses staff facilities, a cycle store, refuse and storage areas and a boiler room. The hotel reception and lounge will be located at ground and first floor level within the existing tenement at 55-61 Jeffrey Street.

#### Hotel Extension

The proposed extension to the rear of the existing Jury's Inn is an east-west aligned, broadly T-shaped, eight-storey structure featuring gable ends on the front elevation facing Jeffrey Street and advanced bays on the west elevation. A retail/workshop unit is incorporated at ground floor level and the basement contains the kitchen, staff changing facilities, stores and refuse areas.

#### Residential Blocks

The proposed residential flats are arranged in separate blocks of six and seven storeys. The blocks adjoin at third to sixth floor levels to form a pend leading eastwards into Chalmer's Close. There are cycle stores and utility areas at ground floor level and a retail/workshop unit at this level in the southern block facing Chalmer's Close.

The layout facilitates pedestrian movement, with a new public space to the southern section of the site. The new hotel, hotel extension and residential blocks all address this space.

The materials palette comprises predominantly natural sandstone-clad elevations with rubble sandstone-bases and natural slate roofs. There are sections of white render above the stone bases on some elevations and limited sections of coloured render. Areas of flat or shallow-pitch roof will be zinc-clad (with standing-seams on the sloping sections) and the balconies on the residential blocks will have metal balustrades. The commercial and residential windows will be aluminium-framed.

### 55-61 Jeffrey Street

The annexation of the new hotel extension to this category C listed tenement involves alterations to the rear elevation as follows:-

- the removal of two windows, stonework below and part of the stone pier between at first floor level;
- the removal of one window, stonework below and one side pier and the formation of a doorway from an existing window at basement level.

### Public Realm

A comprehensive, hard-landscaped, public realm scheme, with limited areas of soft landscaping is proposed in the spaces between the buildings, with pedestrian links into and through the site using the existing closes. New public amenity spaces will be created, some in the form of raised decks on top of new retail units, accessed via steps linking with North Gray's, Paisley and Chalmer's Closes. The hard landscaping materials comprise Caithness flagstone paving, clay brick paving and granite setts with timber and granite seating. A detailed planting scheme, including rain gardens, is included. The public spaces within the site will remain open, except from 10pm until 7am.

The proposed public realm scheme is partly accessible in terms of non-stepped access and includes a new access ramp to the north side of Trinity Apse, behind the existing hotel building. This ramp will be surfaced in Caithness flag paving with a stainless steel handrail.

Access for service vehicles and accessible car parking spaces will be via the existing pend through the Jury's Inn hotel into Chalmer's Close. Service areas accessed off the pend are within the main hotel building. A new refuse store for the residential units will be located to the rear of the existing building.

No general staff, customer or residential parking is proposed. The existing car park off Chalmer's Close to the rear of the main hotel building will be replaced with a new paved area, incorporating two accessible car parking spaces and one motor cycle parking space. Cycle parking will be provided as follows:-

- 10 spaces for the hotel extension within a covered secure store behind the new access ramp;
- 13 spaces in a store within the basement of the new hotel;

- 18 spaces in a store within the ground floor of the residential block attached to the hotel extension; and
- 44 spaces in a store within the ground floor of the other residential block.

A small electricity sub-station will be erected on the rear of the existing hotel just beyond the bend through 55-61 Jeffrey Street.

### Scheme 1

The original scheme proposed a new 131-bedroom boutique hotel (floor area 4737 square metres), a 101-bedroom extension to the existing Jury's Inn Hotel (floor area 3653 square metres), two residential blocks containing a total of 31 flats, and four retail/workshop units with a total floor area of 336 square metres. The plan form of the hotel extension was more irregular, and the hotel extension had a rectangular plan form. A second access ramp was located to the south of the hotel extension and a general cycle store was proposed to the rear of the existing hotel for staff, guests and visitors. No cycle parking was proposed for the residential blocks. The existing car parking area to the rear of the hotel was retained with the addition of the aforementioned cycle store.

### Supporting Documents

The following information was submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Landscape Design Statement;
- Visual Impact Assessment including verified views;
- Archaeological Report;
- Tree Report;
- Noise Impact Assessment;
- Daylight Assessment;
- Transport Statement;
- Ecological Appraisal;
- Bat Survey;
- Drainage Strategy;
- Energy Statement;
- BREEM Pre-Assessment;
- Geotechnical Study;
- Ground Investigation Report and
- Fire Strategy.

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

An associated application for listed building has been submitted for external and internal alterations to the tenement at 55-61 Jeffrey Street (application reference 19/00946/LBC).

### 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed buildings;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the design is acceptable and contributes towards a sense of place;
- f) the proposals have an adverse impact on significant archaeological remains;
- g) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- h) the level of affordable housing provision is acceptable;
- i) the proposals have a detrimental impact on road safety or infrastructure;
- j) the proposals have an adverse impact on trees or biodiversity;
- k) any impacts on equalities or human rights are acceptable and
- l) public comments have been addressed.

## **a) Principle**

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP).

LDP Policy Emp 10 permits hotel development in the city centre where it may be required to form part of mixed use schemes, if necessary to maintain city centre diversity and vitality. Given the major tourism role of the Old Town and the accessibility of this site via sustainable means of transport, hotel development is acceptable in principle in this location. The hotel use will contribute positively to the range of uses proposed on site and within the vicinity and the total number of bedrooms proposed is not excessive. There is a current need for additional hotel bedrooms in Edinburgh and this city centre location is appropriate for a development of this scale in terms of surrounding density.

Policy Hou 1: Housing Development gives priority to the delivery of the housing land supply, including in the City Centre. Housing is appropriate in principle on this former brownfield site which is surrounded by mixed uses, including residential. Residential use will contribute to maintaining a balance between the permanent and transient populations of the Old Town.

Local Development Plan Policy Ret 1 supports retail use within the City Centre. The proposed retail units are integrated within the various elements of the development and located at ground level to create active frontages which contribute to the vitality of the area.

The proposed Class 3 uses are ancillary to the hotel uses, although the criteria of LDP Policy Ret 11: Food and Drink Establishments has been considered in the assessment of these uses. The proposed café/restaurants and bars in this busy city centre location, where there are many existing such establishments, will not cause any significant disruption for residents.

In summary, the type and balance of uses within this development will achieve an appropriate balance between the competing priorities of promoting the economic potential of the Old Town, whilst making it an attractive place to live.

The development is therefore acceptable in principle. A condition has been applied to ensure the provision of the residential units.

## **b) Character and Setting of Listed Buildings**

Section 59 (1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 states:-

*"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states;

*"Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced."*

The document states that where development is proposed it is important to:

- "• Identify the historic assets that might be affected;*
- Define the setting of each historic asset and*
- Assess the impact of any new development on this".*

HEPS Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

#### Character of 55-61 Jeffrey Street

This is a category C listed, five-storey, Scots Baronial style tenement by Robert Hamilton Paterson, dating from 1889. The building has been significantly altered by the formation of a wide, double-height pend through its east side. The proposed new hotel will adjoin the tenement at ground and first floor level on its rear elevation and this connection will not be visible from Jeffrey Street. The fenestration pattern on the rear elevation is irregular and the architectural character of this elevation is informal. The existing pattern of openings at the affected levels is not significant, so the proposed alterations to these window and door openings will have no adverse effect on historic or architectural character.

#### Setting of Listed Buildings

The setting of the listed buildings on the site and adjoining is currently dominated by the existing Jury's Hotel building with an overgrown brownfield site cleared of structures to the north. The 1849 Ordnance Survey map shows that, by the mid 1900s, the site was occupied by dense, north-south aligned tenements with narrow closes running north-south between the buildings. The northern section of this pattern had been eradicated by 1876 as shown on the Ordnance Survey map of that year, as part of the City Improvement Act of 1867, which included the creation of Jeffrey Street. By the mid 20th century, historic photographs show that the vacant part of the site and some of the surviving tenements had been replaced with industrial buildings, including those of the Tannery, notably a large, east-west aligned block to the immediate west of Trinity Apse. There was a large Baronial style tenement fronting Jeffrey Street and a prominent north extension to Trinity Apse.

## Trinity Apse

Trinity Apse is the most significant listed building adjoining the site, located on the east side of Chalmer's Close and to the rear of the existing Jury's Inn hotel. The Apse, which is currently vacant, is a category A listed structure by John Lessels, dating from 1872, incorporating parts of Trinity College Church by John Halkerston, dating from 1460-1531 and demolished in 1848. Lessel's church included an extension to the north added in 1872-77 but this addition was demolished in 1964 and the north arcade was filled in with squared and snecked sandstone. The Chalmer's Close elevation, which faces into the site, comprises a single, tall pointed gable with a pointed loop-traceried window and cusped oculus above.

In order to increase the accessibility of the site, in particular to the new residential and retail uses in the centre of the development, an access ramp is proposed in the area to the north of the Apse, connecting Chalmer's Close with the higher central levels of the site. Only stepped access exists at present and the proposed location for the ramp is the most appropriate in terms of effective accessibility and allowing the remainder of the site to be developed at an appropriate density, without key open spaces being dominated by an access ramp.

The proposed ramp is set off the Apse north wall by one metre and is finished in high quality materials, laid in granite cubes with whinstone clad walls and a simple stainless steel handrail. The ramp will visually obscure the lower sections of the blind arches, although this visual intrusion is not significant, given that the arches will remain clearly legible and are not in their original open form. The setting of the Apse on this side is already severely compromised by the proximity and unbroken mass of the Brutalist Jury's Inn building and its car parking and the new access ramp will have no significant impact on this setting. The gap between the ramp and Apse will be planted with a native species hedge and ferns to ensure that it does not become a litter trap.

The proposed hotel extension and residential blocks on the west side of Chalmers Close are higher than Trinity Apse, but of a height compatible with the former historic tenements that once sat in this location. These formed the characteristic dense urban grain that typified the setting of ecclesiastical buildings in this particular part of the Old Town. A wide pend will be formed through the new residential blocks, its east end forming a focused, framed view of the west elevation of the Apse. The proposed development will therefore enhance the setting of Trinity Apse by recreating a sense of its historic setting with the addition of intriguing views.

## Old St Paul's Church, 55-61 Jeffrey Street, Bishop Sydserf's House, Carrubers Close Mission and High Street Tenements

The proposed development will enhance the setting of the surrounding listed buildings on High Street and the Closes by restoring the essence of the historic setting, which is currently "missing", through the erection of new built structures of appropriate height, scale, density, alignment, detailing and materials.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess. The proposals are acceptable and in compliance with LDP Policies Env 4 and Env 3.

### c) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

*"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

The essential character of the conservation area is summarised in the Old Town Conservation Area Character Appraisal as follows:

- *" the survival of the little altered medieval 'herringbone' street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile;*
- *its 16th and 17th century merchants' and nobles' houses;*
- *important early public buildings such as the Canongate Tolbooth and St Giles Cathedral;*
- *the quality and massing of stonework and*
- *the density and height of its picturesque multi-storey buildings."*

The proposed mixed use development is in keeping with the mixed use character of the Old Town Conservation area, which includes hotels, residential and commercial uses.

The existing brick and stone remnants of former walls and structures on the site are not statutorily listed and are not of intrinsic historic or architectural merit. These structures will be recorded as part of the conditioned archaeological investigation.

The proposed development continues the dense urban grain of the Old Town, whilst increasing pedestrian permeability through the continuation of the existing historic closes. The opportunity has been taken to partly restore the original pattern of north-south interconnecting closes between the High Street and Jeffrey Street. The proposed hotel extension includes a significant east-west oriented section. However, this reflects the fact that not all buildings in the spaces between the Old Town closes are north-south aligned, including Trinity Apse which sits to the immediate east of the site.

In terms of form and detailing, the proposed architecture is a modern re-interpretation of the basic tenemental form of domestic buildings of the Old Town, with their traditional proportions, gables and dormers. The composition produces a sequence of buildings which respect the north-south rising topography of the site. The ratio of height to width, predominantly duo-pitch roofs with north-south running valleys and rhythm of domestic scale, vertically aligned window openings compliment the characteristic traditional built forms of the Old Town without rendering the new architecture indistinguishable from historic architecture. The mansard roof at the north end of the new hotel is atypical of the majority of roof forms in the Old Town, but will not be a prominent feature of the overall composition, sitting at a relatively low height alongside higher, end-on gables.

The proposed materials palette is appropriate in this context. The predominant use of natural sandstone for the elevations, slate as the main roofing material, along with limited areas of render and zinc reinforce the traditional building materials of the conservation area. Aluminium window and door frames are proposed and limited areas of metal cladding. This is an appropriate modern material which works successfully alongside traditional materials and has been used in recent developments within the Old Town. A condition has been applied to ensure that the materials specifications, including render colours, are acceptable.

The accompanying public realm scheme proposes a comprehensive, predominantly hard-landscaped scheme which is in keeping with the generally austere public spaces of the Old Town and will be executed in a suitable range of high-quality surface materials, including Caithness flag paving in the closes, continuing the predominant material used in recent public close improvement programmes. The integration of limited areas of soft landscaping will reference the pockets of small green spaces off the lower sections of the High Street/Canongate as well as Patrick Geddes's garden initiatives within the Old Town and subtly enhance the new public realm whilst contributing to a sustainable development.

The landscaping scheme draws heavily on the historic industrial use of the site as a tannery. Processes within the Tannery included dyeing pools in which hides would be dipped in various colours and tones and hung up to dry. The proposals incorporate a series of rectilinear terraces stepping down from south to north, surfaced in brick paving in subtle shades of warm browns and tans to represent the dyeing pools. Squares of darker blue-coloured paviors bricks represent the Tannery pools of shallow water. Screens and partitions within and around the courtyard spaces will be inspired by historic images of hides hanging in a tannery.

Verified views of the proposed development have been produced from four important vantage points on Calton Hill, Waterloo Place, the roof of Waverley Mall and North Bridge. These demonstrate that the new buildings will have an impact on these views, but this impact will be positive or neutral, rather than negative.

From Calton Hill, only the roofscape and end-on gables are visible. The height of the new development is lower than that of the buildings on High Street, but higher than the existing Jury's Inn hotel. This will add a 'missing' layer of architecture between the existing Jury's Hotel building and tenements on High Street. This added layer is at an appropriate middle level and the articulated roofscape adds visual interest to the current scene which is dominated by the unbroken horizontal roof line of the existing hotel. The mansard roof of the proposed new hotel is inconspicuous from this viewpoint. The view from Waterloo Place is similar, although the mansard roof section is more prominent. The incorporation of face-on chimneys in the central section of this building adds necessary vertical elements to break up the horizontal mass, similar to the effect of the wallhead chimney on the tenement at 55-61 Jeffrey Street.

The views in which the proposed development has the most significant impact are from the roof of Waverley Mall and North Bridge due to the inclusion of the Salisbury Crags in these views. From the roof of Waverley Mall, the green area at the base of the Crags will be concealed by the roof ridge and end-on gables of the proposed hotel extension.

However, this will have no detrimental impact on the essence of this view which is defined by the rocky mass and distinctive skyline of the Craggs. The ridge line of the new building is punctuated with a chimney to add visual interest to the skyline. The Craggs are also visible from the viewpoint on North Bridge, although their presence is muted, lying relatively low above the existing buildings and partly behind a long chimney range. The new development will result in the loss of a small section of this view of the Craggs, but this is not significant given the secondary nature of the view. It is also part of a sequence of views where the Craggs will remain visible.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no unacceptable adverse impacts on the setting of the conservation area. The proposals will therefore preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

#### **d) Outstanding Universal Value of World Heritage Site**

The Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

From the elevated views of Calton Hill, Waterloo Place and the roof of Waverley Mall within the New Town, only the new roofscape will be visible and the proposed development will appear commensurate with the size and scale of the existing buildings and will have no detrimental impact on the skyline, allowing the High Street ridge to remain legible. A "missing" middle layer of townscape will be restored enhancing views of the Old Town's characteristic townscape from these key New Town vantage points.

Whilst the proposed development is a modern intervention in the historic Old Town, the height, scale, massing, proportions, materials and detailing of the new buildings will produce an architecturally muted development that will have no adverse impact on extensive views from within the site and across the site, from close and distant viewpoints within both the Old and New Towns.

The development will therefore cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

## **e) Design and Sense of Place**

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions, including the spaces between buildings, positioning of the buildings on site and materials and detailing.

The Edinburgh Urban Design Panel was consulted at the pre-application stage and its full report is contained within Appendix 1. The Panel welcomed the principle of redevelopment proposals for this long-standing gap site and was generally supportive of the proposed uses, although questioned whether a housing-led, rather than hotel-led approach had been considered. The Panel acknowledged that an element of residential use was to be provided and welcomed the inclusion of some commercial and retail floor space. Concern was expressed that the original design approach did not reinforce the 'herringbone' pattern of development characteristic of the conservation area and felt that the configuration of the open space in the south-eastern part of the site with a series of ramps in the original scheme was disruptive to the prevailing urban grain. The Panel considered the general volume of development proposed broadly appropriate, subject to a number of caveats, including the break up of the proposed massing, particularly at roof level, and stepping down in scale to follow the topography. The Panel supported the concept of buildings with solid bases and lighter detail to the upper floors and the potential for some offsetting with the facade design. The formation of enhanced pedestrian links via the existing closes was welcomed and the intention to provide a fully accessible route through the site and it was suggested that more intense development and smaller areas of public space may be more appropriate to the character of the Old Town location.

The Panel's concerns have been addressed through the pre-application process and within the application. The design concept of the proposed development draws upon the positive characteristics of the site and surrounding area, creating a new and reinforcing the existing sense of place. The range and balance of uses proposed complement and support the existing tourist and residential uses characteristic of the Old Town and will add to the vitality of the area. The inclusion of retail and café/restaurant uses at street level will add life to the new public spaces which will reinstate and reinforce pedestrian links within and through the site.

The importance of the development's setting within the townscape and roofscape of the Old Town has been recognised in the design and key views from the north and west have been considered in the proposed heights, roof forms, verticality of the elevations and articulation at all levels. The massing and layering of the development has been revised to ensure that the new buildings will complement the Old Town townscape. The result is a coherent and integrated design in terms of both close up and distant views.

## Public Realm and Open Space

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle and LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole.

The proposed development opens up the site to the public, creating an intriguing tapestry of spaces that result from the tight-knit and sloping urban grid. These spaces reflect the medieval character and grain where individuals are drawn down dark, narrow closes and vennels, into bright, secluded and sheltered courtyards. A shadow analysis has been carried out which demonstrates that the central courtyard terraces are in sunlight for much of the day. Pedestrians will be attracted to enter and use the site as a secure amenity area and connecting route between the High Street and Jeffrey Street. In terms of security, there will be controlled access for residents and workers between 10pm and 7am but all the existing closes will remain open to the public. A condition has been applied to ensure that these hours of closure are not extended. Whilst there is no fully accessible through route, the proposed access ramp will allow wheelchair users to access the new uses on the site and some of the new public spaces.

The design of the public realm scheme draws on the site's location off the densely-populated High Street, its historic use as a tannery and former routes through the site. Its form is also governed by the practical functions of hard-landscaped spaces, drainage, levels, light and access. A number of significant elements within the adjacent closes and vennels will be retained, including the stone wall elevations of North Gray's Close and the steps and drainage channels.

The proposed hard landscape palette is simple and high quality, comprising natural sandstone, granite and whinstone with areas of clay bricks. These materials will reinforce the character of this particular part of the Old Town character and are arranged to emphasise the hierarchy of public spaces and key routes across the site and link into the material palette beyond.

The proposed soft landscaping is limited, partly due to the relative darkness of the site, making planting difficult to establish, but also the result of the overall design approach which is influenced by the austere public realm of the Old Town. However, the proposed level and specification of the planting scheme is designed to pay tribute to the fact that this site may have been included in Patrick Geddes's garden initiatives scheme and the colour, change, shelter and wildlife that soft landscaping will bring to the site will acknowledge Geddes's aspiration to improving the local environment through the provision of garden spaces in the Old Town.

Overall, the design of the development is based on a strong concept which draws upon the positive characteristics of the surrounding area and creates a sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 7 and Des 8.

## **f) Archaeological Remains**

The site lies within an area of considerable archaeological significance, within the heart of the medieval Old Town on a site formerly occupied by the extensive 19th century tannery.

The results of a previous programme of archaeological excavations, carried out in relation to conditions attached to planning application reference 07/03931/FUL, demonstrated that areas of well-preserved medieval and post-medieval archaeology had survived across the site, principally within two large areas beneath the industrial 19th century tannery. Across the area subject to this application there was a deep sequence of 13-14th century deposits (boundary walls, cobble surfaces, terracing etc) sealed below 15th century midden layers, in turn sealed by the remains of 17th century tenements.

Although most of this site was excavated in 2008, a linear stretch of broadly five metres wide running north-south along North Gray's Close was unable to be excavated at that time. This area is known to contain significant archaeological remains, in particular, the frontages of the 17th century buildings identified in 2008 and also associated, earlier, medieval remains.

The proposals will require further archaeological works in areas not covered by the earlier application, principally to the rear of the current hotel and adjacent to Trinity Apse. Appropriate archaeological mitigation will be required in these areas to record, excavate and analyse any significant remains uncovered.

Subsequent site clearance has also uncovered upstanding remains associated with the site's earlier tannery and tenements.

The proposed ground breaking works could reveal important evidence regarding earlier buildings on the site and its development, so a condition has been applied to ensure that an archaeological investigation is undertaken prior to works commencing. This condition also requires that provision is made for public/community engagement (for example, site open days, viewing points and temporary interpretation boards), given that the site has the potential for unearthing important archaeological remains.

## **g) Residential Amenity**

The nearest residential properties are on the upper floors of 55-61 Jeffrey Street and High Street tenements to the south. Environmental Protection has raised concerns regarding noise from the proposed hotel affecting the existing residential properties on Jeffrey Street, including the combined effect of plant on the existing and proposed hotel, and also noise from the proposed retail units affecting the new residences.

The Noise Impact Assessment (NIA) submitted has been revised in response to these concerns and concludes that the NR 25 standard can be achieved in the existing residential properties if suitable noise attenuation measures are put into place. The plant serving the new hotel and proposed hotel extension will be located at roof level to minimise the potential for noise disturbance to nearby residents.

The revised NIA demonstrates that the NR15 standard will be met in terms of noise from the retail units attached to the new residential blocks.

Whilst the existing residences are currently subject to noise and disruption due to their location in this busy city centre/tourist area, a condition has been applied requiring further details of the proposed plant, extract and glazing specifications (for both the hotel and residential uses) to ensure that acceptable noise and odour levels are achieved within this context.

The geo-technical study submitted identified potential sources of soil contamination and ground gases from the site's former industrial use and recommends a phase of intrusive investigation. Accordingly, a condition has been applied to ensure that a site contamination investigation is carried out and any necessary mitigation measures are put in place prior to construction works commencing.

The internal floor area of each proposed flat ranges from 54-62 square metres for the one-bedroom flats and 68 square metres for the two-bedroom flats which complies with the minimum standards as set out in the Edinburgh Design Guidance. The particular mix of one and two-bedroom flats is appropriate in this dense urban context and the majority of flats are dual aspect. Each flat will be provided with a small balcony which contributes to an adequate level of amenity in these constrained circumstances. The flats will also have access to the new public space at the heart of the development.

In terms of daylight, sunlight and privacy, a detailed daylight, sunlight and privacy statement has been prepared by the applicant.

### Existing Residences

The application site is in close proximity to a number of existing residential properties on Jeffrey Street, High Street, Carrubers Close and Chalmer's Close.

A total of 188 windows were assessed as part of the daylighting assessment. A vertical sky calculation (VSC) was carried out to assess how the new building will affect the available daylight to each window surrounding the new buildings.

### Vertical Sky Component Results

- 65% (123) of the windows achieved a VSC of more than 27% (or 80% of the existing VSC value).
- Further Analysis of Vertical Sky Component Failures (35% (65) of the windows)
- 43% (28) of the failed windows were commercial buildings;
- 12% (8) of the failed windows were bathroom/toilet windows which are not protected under the Edinburgh Design Guidance; and
- 3% (2) of the failed windows were windows on the gable of one of the High Street tenements;

An average daylight factor (ADF) check was carried out on 29% (19) of the failed windows:

- 10% (2) of these windows achieved the required ADF but 89% (17) of these failed to achieve a satisfactory ADF; and
- ADF calculations were not carried out on 12% (8) of the windows as the report author does not have layouts for these rooms.

A degree of reduction in daylighting is an inevitable consequence of a development on a cleared site with a compact urban grain and windows in close proximity to existing windows. The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. In the Old Town, buildings are situated closely together, similar to the proposed development. In general, the reduced daylighting levels meet the requirements of the Edinburgh Design Guidance, although a relatively low percentage do not. This infringement of guidance is not significant enough to merit refusal of planning permission, given the unique historic context of the Old Town and the wider benefits achieved through an appropriate townscape.

In summary, the study shows that 65% of the windows tested achieved a VCS value within the permitted tolerances as set out in the Edinburgh Design Guidance. Also, the rooms lit by the majority of the failed protected windows failed to achieve adequate ADF levels. Daylighting to these windows will be reduced by the development.

### Proposed Residences

The daylighting assessment concluded the following:

- a total of 76 rooms within the new residential building were subject to assessment and all were checked against the "no sky line" method;
- 62 of these rooms passed the "no sky line" check;
- 14 rooms failed the "no sky line" check, so further average daylight (ADF) calculations were carried out for each room; and
- 9 of the 14 rooms passed, leaving 5 failures.

In summary, 71 of the 76 new rooms passed and will achieve satisfactory daylighting levels, in accordance with the Edinburgh Design Guidance. This minor infringement is accepted due to the constraint of the existing site.

### Sunlight

The daylighting assessment includes a solar study carried out to the specifications set out in the Edinburgh Design Guidance, that is, hour by hour sunpath diagrams at the spring equinox. This shows that the southern part of the site on which the new public space will be located receives limited sunlight throughout the day at this time of year. Areas of the public space will receive sunlight from late morning till early afternoon.

As the site lies to the north of the existing buildings on High Street, overshadowing is inevitable. The proposed buildings' layout and location of the new space is well considered in terms of allowing good sunlight penetration into the space. This level of sunlight is acceptable given that the new buildings and public realm will restore an important part of urban grain and built form to a site in the Old Town which has suffered detriment to its character from extensive clearance.

### Overlooking/Privacy

No windows in the proposed new hotel and residential blocks directly face the windows of neighbouring residences. The closest windows in the new hotel extension to windows on the rear elevation of residences on the High Street are over 20 metres away. This distance is acceptable, given the tight urban context of the site.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

### **h) Affordable Housing**

LDP Policy Hou 6 - Affordable Housing states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite. Whenever practical, the affordable housing should be integrated with the market housing.

The Council expects the 25% affordable housing contribution to be delivered on site and in a manner that is well-integrated. It is only in exceptional circumstances, where the Council is satisfied that the affordable housing cannot be viably delivered on site, that alternative proposals are considered.

The applicant engaged early with both the Council and Registered Social Landlords (RSL) to find an onsite affordable housing solution. The properties in this application are of a size that would meet space standard requirements without being excessively large for an RSL to afford to purchase. However, the high cost of the units meant that a viability assessment was required.

The applicant has submitted build costs for this application, which have been independently verified for accuracy. This analysis identified that the average build cost per unit was markedly higher than the typical affordable housing build cost that an RSL would be able to finance. Whilst the land value is not high for a city centre location, the site has a number of constraints that increase the build cost. It is steeply sloping, which requires piling to stabilise the ground, and this has a significant cost. It is also enclosed, surrounded by listed buildings, with a single access point on Jeffrey Street.

The build cost of the properties is not financially viable for RSLs without a considerable additional subsidy of over £60,000 per unit, compared to the average commuted sums subsidy required for onsite provision of under £5,000 per home. All RSLs operate within the same financial parameters, and so the financial implications would be the same regardless of which RSL partner was chosen.

Also, the design is for 31 flats, split over two stairwells, containing 9 and 22 units. Based on the expected 25% onsite affordable housing contribution (7 affordable homes), this would mean that an RSL would not have the full majority in either stair unless additional units were purchased and this has additional subsidy implications, pushing the amount of additional subsidy that would be required to over £500,000 for under 10 homes. Use of commuted sums to subsidise onsite affordable housing is a consideration, but the amount required for a relatively small number of unit's means that value for money would not be achieved.

For a property to be considered as viable for Golden Share, it cannot exceed a market value of £268,000 to achieve the £214,000 maximum purchase price for Golden Share housing. Golden Share properties have sales value restricted to 80% of market value in perpetuity. Given the anticipated sales prices of £285,000 for the smallest property, there are no units close to this price range, therefore these homes are not suitable as Golden Share.

Over nine out of every ten applications have affordable housing delivered onsite. Affordable Housing guidance, which was last updated in February 2019 and approved by Planning Committee, sets out that if options for onsite delivery have been explored but are not viable, then, as a last resort, a commuted sum payment can be agreed in lieu of onsite affordable housing.

The District Valuer was appointed to calculate the commuted sum that would be sought and recommends that the appropriate commuted sum should be £48,226 per unit, or £373,752 in total for 7.75 units. The applicant has accepted this valuation and has agreed to make an offsite affordable housing contribution as a commuted sum, secured by a Section 75 Legal Agreement.

### **i) Road Safety and Infrastructure**

The development will not generate any significant additional traffic, being within easy walking distance of major public transport links, including the national rail network. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

In terms of pedestrian safety, the Transport Statement concludes that the main existing pedestrian routes to the site are safe and this is a reasonable conclusion, given that there is an existing signalled crossing on Market Street if approaching from Waverley Station or the north in general. If approaching from the north side of Jeffrey Street, there are waiting restrictions on the south side which will ensure that pedestrians will not be required to cross between parked vehicles to access the development. Also, visibility is good on both East Market Street and Jeffrey Street in the vicinity of potential crossing points. Dropped kerbs will be installed at the existing and new accesses to the site.

No general car parking spaces are proposed, with the exception of two accessible spaces and one motorcycle space, which complies with the Council's 2017 parking standards in Zone 1. Secure cycle parking will be provided at the levels specified by the parking standards and a condition has been applied to ensure that the storage area to the rear of the existing hotel is of appropriate specification.

Services arrangements will remain as existing, that is, using the pend through the existing Jury's Inn hotel. The applicant states that the additional hotel rooms will be serviced from the existing HGV delivery schedule and anticipates only a modest increase in the number of deliveries per day (approximately five additional) to the retail units due to their scale and nature. These deliveries will be light vans and medium goods vehicles, rather than HGVs.

A financial contribution of £589,837 is required towards the tram infrastructure, comprising the total of individual sums for the proposed new hotel, hotel extension, residential units and retail units. This sum will be secured through a legal agreement.

In order to be compliant with equalities legislation, the proposed access ramp should be two metres wide. However, the proposed ramp at approximately one and a half metres wide is appropriate in this particular location where the setting of a listed building needs to be protected. The ramp width is adequate for functionality.

The applicant has been in discussion with Waste Services and intends to use the hotel's contractor to move domestic waste to the street for Council collection. An informative has been added to ensure that adequate provision is made for the storage and separation of waste and access for the safe uplift of waste.

In terms of education infrastructure, the size and type of housing proposed is not expected to generate any additional school pupils, so no financial contribution is required.

The site is not within a flood risk area at risk from flooding. The provision of rain gardens within the public realm will contribute to the attenuation of run-off water and Flood Planning has no objections to the proposals.

The proposed development will therefore have no detrimental impact on residential amenity, road safety or infrastructure.

## **j) Trees and Biodiversity**

There are no significant trees within the site and only one neighbouring tree - a Category C young Sycamore located within the yard space to the rear of Bailey Fife's Close. This tree is separated from the site by a retaining wall and is above the level of the site. In these circumstances, it is unlikely that the tree roots extend into the site, so the construction works should not affect this tree.

The bat survey found no bats and did not identify any other matters regarding species protection which would preclude development of this site. An informative has been added regarding the adoption of enhancement measures within the landscape design to encourage biodiversity and support the aims and objectives of the Edinburgh Biodiversity Action Plan 2019-21.

## **k) Equalities and Human Rights**

The scheme provides reasonable accessible access to all uses within the development and there are internal lifts to access all floors within each building. There is no wheelchair compliant through-route from the High Street to Jeffrey Street but this would be difficult to achieve without losing a significant part of the public realm to an extensive ramp. The proposed degree of accessibility represents an improvement and is acceptable in this sensitive historic environment where a dense pattern of buildings is characteristic. The new ramp creates a barrier-free route from Jeffrey Street to the new public space.

## **l) Public Comments**

### **Scheme 1**

#### Old Town Community Council

- the scale of the proposed hotel development is excessive and will have a detrimental impact on residents and local businesses - this has been addressed in sections 3.3 a) and g);
- the housing element will be used as holiday apartments - the application has been determined as submitted and any future use of residences as holiday lets would be subject to further planning permission;
- the proposed new hotel is of particularly poor and unsympathetic architectural design and out of keeping in the World Heritage Site - this has been addressed in sections 3.3 b), c), d) and e);
- the new public realm space will be very small and dark - this has been addressed in sections 3.3 b), c), d) and e);
- the development will create another destination for oversized service vehicles and huge tour coaches ill-adapted to the Old Town - this has been addressed in sections 3.3 e).

#### Other Material Objections

#### Land Use

- the overprovision of hotels in this area - this has been addressed in section 3.3 a);
- the erection of an electricity sub-station - the proposed sub-station is small and will be discretely located on the rear of the existing hotel at low level;

## Built Heritage

- the creation of two large slappings in the rear wall of the listed tenement - this has been addressed in section 3.3 b);
- the development does not reflect character of the Old Town tenements - this has been addressed in section 3.3 c);
- the impact on the World Heritage Site is deleterious - this has been addressed in section 3.3 d);

## Design

- the design is inappropriate in terms of scale, massing, appearance and poor quality materials - this has been addressed in sections 3.3 b), c), d) and e);
- the topography of the site is not respected - this has been addressed in sections 3.3 c), d) and e);
- there is limited green space and soft landscaping - this has been addressed in section e);

## Amenity

- loss of daylighting, sunlight and privacy for neighbouring residence - this has been addressed in section 3.3 g);
- lack of daylight for the new flats - this has been addressed in section 3.3 g);
- the development will generate noise and odours - this has been addressed in section 3.3 g);
- the ground may be toxic from the former Tannery - this has been addressed in section 3.3 g);
- non-wheelchair compliant routes and public spaces - this has been addressed in sections 3.3 e) and k);
- small and dark public spaces and lack of east-west and north-south openings between buildings - this has been addressed in section 3.3 e);

## Traffic

- the development will cause increased traffic numbers and congestion - this has been addressed in section 3.3 i).

## Support Comments

- the positive development of an empty plot with housing and amenities.

## Non-Material Objections

- The objections on the grounds of the public space remaining in private ownership, disruption from construction work, contractors' parking, vermin, increased fire risk, impact on property values and security are non-material in planning terms.

## **Scheme 2**

- the overall treatment of elevations remains somewhat simplistic and the lacks detailing - this has been addressed in sections 3.3 c) and e);
- the revised proposals for the re-paving of North Gray's Close and other close entrances are welcomed.

## **Conclusion**

This proposal will deliver a mixed use development which will complement the existing area. The design of the buildings, spaces and routes will create a positive townscape, well-suited to this particular site and the Old Town.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of adjacent listed buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site. The development has no detrimental impact on significant archaeological remains, residential amenity, road safety or infrastructure. The proposals are sustainable and there are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

1. 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.

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist. A detailed programme for public/community engagement shall be included (for example, site open days, viewing points and temporary interpretation boards).

3. Prior to the occupation of the hotel extension or new hotel within this site, whichever is the sooner, the 31 residential units located within the site shall be substantially completed.

4. 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 above ground works is commenced on site. Prior to the commencement of above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Council as planning authority.

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

6. Details of the proposed plant and extract equipment for the development hereby approved, including associated noise levels and any screening, shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied. The approved plant and equipment shall be installed and operational prior to the associated uses being taken up.

7. Details of the cycle storage to the east of the access ramp hereby approved shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

8. Before any part of the development is brought into use, the cycle parking as shown on the approved plans shall be completed and available for use.

9. Details of the proposed gates and railings, including locations, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

10. All gated access to external spaces shall remain open to the public outwith 22:00-07:00 hours, unless suitable alternative arrangements are agreed in writing with the Planning Authority.

## **Reasons:-**

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the entire development is delivered on site.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to ensure that the level of off-street parking is adequate.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In the interest of occupants and public safety given the specific issues of antisocial behaviour in this area.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to a tram contribution of £589,837. The sum will be indexed as appropriate and the use period will be 10 years from date of payment.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. Consent shall not be issued until a suitable legal agreement requiring a financial contribution of £373,752 (i.e. £48,226 per unit, for 7.75 units) payable to the City of Edinburgh Council, has been concluded to ensure that affordable housing is provided in accordance with Council policy.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

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

4. 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.

5. 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.

6. In order for The City of Edinburgh Council to provide a recycling and waste collection service to new developments or converted properties (e.g. a conversion of a house into flats), the information outlined in The City of Edinburgh Council's document, "New and Revised Domestic Property Developments Waste and Recycling: Instructions for Architects and Developers, May 2019" must be fully considered before submitting plans to the Waste and Cleansing Service in order to obtain the required agreement for the proposed waste management strategy.

The detailed specification would be finalised at a meeting between the developer/architect and the Council's Waste and Cleansing Service which must be contacted at the earliest possible stage, initially using the email address: [wasteplanning@edinburgh.gov.uk](mailto:wasteplanning@edinburgh.gov.uk).

7. The applicant should provide written confirmation that Scottish Water accepts the proposed discharge rate to the combined system at the proposed flow rate and should note that any risk of blockage will lie with the owner/occupier of the site.

8. The application should consider the use of sensitive lighting, installation of artificial structures for bats, such as bat tubes and bricks and the use of native planting species with the landscaping scheme. The adoption of these enhancement measures would be in accordance with LDP policy Des 3 and the Edinburgh Design Guidance and would support the aims and objectives of the Edinburgh Biodiversity Action Plan 2019-21.

- 9. The applicant will be required to design and upgrade the existing footway on south side of Jeffrey Street fronting the proposed development to Caithness paving per planning application drawing number 23(Hardworks Plan) to the satisfaction and at no cost to the Council. The design and construction specification of the footway upgrade shall be submitted for the Council's locality approval.
- The applicant shall provide a continuous footway on all vehicular access on south side of Jeffrey Street footway to provide pedestrian priority.
- 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. The extent of adoptable footways/footpaths, accesses, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The

applicant is recommended to contact the Council's waste management team to agree details.

- The applicant should note that the Council will not accept maintenance responsibility for underground water storage/ attenuation.
- A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
- In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), computer monitor capable of displaying timetables of local public transport at the reception area of the proposed hotel.
- The applicant should be advised that as the development is located in Zones 1 to 8, the proposed residential unit will be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013 for properties being constructed on a narrow 'gap' site which makes provision of on-site parking either impractical or undesirable. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build).
- Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984.
- The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
- The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits
- [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)
- All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
- The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

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

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been considered and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application. As part of the pre-application process, the proposal was also presented to the Edinburgh Urban Design Panel on 31 October 2018. The comments have been considered in the assessment of this application and are contained in full within Appendix 1.

A public consultation event was held on 27 November 2018 at the Carlton Hotel. The event was publicised on 18 October through a notice and location plan sent on 18 October to the Old Town Community Council and City Centre Neighbourhood Partnership, notice to the local MPs and MSPs on 18 October, an advertisement in the Edinburgh Evening News and notice in the Central Library on 14 November and leaflets to all addresses in the block between Jeffrey Street, High Street and North Bridge.

### **8.2 Publicity summary of representations and Community Council comments**

#### Scheme 1

The application was advertised on 15 March 2019. A total of 15 representations were received, comprising 12 objections (including from the Old Town Community Council, Old Town Association and Architectural Heritage Society of Scotland), one general comment from the Cockburn Association and two comments in support of the application.

## Scheme 2

The application was re-advertised on 6 September. One general comment was received from the Cockburn Association.

## Scheme 3

The final scheme was not re-advertised as the amendments to Scheme 2 are relatively minor, involving subtle changes to the roof profile in limited areas, minor changes to the landscape design and the demarcation of cycle parking stores and accessible parking bays.

A full assessment of the representations can be found in the main report in the Assessment Section.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is within the City Centre, Edinburgh World Heritage Site and Old Town Conservation Area as defined by the Edinburgh Local Development Plan (LDP).

**Date registered**

7 March 2019

**Drawing numbers/Scheme**

01,02,04B-22B,23A-25B,26,27B-29B,30,31A,32,33,34A+35-39,

Scheme 3

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP 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.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP 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.

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

### **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.

**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, parking, streets and landscape, in Edinburgh.

**NSESBB Non-statutory guidelines** Part B of 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh

**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

**Application for Planning Permission 19/00945/FUL  
At Jury's Inn, 43 Jeffrey Street, Edinburgh  
Erect new 131 bed boutique hotel, 101 bed extension to  
existing Jurys Inn hotel, two residential blocks containing 31  
flats and retail units. Convert two lower floors of existing  
category C listed tenement building to new hotel entrance  
and lounge. Create public space with pedestrian links into  
the site from existing closes, including new access ramp.  
(As amended to 125 bed boutique hotel and 100 bed  
extension to existing Jurys Inn hotel.)**

## Consultations

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### Historic Environment Scotland - Scheme 1

*This development concerns the Tannery site, a long vacant area within the Old Town Conservation Area and Old and New Towns of Edinburgh World Heritage site. It is bounded by the High Street and Jeffrey Street to south and north and by North Gray's Close and Chalmer's Close to the west and east. It is surrounded by a variety of buildings, many of which are listed, including the A listed Trinity College Apse and a Baronial tenement on Jeffrey Street (part of the site).*

*We have been consulted on this planning permission application due to the impact the development may have on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site, and also the impact the development may have on the Category A listed former Trinity College Apse and its setting.*

### World Heritage Site

*We consider the development has the potential to impact adversely on the World Heritage Site. Of all the elements that make up the character of the Old Town Conservation Area and the OUV of the World Heritage Site, the 'dramatic topography' and 'medieval fishbone street pattern of narrow closes leading of the raised spine formed by the High Street' are arguably the most distinctive.*

### Topography

*The site falls sharply from the High Street ridge down to the Waverley Valley (later reconstructed with Jeffrey Street). Its location makes it extremely visible in an arc of views across the Waverley valley from the north.*

*Following pre-application discussions we note a welcome reduction in the scale of proposed buildings within the site, but we still consider that the higher development on the High Street should remain legible, with development on the site 'falling' down the slope to meet the buildings on Jeffrey Street.*

*Some views of the proposed development will show development rising behind the adversely horizontal roofscape of the Jury's Inn hotel. In some longer views, say from Calton Hill and Regent Road, this development is successfully absorbed into the townscape backdrop and within the ridge development of the High Street. However, the views from North Bridge and Waverley Mall show the new development more distinctly, in the latter case interfering with the silhouette of the Crags behind. Whilst the use of an 'interesting' roofscape of pitched roofs and a turret behind the Jury's Inn hotel is welcomed, the loss of views to the Crags behind could usefully be addressed.*

#### *Pattern of closes*

*Alongside the topography a key element of the OUV of the World Heritage Site is the 'medieval fishbone street pattern of narrow closes leading off the spine formed by the High Street'. On this site the distinct pattern of north-south interconnecting closes between the High Street and Jeffrey Street has been partly lost by the dereliction of the site over a long period, although, either side, North Gray's Close and Chalmers Close remain in everyday use.*

*However, the pattern of closes is so distinctive a starting point, that it is a real disappointment that this development has not emphasised or attempted to restore the pattern throughout the site. The least successful element of the proposals is the extension to the Jury's Inn hotel, which follows an earlier consent without taking the opportunity to revisit it. The proposed east-west configured extension offers no recognition of the historic close pattern. We would recommend that this element of the scheme could be reconsidered, perhaps with the rear of the existing hotel extended in 'fingers' of development with wings based on the north-south close alignment. Additional links through the hotel (or recognition of former closes) would also be welcome.*

*Having said this, the intention to open up historic links through the site by reinstating truncated closes from the High Street is most welcome. Many of the existing closes were truncated with the dereliction of the tannery site. We note there is a desire to reopen these links, but in our pre-application discussions there was no assurances that the various ownership and access provisions would be agreed. We hope that they can be, and would suggest, as before, that an additional link is taken through to the centre of the site from North Gray's Close to give more life and animation to this important (but underused and rundown) existing route from the High Street to Jeffrey Street. Animation of the site will also be assisted by the provision of retail units within the site.*

*Another positive element is the proposed use of natural high-quality materials for the public realm within the Landscape Management Plan by Harrison Stevens. This includes Caithness stone slabs and honored Caithness stone and sandstone and clay paving. We initially had concerns with the form of the access route through the site, but the provision of paved terraces and retail units suggests the space may be more animated than originally envisaged. It is not clear whether the public realm works will include improvements to the adjoining closes (Chalmers and North Gray's), but this would certainly be a positive development.*

## *Architecture*

*Another element of the OUV of the WHS is the distinctive architecture of the Old Town, with particular mention given to the Baronial style introduced in the Old Town in the latter nineteenth century. We note that the development has been designed to utilise pitched roofs, (unfortunately not with traditional raised skewes) and a turret. These elements are welcome in addressing the varied roofscapes, a key component of the Old Town's topography, and absent in the Jury's Inn hotel, a building widely condemned for its adverse impact on the conservation area.*

*Taking this further, a concern with the quality of architectural design and use of materials, appears within the World Heritage Site Management Plan. Without commenting too far on this element, e.g. use of glazed balconies, we consider that improvements/further refinement to the design may be welcome, perhaps taking reference from previously successful infill projects within the Old Town.*

## *Restoration of Bishop Sydsenf's house*

*Although not part of the current proposals we are aware the applicants have been in discussion with adjacent owners. With this in mind we would welcome any moves to repair and restore the C16th Bishop Sydsenf's house on North Gray's Close, a ruin on the Buildings at Risk Register. Agreed access to enable works to take place would be particularly useful.*

## *Intangible elements*

*Another, more intangible, element of the OUV of the World Heritage site is the use of the site and how it contributes to the areas 'livability'. This element is described as being at the core of the OUV within the WHS Management Plan. The retention of a residential population within the Old Town has been an aspiration since Patrick Geddes's pioneering work in the late C19th, and we note that earlier proposals intended residential housing for this site. We therefore welcome the provision of 31 flats on the site, but note the scheme mainly involves the extension of one hotel and the provision of another. Such a use will necessarily have some impact on the 'livability' of the area.*

*Having said this, we welcome the proposed opening of closes and the introduction of retail units and terraces within the central 'courtyard' of the scheme. This is a positive move that should allow more pedestrian footfall, through-routes and animation to a site which has been derelict and inaccessible for some time.*

## *Setting of the A-listed Trinity College Apse*

*The Trinity College Apse is a fascinating medieval survival, consisting of a reconstructed portion of the apse of the C15th College Kirk, demolished in 1848 for the expansion of Waverley Station. It was reconstructed to serve as an annex to the new church facing Jeffrey Street, built by John Lessels in 1872-7 (and itself demolished in 1964).*

*The Apse was rebuilt facing Chalmers Close, a typical (if slightly wider than usual) Old Town Close. Originally, developments on a close would not have been intended to have wide forecourts or expansive settings. Nevertheless, the current setting of the Apse has,*

*over the years become more open with the demolition of buildings on the Tannery site. We consider that the apse, which is to face a seven-storey building, should have been made more of an asset within the development by, for example, forming an open vista to it from the internal 'courtyard' or through a larger pend.*

*The proposals also involve the erection of a wheelchair compliant access ramp onto (or against) the northern facade of the Apse. The northern wall of the Apse contains two blocked arched openings that formally opened into the demolished church. The Category A listed apse is an open unencumbered space with, due to its significance, very real constraints on any alterations or constructions within it. The three other facades would also have restrictions on any external alterations.*

*In order to allow the beneficial reuse of the Apse, which is currently vacant, we would suggest that an area of ground adjacent to the north façade could be retained free of development. Even a couple of metres may allow scope for the removal of the arch infills and the fitting of additions in their place. The fitting of services like toilets and kitchens in these spaces could allow the apse's important interior to remain unencumbered.*

### *Conclusion*

*We consider there is an adverse impact on both the OUV of the World Heritage site and also the setting of the A-listed Trinity Apse, but, on balance, these impacts are not so significant as to justify objection. This view is partly based on extant consents and is balanced against the real potential of the site to be opened up by the proposals.*

*Whilst we have not objected, we see many areas of the scheme that could be refined:*

- With the layout of the scheme we would strongly recommend that before consent is granted the agreements and detail of the re-opened closes is agreed. We would suggest an additional link from North Gray's Close could be made through the hotel scheme, and that the Jury's Inn extension is redesigned to reflect better the historic north-south alignment of closes and buildings.*
- An opportunity could be taken to allow a sight line from the centre of the site to the nationally important Trinity College Apse, either through a gap in development or through a larger pend. In addition, the safeguarding of space to the north elevation of the apse would be useful in assisting the building's beneficial reuse.*
- The development could be redesigned to reduce the impact of views on the Crags from Waverley Mall. Further detail on the architecture and detailing of the new-build elements and extent of public realm would also be useful.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

## Historic Environment Scotland - Scheme 2

*The proposals now introduce several revisions from the first scheme, and, also provides a series of accurate viewpoints to enable an enhanced assessment of potential impacts.*

### *World Heritage Site*

*In our last letter we noted that the 'dramatic topography' and 'medieval fishbone street pattern of narrow closes leading of the raised spine formed by the High Street' are arguably the most distinctive elements of the OUV of the World Heritage Site concerned. These are also important elements within the Old Town Conservation Area.*

### *Topography*

*The site falls sharply from the High Street ridge down to the Waverley Valley (later reconstructed with Jeffrey Street). Its location makes it extremely visible in an arc of views across the Waverley valley from the north. We note the Townscape and Visual Impact Assessment and series of selected viewpoints. We consider that the recent revisions better address the topography of this section of the Old Town, with development being seen to rise to a visible High Street ridge from Jeffrey Street. The use of a traditional pitched slate roofscape will also help absorb the development within the site and soften the aggressive horizontality of the Jury's Inn hotel. Revisions have also lessened the specific impact of the development in views from North Bridge and Waverley Mall, including improvements to the silhouette of the Crag behind.*

### *Pattern of closes*

*Despite the dereliction and clearance of the site we believe there is the opportunity to restore the historically distinct pattern of north-south interconnecting closes between the High Street and Jeffrey Street, between the flanking closes of North Gray's Close and Chalmers Close which remain in everyday use.*

*In our last letter we suggested that the (previously approved) design of the proposed Jury's Inn hotel extension be revisited to better reflect the north-south close alignment. We welcome the revisions which have reduced the bulk of the east-west extension, and consider it now reflects better the historic north-south alignment of closes and buildings. As before, additional links through the hotel (or recognition of former closes) would also be welcome.*

*We previously commented on the Landscape Management Plan by Harrison Stevens. We consider the landscaping and opening-up of historic links through the site is the most welcome element of the proposals. The linking-up of truncated closes off the High Street with the centre of the site is a major benefit, and we welcome the revisions that propose an additional link from North Gray's Close, suggested in our previous letter. This will help animate this underused and lengthy close.*

*Despite the reduction in accessible ground we consider the animation of the site will also be assisted by the introduction of retail units and terraces within the central 'courtyard' of the scheme.*

*We welcome the palette of high-quality materials including Caithness granite setts, flags and blocks within the site. We now warmly welcome the proposals to repave North Gray's Close and Chalmers Close (and Jeffrey Street) in Caithness granite slabs - in addition to the High Street closes.*

*As before, we would seek assurances that the various ownership and access provisions (mainly from the High Street) are agreed beforehand.*

*Our previous comments on the architecture and the intangible elements of the OUV of the World Heritage site would still apply, but are secondary to the above.*

#### *Setting of the A-listed Trinity College Apse*

*As before, the Trinity College Apse is a fascinating medieval survival, consisting of a reconstructed portion of the apse of the C15th College Kirk, demolished in 1848 for the expansion of Waverley Station and reconstructed as an annex to a now-lost church in the 1870s. Although developments on an Old Town close would not have been intended to have a wide forecourt or expansive setting, the current open setting of the Apse has, over the years, been enhanced by the demolition of buildings on the Tannery site.*

*In our last letter we asked whether the setting of the church could be enhanced by providing an open vista from the heart of the development - either by a gap in development or a pend. We note that the revisions now show a larger pend has been provided which should provide a visual link to the building from the central area of the site.*

*Previously we asked if the wheelchair compliant access ramp against the northern façade of the Apse could be moved further north to allow space and scope for the two blocked arched openings of the Apse to be opened-up and extended - to assist with the very real constraints on any alterations or adaptation within it. We welcome the revised drawings that allow a 1m strip of ground on the apse's north elevation.*

#### *Conclusion*

*The revisions now address a number of our concerns noted in April, including;*

- Re-planning of Jury's Inn extension to emphasise the north-south close structure;*
- Additional entry to site from North Gray's Close;*
- Repaving of adjacent closes in high-quality materials;*
- Gap on north side of Trinity Apse to aid reuse of the A listed building;*
- Improved setting and visual link from site to Trinity Apse through pend; and*
- Refinement of the architectural approach.*

*We consider there is now a neutral impact on the OUV of the World Heritage site and setting of the A-listed Trinity Apse, with any concerns regarding the built form outweighed by the real potential of the long-derelict site to be opened-up and the welcome improvements to landscaping and public realm.*

*We have the following unresolved concerns which could be addressed;*

- *We would strongly recommend that before consent is granted the agreements and detail of the re-opened closes off the High Street is agreed by condition.*

- *Restoration of Bishop Sydsenf's house. Although not part of the current proposals we are aware the applicants have been in discussion with its owners. As before, we would welcome any moves to repair and restore the ruinous C16th building on North Gray's Close. It has been on the Buildings at Risk Register since 1992, has decayed recently, and access is stated as an issue in its potential reuse. Agreed access to enable works to take place would be particularly useful as once the development is complete access to the building will be very complicated.*

*Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.*

### **Old Town Community Council - Scheme 1**

*Over development:*

*Whist we are pleased that some new residential accommodation, and indeed some of it "affordable" is included in this proposal, we still consider this to be serious over development. The token number of homes is dwarfed by the additional number of hotel guests flooding the Old Town.*

*Cramming another huge hotel and an extension to an existing huge hotel, into this small and cramped in the heart of the Old Town is unacceptable to the remaining genuine residents and local businesses.*

*We are also concerned that the token housing element will in fact immediately be used as holiday apartments. It should be a stipulation that all new housing in the Old Town should have restricted titles.*

*To continue to allow this level of over development in the Old Town is very short sighted. It devalues rather than enhances the very place it serves. Edinburgh should do as other WHS do, and force developments to go and regenerate deprived areas of the City, e.g. Granton or Niddrie.*

*Traffic:*

*This development would create yet another destination for oversized service vehicles and huge tour coaches ill adapted to the Old Town. As it is, those servicing the existing Jury's Inn already choke up Jeffrey Street to an unacceptable degree. This will be more crucial in future as the long awaited City Traffic Management Plan will certainly funnel more traffic through the remaining thoroughfares, of which this will be one.*

*Design:*

*The proposed new hotel is of particularly poor and unsympathetic architectural design, All those angles, stepped surfaces and little balconies looks like Benidorm rather than Edinburgh World Heritage Site. It is obnoxious for the developer even to pretend that it is of any quality.*

*If this development were really to 'maintaining and enhance the value of the WHS', then as a condition of allowing this development then the appalling eyesore that is the frontage of Jury's Inn should be re-faced with something altogether more sympathetic, as has been done with other 60's monstrosities.*

*Public Realm:*

*We are concerned that the proposed new 'Public Space' which will be very small and dark will as is the fashion, remain private land. A space is only really public if there can be no restrictions and that it is accessible at all times to all members of the public. We need to be sure that for example, homeless people, people with dogs etc cannot be excluded. Otherwise this 'public space' serves only as a statutory 'fire assembly area'*

*For these reasons we strongly object to this proposed development.*

### **Edinburgh World Heritage Trust - Scheme 1**

*Judgements around impact on the Outstanding Universal Value of the World Heritage Site in relation to this application have been based on the documentation provided with the planning application, such as the Views and Visual Appraisal. Recent cases have illustrated the benefit of producing verifiable photomontages of proposals for city block scale development in sensitive locations, in line with Landscape Institute guidance. The photomontages provided with this application were not especially clear illustrations, meaning it is difficult for us to come to a confident conclusion on the overall impact of the proposals on Outstanding Universal Value.*

*The key elements of the Outstanding Universal Value of the World Heritage Site that these proposals touch on are topography, the pattern of the Old Town and the Waverley Valley, and consequently the city's skyline.*

*In terms of topography, the site falls from the south to the north. Buildings in the Old Town traditionally respected the topography out of practicality (other than in the instances of the grand urban viaducts, such as the South Bridge/North Bridge and George IV Bridge), with buildings stepping down with the land.*

*The proposals adopt an approach which seeks to break up their mass and to some extent step down with the land. This approach has been successful in other Old Town developments, such as the University's postgraduate accommodation on the north side of the Holyrood Road. Our view is that the proposals appear to have a neutral impact on this element of Outstanding Universal Value.*

*A respect of topography helped shape the pattern of building in the Old Town, with narrow closes running north and south from the High Street/Lawnmarket between tenements and back lands.*

*Many of these spaces were later adapted by Patrick Geddes in line with his concept of 'conservative surgery' to create a more liveable city, with small gardens and courtyards as breathing spaces in the urban fabric. This move continued through the 20th Century and these spaces are now an important part of the Old Town, such as Trunk's Close, Wardrop's Court, Dunbar's Close Garden and Chessels Court. The proposals seek to reinstate closes and replicate this pattern on the site, which we regard as having a positive impact on Outstanding Universal Value.*

*The site faces out on the Waverley Valley, although it sits behind the Jury's Inn hotel (Michael Laird and Partners, 1963), a large concrete building which detracts from the authenticity and integrity of the urban fabric. We are somewhat disappointed that the opportunity has not been taken to revisit the main building of the Jury's Inn, and encourage the applicant to grasp the longer term opportunity for the sensitive improvement of the building. Given the screening effect of the Jury's Inn building, and that the proposals appear to work with the pattern of building in the Old Town, we consider the proposals unlikely to have any significant effect on the Waverley Valley or the skyline.*

*There is also a question of how this site relates to the intangible cultural heritage of the Old Town, and its potential to support the fragile communities that are central to maintaining a living historic city centre.*

*While the inclusion of 31 residential units in the development must be seen as a positive step, there is a wider strategic question for the city around land use in the Old Town, and whether it prioritises hotel beds or residential units in the context of a living World Heritage Site.*

*As noted above, without clearer visual information, it is not possible for us to give a clear overall view on the impact of the proposals on Outstanding Universal Value, although they appear to be pointing in the right direction.*

## **Edinburgh World Heritage Trust - Scheme 2**

*Further to our letter of 19th June 2019, I write to acknowledge the further clarifications of the proposals, in the form of the townscape and visual impact assessment and accompanying images. They are helpful in understanding potential impacts and we are grateful to the applicants for producing these. We hope that this will set the standard for further developments at this scale in the World Heritage Site.*

*The images confirm that judgements around the impact on the Outstanding Universal Value in the letter of 19th June:*

- the proposals are neutral in relation to topography;*
- the proposals can be considered positive in relation to the pattern of building in the Old Town; and*
- the proposals are unlikely to have any significant effect on the Waverley Valley or Skyline.*

*Consequently, our view is that the proposals have a neutral impact on the Outstanding Universal Value of the World Heritage Site.*

*In relation to the skyline, the images show a variety of roof pitches in the area, although the earlier roof and 19th century interpretations of these tended to have steeper pitches than those proposed. Likewise, gable ends tended to include windows, whereas the proposals feature blank gables ends. These are possibly more in the realm of conservation area considerations. We would suggest that these matters, while not substantive in terms of overall impact, might be addressed through conditions.*

*We would gain note that without adequate policy tools relating to the intangible cultural heritage of the Old Town, in particular the fragility of its communities, it is not possible to offer clear advice on impacts on the aspect of OUV.*

## **Archaeology - Schemes 1 and 2**

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL and LBC applications for the development of a new 131 bed boutique hotel, a 101 bed extension to the existing Jury's Inn hotel, two residential blocks containing 31 flats and retail units and also the conversion of lower two floors of existing Grade C listed 19th century tenement building to new hotel entrance, creation of public space with pedestrian links into and through the site from existing Closes, including non-stepped link from Jeffrey Street to High Street, wheelchair accessible from Jeffrey Street to the top of the site.*

*The site occupies the eastern side of the historic North Gray's Close formerly occupied by an extensive 19th century Tannery. Situated at the heart of the medieval Old Town the area is of considerable archaeological importance as was born out by the programme of archaeological excavations carried out principally in 2008 by Headland Archaeology in relation to conditions attached to planning application 07/03931/FUL. The results demonstrated that areas of well-preserved medieval and post-medieval archaeology had survived across the site principally within two large areas (A and B) beneath the industrial 19th century tannery. Across the area subject to this application (AREA B) a deep sequence of 13-14th century deposits (boundary walls, cobble surfaces, terracing etc) sealed below 15th century midden layers in turn sealed by the remains of 17th century tenements. The later in particular contained a significant quantity of artefacts including rare examples in Scotland of Spanish Majolica tiles, with the excavations published in 2016 by the Society of Antiquaries of Scotland (SAIR 58; <https://doi.org/10.9750/issn.1773-3808.2014.58>)*

*Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy, CEC's Edinburgh Local Development Plan (2016) Policies ENV4, 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.*

*Although most of this site was excavated in 2008, a linear stretch of broadly 5m wide running north-south along North Gray's Close was unable to be excavated at the time. This area is known to contain significant archaeological remains, in particular, the frontages of the 17th century buildings identified 2008 and also associated, earlier, medieval remains. As was discussed at the time, this area was to be finally excavated prior to development commencing on site when engineering solutions could be deployed*

*to ensure deep working immediately adjacent to North Gray's Close in order to record the 'upstanding' buried remains of these buildings and early deposits.*

*It is essential therefore this area is fully excavated. In addition, the proposals will require works in areas not covered by earlier application, principally to the rear of the current Hotel and adjacent to Trinity Apse. Appropriate archaeological mitigation will be required in these areas to record, excavate and analysis any significant remains uncovered.*

*Lastly subsequent site clearance has uncovered upstanding remains associated with the site's earlier Tannery and tenements. It is essential that these remains are recorded in detail as part of the overall programme of archaeological work*

### *Interpretation and Public Engagement*

*In addition, the site has the potential for unearthing important archaeological remains. Accordingly, it is essential that the archaeological mitigation strategy contain provision for public/community engagement (e.g. site open days, viewing points, temporary interpretation boards), the scope of which will be agreed with CECAS.*

*It is recommended that these programmes of work be secured using a condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), as follows;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, historic building recording, reporting and analysis, publication, interpretation and public engagement) 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.*

### **Environmental Protection - Schemes 1 and 2**

*Environmental Protection cannot support this application and recommends refusal.*

*The applicant proposes an extension to the existing Jury's Inn, a new hotel, retail units and two residential blocks in the gap site to the rear of 43 Jeffrey Street, bounded by the Royal Mile, Chalmer's Close, and North Gray's Close.*

*Environmental Protection raised concerns about noise negatively impacting the amenity of the proposed residents. Specifically, concerns were raised about noise outbreak from new and existing mechanical plant, the bar area in the new hotel, and the retail units structurally attached to the proposed residences.*

*A Noise Impact Assessment was carried out by RMP and was submitted on 8 November 2019 (ref R-6647D-ML-RGM).*

*The Noise Impact Assessment demonstrates that mitigation measures can ensure that noise levels from the new hotel's bar and from the retail units will be within acceptable standards.*

*However, it was not able to demonstrate that the cumulative noise levels from proposed and existing mechanical plant would meet acceptable standards, and therefore would negatively affect the amenity of the new residents.*

*The Planning Officer has suggested a condition which reads:*

*"Details of the proposed plant and extract equipment for the development hereby approved, including associated noise levels and any screening, shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied".*

*This condition does not consider mitigation of the existing mechanical plant, which the RMP report has demonstrated would breach acceptable levels in the new residential properties. It also does not consider the cumulative impact of existing and new mechanical plant noise levels. The mechanical unit which gives greatest cause for concern falls outwith the control of the developers and therefore mitigation could not be sought via planning condition.*

*Due to the potential for noise disturbance from mechanical plant adversely impacting the amenity of proposed noise-sensitive receptors we cannot support this application and recommend refusal.*

*However, should the Committee be minded to grant, as well as the above suggested condition from the Planning Officer, we would recommend the following additional conditions be attached:*

*1. Prior to occupation, the mitigation measures as specified in Table 5.9 and 5.10 of the RMP Noise Impact Assessment (8 November 2019; ref R-6647D-ML-RGM) shall be met.*

*2. Details of mitigation to existing plant and extract equipment under the control of the developer shall be submitted to and approved in writing by the Planning Authority before any part of the development is occupied.*

*3. Prior to the commencement of construction works on site:*

*a. A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, 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.*

## **Communities and Families - Scheme 1**

*The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.*

*The Planning service has advised that the proposal contains 10 flats which have more than one bedroom. Using the pupil generation rates set out in the Supplementary Guidance, the development of 10 flats is not expected to generate at least one additional pupil.*

## **Roads Authority - Schemes 1 and 2**

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

- 1. The applicant will be required to contribute the sum of £589,837 (based on 125 bed new hotel, 100 bed hotel extension, 31 residential unit and 348sqm retail use in Zone 3) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. The applicant will be required to design and upgrade the existing footway on south side of Jeffrey Street fronting the proposed development to Caithness paving per planning application drawing number 23(Hardworks Plan) to the satisfaction and at no cost to the Council (see Note b);*
- 3. Applicant to provide continuous footway on all vehicular access on south side of Jeffrey Street footway to provide pedestrian priority;*
- 4. DDA compliant 2m wide ramped access to be provided adjacent the Trinity Apse to enable disabled access to the proposed residential and retail unit from Jeffrey Street via Chalmer's Close for inclusive mobility and built to adoptable standards;*
- 5. North Gray's Close and internal footway layout to be to be improved per planning application plan number 23.*
- 6. Applicant required to provide 13 cycle spaces for the new 125-bed hotel, 10 spaces for the 100-bed hotel extension, 2 cycle spaces for the retail unit and 60 cycle spaces for the 31 residential unit. All complies with the minimum cycle parking requirement for the proposed development.*
- 7. 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. The extent of adoptable footways/footpaths, accesses, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*

10. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), computer monitor capable of displaying timetables of local public transport at the reception area of the proposed hotel;

11. The applicant should be advised that as the development is located in Zones 1 to 8, the proposed residential unit will be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013 for properties being constructed on a narrow 'gap' site which makes provision of on-site parking either impractical or undesirable. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category A - New Build);

12. Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;

13. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

14. The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)

15. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

16. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

a) A transport statement as been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments;

b) The applicant will be required to submit design and construction specification of footway upgrade for the Council's locality approval;

c) Total Tram Contribution in Zone 2 = £589,837.29

4976sqm New Hotel 125 bed = £286,429

3582sqm Hotel Extension 100 bed = £222,429

31 Residential units per two blocks = £60,714.29

348sqm Retail unit = £20,265

d) The proposed development is predicted to generate a two-way people trip of 255 and 350 for morning and evening peak hour periods respectively and with sustainable transport (walking, cycling, public transport) constituting significant share of the trips;

e) Zero parking is proposed for the development and complies with the Council's parking standards;

f) Coach Parking - existing bus stop on Jeffrey street allows for coach drop off and uplift but cannot be left unattended. Bus stop service frequency is 2 per hour (Lothian bus service 6);

g) The applicant to utilise existing loading bay on south side of Jeffrey Street for refuse and service arrangement for the proposed hotel, retail and residential elements. The proposed development is predicted to generate one additional HGV service per day on Jeffrey Street (average of 10 HGVs per day for both existing and proposed). Transport expects service by HGVs to be more than what is predicted. The applicant has management plan for refuse and service arrangement on Jeffrey Street and it is considered that any increase in service can be accommodated.

h) The transport statement states that a significant share of the predicted trips is by walking and public transport from Market Street onto Jeffrey Street and this could benefit from improved crossing on Market Street/East Market Street/ Jeffrey Street junction. At the time of the application, there is no costed crossing improvement scheme on Jeffrey Street for which transport could reasonably ask for financial contribution.

## **SEPA - Scheme 2**

*We have no objection to the planning application, please note the advice on air quality provided below.*

### *1. Air Quality*

*1.1 This is a fairly large development, close to the central Air Quality Management Area (AQMA).*

*1.2 From a review of the transport statement, however, it appears that the proposed development will generate approximately 15 and 20 two-way car trips in the AM and PM weekday peak hours respectively from all land uses.*

*1.3 The low vehicle trips are estimated due to the central location of the development. The majority of people are expected to travel via public transport or active travel. Occupants of the residential development will not be permitted to apply for Residents Parking Permits. The residential elements of the proposals will become car-free as a result. Due to the low vehicle trips likely to be generated and also the good practice mitigation built in to the proposals, such as a travel plan outlining and promoting sustainable travel options and no additional parking, we consider that, in this case, an air quality impact assessment is not required.*

*1.4 The local authority, however, may wish to request an assessment if there are concerns about the existing air quality in the proposed area.*

## **SEPA - Scheme 2**

*SEPA responded to consultation on this planning application on the 27 March 2019.*

*We had no objection to the planning application but we did raise concerns about air quality. It appears that none of the additional information on which we have been*

consulted addresses air quality, and, therefore, we have no further comments to make at this stage.

### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages.*

### **Scottish Water - Scheme 1**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*
- Existing waste water network within immediate vicinity of site. Due to the size of proposed development further network assessment may be required. The developer is strongly encouraged to contact Scottish Water and complete a Pre-Development Enquiry (PDE) form which can be found at <https://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application>.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk). The*

*applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

### *Scottish Water Disclaimer*

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### **Scottish Water - Scheme 2**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

- There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Foul*

- There is currently sufficient capacity in the Edinburgh Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk). The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

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*In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### **Flood Planning**

*This application can be determined with no further comment from our department and with the following condition applied:*

*Written confirmation should be provided from Scottish Water confirming they accept the proposed discharge rate to the combined system at the proposed flow rate.*

## **Edinburgh Urban Design Panel – Pre-application stage**

### *1. Recommendations*

*The Panel welcomed the opportunity to discuss the proposal and the aspiration to bring forward redevelopment proposals for this long standing gap site within the Old Town Conservation Area and Edinburgh World Heritage Site*

*In developing the proposal, the Panel suggested that the following matters be considered further:*

- The balance of land uses;*
- The layout and siting of development to reinforce the character of the historic urban grain and context;*
- Consider the proposed scale, massing, layout and roofscape of the development within the existing historic townscape, key views and site topography;*
- Explore opportunities with respect to achieving double frontages with the premises on the High Street*
- Create appropriate routes and spaces through the site which will be safe, accessible for all, well used and in character with the historic context;*
- Explore servicing arrangements particularly for the residential and commercial elements;*
- Develop proposals for the refurbishment of the existing hotel which will not erode its existing architectural quality; and*
- An integrated approach to sustainability.*

### *2. Planning Context*

*The site comprises vacant land and an existing hotel between Jeffrey Street to the north and the High Street to the south, North Gray's Close and Chalmers Close in Edinburgh's Old Town. Several listed buildings and structures lie within immediate proximity to the site. The topography across the site rises steeply from south to north, towards the High Street.*

*The site is located in the Edinburgh World Heritage Site, the Old Town Conservation Area. The site is defined as city centre and urban area in the adopted Edinburgh Local Development Plan (LDP).*

*The Jurys Inn hotel, to the northern edge of the site, was developed during the late 1960's following a major fire in 1955. The main part of the site, lying to the south of the hotel comprises vacant overgrown land which with existing pedestrian links maintained across the site via the North Gray's and Chalmer's Closes. Historically the site was also crossed by Baillie Fyfes and Paisley Close's.*

*The site has a long planning history with previous permissions for a hotel and student accommodation. The permission from 2007 was enacted with a pend access formed into the site from Jeffrey Street and archaeological investigation undertaken. Whilst other*

*historic permissions have now lapsed, a live permission remains in respect of the hotel use.*

*The proposal considered by the Panel comprises an extension to the rear of the existing hotel on Jeffrey Street (101 rooms), a new hotel (130 rooms) to the western part of the site, residential flats to the east (31 units to include 1,2 and 3 beds) and three commercial retail units.*

*No declarations of interest were noted.*

*The report should be read in conjunction with the pre-meeting papers. The 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 of the proposals at a later stage.*

### *3. Panel Comments*

#### *Proposed Uses*

*The Panel welcomed the proposal for the redevelopment of a long-standing empty site within the Old Town Conservation Area and World Heritage Site.*

*In respect of the hotel uses, the Panel noted that the existing hotel and development site is now in the ownership of the applicant. The existing hotel is now operating at high capacity, with the operator keen to explore both the refurbishment of the building and develop an alternative hotel brand on the site. A boutique 4-star hotel is envisaged and this would be contemporary in its design approach.*

*The Panel enquired whether a housing led approach had been considered for the site rather than a hotel, particularly with the provision of housing versus hotels and student accommodation in the Old Town being a significant issue. The Panel noted that an approach with this land use and mix would need to be carefully presented, as well as fully tested during the forthcoming public consultation process. However, the Panel did note that discussions were taking place between the applicant and the Scottish Federation of Housing Associations with more residential units now proposed than that which was previously consented.*

*The Panel welcomed as part of the development some commercial retail floor space, which could help generate activity at ground floor.*

*The Panel enquired as to whether double fronted retail units could be created with existing premises fronting the High Street, thus aiding the integration of the development with the Royal Mile. They also queried whether any of these units were in Council ownership, which may help facilitate such an aspiration. The Panel noted the intention on the part of the applicant that further discussions would take place with adjacent property owners as part of the wider consultation process.*

*The Panel were generally encouraged by the proposal to re-use and re-establish the closes through the site and the introduction of new public open spaces. The Panel noted these could form routes through the site and may serve as destinations in their own right and help alleviate pressure created by tourist footfall elsewhere along the Royal Mile.*

## *Urban Design and Architectural Response*

*The Panel expressed concern regarding the design approach. The Panel noted that the proposal does not reinforce the historic 'herringbone' pattern of development characteristic of the conservation area.*

*The Panel commented that in terms of historical development, buildings would generally have responded to the presence of the closes and were keen to see fingers of development to produce a layout with a stronger north-south emphasis and use this opportunity to re-establish the historic urban grain in this part of the Old Town.*

*In view of this, the Panel suggested that the proposals be reconsidered in particular the hotel extension wing could perhaps be re-designed to respond more closely to the prevailing north south urban grain, rather than being placed on an east-west alignment.*

*Notwithstanding other concerns regarding the nature of the proposed open space to the south eastern part of the site, the Panel felt that the configuration of this space was disruptive to the prevailing urban grain and area could be more intensively developed. Although the Panel noted that this area was intended to maximise daylight to this part of the development, they did observe that the recently completed Royal Mile apartment scheme to the south west would now compromise daylighting levels in this location.*

*The Panel noted that whilst some initial townscape visualisations had been prepared, careful consideration would need to be given to the impact and appearance of the proposals in distant views, particularly the Outstanding Universal Values (OUV) of the World Heritage Site. In relation to this, the Panel remarked that the treatment of the roofscape and the upper floors will be critical given the site's location.*

*The Panel considered that the general volume of development identified could be broadly appropriate, however, this was subject to a number of caveats and further detailed design development. Firstly, the Panel would support the break-up of the proposed massing, particularly to add interest to the roofscape, and secondly, the massing should also seek to respond to the characteristic layering and topography of the site and its context, with a stepping down in the scale of development to follow the topography. On the basis of the information presented, the Panel felt there may be opportunities to explore a slightly greater level of development immediately behind the existing hotel and in the south eastern part of the site. The Panel also considered that some of the elements of the scheme could be slightly taller if carefully articulated at rooftop level.*

*The Panel enquired to the approach and rationale for the proposed façade treatment, including staggered approach to the facades. The Panel remarked that buildings with a solid base and lighter detail to the upper floors may be preferable to blocks of mono-appearance. However, they supported the potential for some offsetting within the façade design, which could enhance both the articulation of built form and aid oblique views.*

*The Panel noted that the architecture is not developed at this stage. The Panel noted that the Old Town is defined by a theme of verticality particularly through features such as chimneys, gables, wallhead dormers and roof pitch. An architectural response could therefore pay due cognisance to such characteristics.*

*The Panel enquired to the aspirations for the refurbishment of the existing hotel. No detail was presented in relation to this aspect. The Panel noted that the existing hotel, although not listed, represents a clear architecture of its time and therefore an appropriate and sympathetic response to any refurbishment proposals will be required. Consideration should be given to replacement fenestration and an enhanced treatment on Jeffrey Street.*

*The Panel commented that the monolithic form and roofscape of the existing building respond poorly to the character of the conservation area and outstanding universal values of the World Heritage Site. The opportunity should therefore be taken to address these issues and enhance this roof scape. The Panel noted that the proposed hotel extension to the rear should not seek to emulate the monolithic form of the existing building.*

### *Servicing*

*The Panel enquired to the proposed servicing arrangements for the development, noting the constrained nature of the site and that Jeffrey Street is already busy with service traffic. The Panel noted that the new hotel development would likely be serviced through the arrangements to the existing hotel. However, servicing arrangements for residential and commercial elements appeared less clear. It was suggested that these could be serviced via the existing closes but the Panel noted this could be problematic given the level changes and restricted vehicular access. The Panel noted that a clear servicing strategy for the entire site needs to come forward as part of the application.*

*The Panel also noted the importance of an integrated design approach for plant equipment, particularly if placed on the roof, given the visibility of the site from key views.*

### *Connectivity and Accessibility*

*The Panel welcomed the formation of enhanced pedestrian links via the existing closes and the desire to reinstate as many of the historic routes across the site as possible, in order to maximise permeability.*

*The Panel welcomed the intention of the applicants to provide a fully accessible route through the site to connect Jeffrey Street with the High Street, in order to meet the requirements of Equalities legislation. However, the Panel did remark that the ramped route, as presented within the public space, appear contrived and engineering and therefore other design approaches should be explored. The Panel suggested that these aspects of the proposals might be further discussed with Access Groups, who could also provide a better steer an accessibility within the design of public realm.*

### *Public Realm*

*The Panel were encouraged by the design response to re-use closes and develop new public spaces across the site.*

*The Panel expressed concern that the principal area of public space identified towards the centre of the site was dominated by a series of ramps and seemed to be based around engineering requirements. In turn, this raised questions to how the space would be used and whether it would reinforce a sense of place.*

The Panel noted that conventional public space or a square might be problematic because of the topography of the site, but all noted this could also present opportunities in terms of layering and introducing a playfulness to the design approach. However, there was not overall consensus amongst the Panel to the design approach for public realm within the site. Some members of the Panel did not feel that a new space based around an enclosed square would be well used, particularly given recent experience of other similar development schemes within the Old Town, e.g. Advocates Close. There were also concerns that active public realm may be incompatible with hotel and residential use.

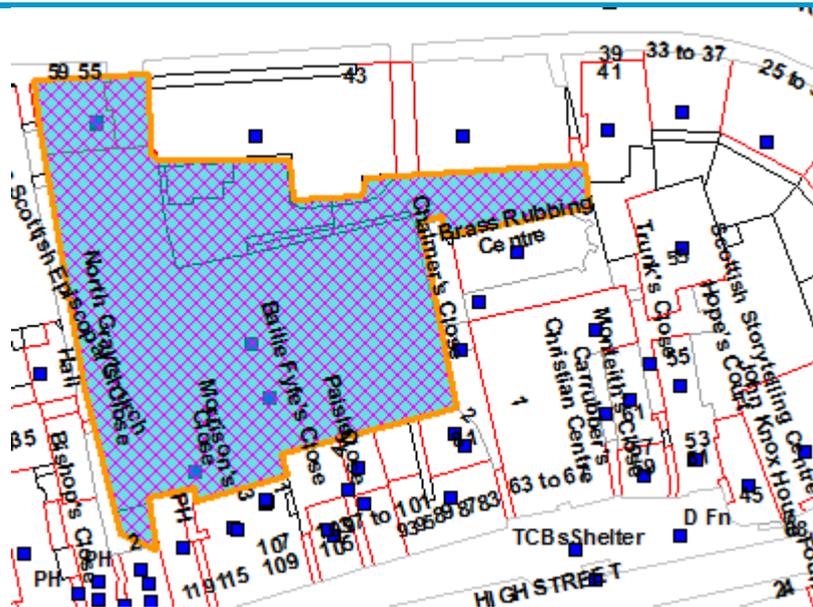
Whilst recognising that some 'breathing space' will be required between the buildings, it was considered by some Panel members that more intense development and smaller areas of public space may be more appropriate to the character of the Old Town location. Others considered that a small square or garden could be interesting in this location, if detailed correctly. Open space requirements for the proposed residential uses must also be given due consideration.

The Panel also observed that the management of the open spaces within the scheme will be critical. Lighting will also affect the way in which the area is perceived at night and should be upgraded to a high standard. Paving should feature the use of high quality, natural materials appropriate to the World Heritage Site. The Panel suggested that a landscape architect be engaged in the development of detailed design proposals for the public realm.

### Sustainability

The Panel advocated innovative solutions in relation to sustainable energy at this stage of the design process, including the use of ground source heat pump technologies, to promote a low level development.

## Location Plan



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