

**Outline Planning Application 08/03361/OUT  
at  
St James Centre  
Edinburgh**

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**Development Management Sub-Committee  
of the Planning Committee**

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1 Purpose of report

To consider application 08/03361/OUT, submitted by Henderson Global Investors. The application is for: **Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses ( including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh**

It is recommended that this application be **GRANTED** subject to the conditions below.

## 2 The Site and the Proposal

### Site description

The site is situated to the north of the east end of Princes Street. It is framed by Leith Street to the east, York Place to the north and Elder Street, Multrees Walk and James Craig Walk to the west. It occupies a strategic location at which three key routes within the city centre converge: George Street, North Bridge and Leith Walk.

The planning application site extends to approximately 5.2 hectares and comprises the St James Centre shopping complex, which provides approximately 41,800sq metres gross of retail floorspace, New St Andrew's House office complex, which is now vacant, but was occupied by the Scottish Office, the Thistle Hotel, two multi storey car parks, providing approximately 550 spaces, the UNITE building on James Craig Walk and St Andrew's Hall on St James Place. In addition, the application site also encompasses Leith Street, James Craig Walk, St James Square, Elder Street, Cathedral Lane, Little King Street, St James Place, St James Walk and part of York Place, opposite and adjacent to the entrance into Elder Street.

Two statutorily, category 'B' listed buildings are included within the application site boundary; James Craig Tenement (formerly 27-31 St James Square) (Item no 30027, 27.01.1992) and St Andrew's Hall (Item no 27449, 19.12.1979). There are a considerable number of listed buildings within the immediate vicinity of the site, including the following buildings which are all category 'A' listed; General Register House (Item No 27636), 24/25 James Craig Walk (Item No 29728), Dundas House (Item No 29705), 30-34 Elder Street (Item No 28731) and 27-73 York Place (with the exception of 45, 45A and 45B, which are 'B' listed) (Item No 29251, 29964 and 29966-29974).

It is situated within the Edinburgh World Heritage Site.

This property is located within the New Town Conservation Area.

### Site History

18.06.1969 - planning permission granted for the erection of a complex of shops, offices and hotel (370)

02.07.1981 - outline planning permission granted for extension to John Lewis store (594/81)

13.08.1986 - approval of reserved matters relating to application 594/81 (1250/86)

June 2006 - April 2007 - HGI acquired the St James Centre and participated in over 80 formal and informal meetings with stakeholders.

April 2007 - approval of the St James Quarter Development Brief following extensive negotiations between HGI and the Council, informed through public consultation of the draft brief.

January 2008 - March 2008 - public exhibition within the St James Centre providing broad overview of the proposals and engagement with interested parties and key stakeholders.

### **Description of the Proposal**

This is an outline application for approval in principle to redevelop the St James Centre, including New St Andrew House, the ancillary car parks and the Thistle Hotel.

The development would consist of five distinct building blocks, with a central, feature building, flanked by two 'island' blocks and two crescent blocks beyond these to the north and south. The development would also deliver a minimum of three public spaces, the restoration of an active frontage onto Leith Street and routes through the site, in addition to three levels of underground parking, totalling a maximum of 1800 car parking spaces.

The application seeks to gain approval for the siting and maximum height of the building blocks, the points of vehicular access and egress and the location of pedestrian routes. The application sets out 'limits of deviation' for the blocks and spaces which would allow for an appropriate degree of flexibility in the implementation of the development. The remaining details are reserved for the submission of further applications as the proposals are developed.

The proposal is for a mix of uses that will include shops, with the retail focal point being formed in a curved galleria linking Multrees Walk and the proposed Register Square at the top of Leith Street, a hotel and apart-hotel, residential, food and drink and a range of other uses.

A summary of the proposed land uses and quantum of development, with maximum, gross floor-spaces in each land use, is provided below:

- Retail (Class1) 65,000 sqm;
- Leisure and Culture, including food and drink, apart-hotel and retail (Class 10 and 11) 87,000sqm;
- Hotel (Class7) 20,000 sqm;
- Offices (Class 4) 15,000 sqm;

- food and drink (Class3) 15,000 sqm;
- residential 20,000 sqm (250 units);
- other related ancillary uses (including circulation space) 25,000 sqm;
- car parking 60,000 sqm (1,800 spaces);
- servicing

#### SUPPORTING STATEMENTS

The application is supported with the following documents (with applicant's document numbering). These documents are available to view on the Planning and Building Standards Portal:

An Explanatory Statement (Doc 2)

A Supporting Planning Statement (Doc 3)

A Consultation Report (Doc 4)

An Urban Analysis (Doc 5)

A Heritage Statement (Doc 6)

A Design Statement (Doc 7)

An Illustrative Masterplan (Doc 8)

An Environmental Statement (Doc 9)

A Sustainability Appraisal (Doc 10)

A Retail Statement (Doc 11)

A Transport Assessment (Doc 12)

### 3 Officer's Assessment and Recommendations

#### Determining Issues

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

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

#### **ASSESSMENT**

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

- (a) the proposed redevelopment of the St James Centre into a major mixed use development is in accordance with the vision and framework for the area contained in the St James Quarter Development Brief and emerging Edinburgh City Local Plan;
- (b) the proposal would preserve or enhance the character and appearance of the New Town Conservation Area;
- (c) the proposals have any detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site
- (d) the proposals would adversely impact on listed buildings within or adjacent to the site;
- (e) the proposals are acceptable in relation to transportation infrastructure and the wider road network;
- (f) the proposals can proceed without significant environmental impacts;

- (g) the development would have an unacceptable impact on the amenity of neighbouring residents;
  - (h) the development complies with the objectives of the Edinburgh Standards for Sustainable Buildings;
  - (i) the development would deliver an appropriate level of affordable housing;
  - (j) there are any other material considerations.
- (a) Vision and Framework

The application site is identified in the finalised Edinburgh City Local Plan as 'Central Area Proposal 1'. The local plan sets out six key opportunities, which reinforce the development brief, in relation to the comprehensive redevelopment of the St James Quarter:

- (i) a more outward-looking and less dominating form of development than currently exists, with new buildings that are well integrated into the surrounding townscape, for example, by re-establishing an active frontage to Leith Street;
- (ii) a significant expansion of retail floorspace;
- (iii) provision of business accommodation (offices), hotel, housing, leisure and cultural uses;
- (iv) replacement provision of off-street, short stay car parking for public use;
- (v) a new civic space that creates a focal point within the site and public, pedestrian routes that will strengthen and re-establish links with the surrounding area, especially St Andrew Square and existing shopping facilities in Princes Street;
- (vi) development that enhances local views into and across the site and contributes positively to the historic skyline from more distant views. This will be assessed within Section (b) of the report.

#### Form of Development

- (i) Although the proposal is in outline form, there are a number of detailed aspects included within the application. These issues are the siting and maximum height of the building blocks and the points of vehicular access/egress and pedestrian routes. These detailed issues, in conjunction with the broad principles of the proposal, provide sufficient information and detail to assess their compatibility in relation to the aspirations of the development brief.

The buildings that make up the current complex are unsightly, unsympathetic to the surrounding streetscape characteristics and have a detrimental impact on the skyline when seen from some of the most important viewpoints within the city. Little effort was made to design the development into the topography of the site, in particular the north-east section which is set at the head of Elm Row and originally formed the slopes of Multrees Hill. This north-east elevation dominates the vista when viewed from the north and overwhelms the setting of the cathedral, with a harsh facade, finished in ribbed concrete as a finish.

The complex removed an active frontage from Leith Street and replaced it with an austere and 'dead' elevation. This was partially resolved when the John Lewis extension, incorporating large ground floor windows and an entrance at its north-eastern corner, was approved in detail in 1986, bringing some activity back to that part of Leith Street.

The centre lacks permeability and connectivity, and does not create an attractive pedestrian environment, with the route from Princes Street through to York Place, via Elder Street being uninviting, with changes in levels appearing to be arbitrary. The roles of Little King Street, St James Place and Cathedral Lane, retained after the construction of the complex, but with no reference to their original interaction with the streets that were lost as part of the development, is particularly unsatisfactory.

In contrast, the proposal seeks to create a development that would take meaningful reference from the topography of the site and the constraints of the surrounding area. The mass of the buildings would be influenced considerably by the sensitive use of urban cuts, step downs and set backs, particularly at the higher levels, to avoid the development taking on an intimidating and monolithic appearance. These features would provide an appropriate degree of visual articulation, thereby ensuring a pattern of development in sympathy with its context.

The development would create an urban quarter that would take advantage of its pivotal location at the axes of the First New Town, the Bridges and Leith Walk. It would replace the inhospitable open spaces and inward looking design of the current complex with a dynamic and inviting set of buildings that would provide high quality pedestrian permeability from north to south (York Place to Princes Street) and east to west (Leith Walk to St Andrew's Square). Crucially, it would create the connectivity with adjoining areas, recognised as being essential in allowing the development to integrate well with its surroundings and play its part in creating a vibrant and robust city centre.

The proposal also seeks to introduce a new edge onto Leith Street, with the building line brought out to form a more user friendly pedestrian environment. The development would create an active frontage, with retail units, entrances and streetscape improvements combining to form a vibrant and attractive public realm.

- (ii) The Edinburgh and Lothian Structure Plan 2015 (Retailing and Town Centres) identifies the need to underpin and strengthen the city centre as a prime leisure shopping destination of national importance. It highlights its decline as a regional centre, with much of local residents' non-food spending taking place in Glasgow. In line with NPPG8 (Town Centres and Retailing), now superseded by SPP8 (Town Centres and Retailing), the structure plan sets out the need for town centres to have precedence over all other locations in terms of new retail investment, in addition to being afforded protection from adverse impacts.

The Central Edinburgh Local Plan (CELP) (1997) pre-dates the structure plan, but seeks to maintain and enhance the city centre's role as a regional shopping centre, where the expansion of retail floorspace will be supported where appropriate. Although the site is zoned within an area of 'Office Core', the proposal would be compatible with the aims and aspirations of the CELP, as provision is made for the accommodation of other uses such as shopping and hotels within the office core.

The Finalised Edinburgh City Local Plan (ECLP) provides a more up to date policy context in which to assess the proposal's impact on the vitality of the city centre's retail element. In particular, the ECLP has been informed by the Edinburgh Area Retail Needs Study (EARNs) and SPP8. EARNs was commissioned to assess the retail provision within Edinburgh and its catchment area and identify the issues facing Edinburgh City Centre in its attempt to create a more robust and competitive retail destination. The study identified a contrasting position in respect of Edinburgh's aspirations to enhance its status as a European capital city and its declining position in the national ranking of city shopping destinations. It concluded that Edinburgh city centre required over 52,000 sq metres of additional, net retail floorspace by 2012 to assist in halting the decline of the city centre's retail ranking.

The present St James Centre provides 41,000 sq metres of gross floorspace and is occupied by more than fifty units in a mix of Class 1, 2 and 3 uses, including John Lewis, which is the centre's 'anchor' store. The proposal would provide 65,000 sq metres of gross, retail floorspace, of which 25,000 sq metres would comprise new floorspace. By applying a gross to net ratio of 80%, the development would provide the city centre with approximately 20,000 sq metres of net retail floorspace. The development would represent 38.4% of the additional city centre provision, as recommended in EARNs.

Whilst it is recognised that Edinburgh is well represented by anchor stores, their relatively remote locations to each other does not generate a 'critical mass' of retailing. In conjunction with the additional floorspace, the development would form an important component in the strategic vision for Edinburgh city centre's retail future. The ECLP promotes a greater degree in continuity of shopping, and identifies St Andrew Square as an axis between Princes Street and the St James Quarter. The proposal would contribute significantly in meeting the relevant aspirations of the ECLP by introducing a high quality development that would, through design and location, complete

the retail 'loop' between Multrees Walk, St Andrew Square, George Street and the east end of Princes Street.

'Out of town' shopping centres, such as Fort Kinnaird and Ocean Terminal, provide competition to retailing within the city centre. It is acknowledged that the proposal, by increasing the provision of retail floorspace and introducing the potential for a greater quality in retail delivery, would adversely impact on the retail turnover of these locations. However, as the development would be in accordance with the aims and aspirations of the development plans and related national guidance in relation to the future of retail in town centres, the effects of the development are acceptable.

The additional retail floorspace, formed within a high quality development that has regard to the surrounding retail pattern of the city, would strengthen the role of Edinburgh as a regional shopping centre and contribute to underpinning the vitality of the city's retail core.

- (iii) One of the aspirations of the development brief is to ensure the St James Quarter develops into an area with a rich and diverse character. To achieve this, the proposed development would accommodate a variety of uses including offices (15,000sqm), hotel (20,000sqm), housing (20,000sqm or 250 units), and leisure and cultural uses, including food and drink, apart-hotel and retail (87,000sqm). It should be noted that these figures indicate the maximum gross floorspace, not all maximums will be implemented and may be subject to variation.

The floorspace given over to these uses would ensure the development is still retail driven, but supported by different activities. The mix of uses would stimulate and encourage appropriate activity throughout the day and during the evening, bringing vitality into the Quarter, particularly at street level.

- (iv) The development would provide 1800 car parking spaces, located on three underground levels, each providing 600 spaces and replacing the existing provision of approximately 550 spaces. The spaces would be accessed from both Leith Street and Elder Street and would predominantly be used as short stay car parking for retail customers. Dedicated spaces for other uses included within the proposal, include housing (95 spaces) and hotel (42 spaces).

The finalised, draft local plan sets out the Council's objectives in relation to the provision of off-street car parking. The document recognises the importance of providing well designed public car parking in the city centre in order to meet the needs of shoppers and visitors.

The provision of this number of spaces within one, purpose built facility, sited under and providing easy access to the St James Quarter and the surrounding area would ensure the development and the wider city centre would be able to compete effectively against other shopping centres, many of which provide free, off-street parking.

In addition, the development would assist in reducing the level of on-street parking within the eastern section of the city centre and would, by virtue of its underground siting, have a minimal impact on the historic environment. Further consideration of the impact of the transport infrastructure is contained in part (e) of the assessment.

- (v) The original St James Square was, in part, characterised by a high degree of permeability, both within its recognised boundaries and the streets surrounding it. In contrast, the present complex is inward looking and presents a barrier to pedestrian movement within the site.

The proposed quarter would address the issue of permeability through the site by retaining the north/south link via Elder Street and James Craig Walk into Princes Street and by creating a new public access from east to west, linking Picardy Place to the proposed James Craig Square via Little King Street. In addition, the curved galleria would run from the Princes Street access through to Multrees Walk. This element of the proposal would be an essential component in forming a circuit or greater continuity of shopping between St Andrew Square, George Street and the east end of Princes Street, an area emerging as the key to Edinburgh's retail future. Included at present for illustrative purposes only, there is also the possibility of the east/west route being extended via a pend into the underused but potentially developable area around West Register Street.

The focal point of the quarter's interior would be formed around a public square, named as St James Square within the application, with a curved, feature building, possibly to be used as an hotel, reinforcing the importance and status of the space within the context of the overall development. This space would form an axis, connecting the pedestrian routes within the site, and would also act as a distributor to Princes Street, Picardy Place and St Andrew Square. In addition to this focal space, the development would also provide at least another two public spaces to reinforce the sense of public ownership of the Quarter.

In summary, the proposal would introduce an innovative and stimulating development that would respect its historical and geographical context. It would re-connect the quarter with its environs, and create a high quality shopping environment, supported by a vibrant and stimulating mix of uses. The proposal complies with the six key opportunities set out in the ECLP which in turn re-inforce the aspirations of the development brief.

(b) New Town Conservation Area.

### **New Town Conservation Area Character Appraisal**

*It is an environment of enclosed streets and dramatic changes of level with numerous framed distant views. The skilful use of land contours, the careful siting and design of individual buildings and groups of buildings, and the use of local stone, combine to create an intricate and varied spatial structure. The compactness and fine grained pattern also allows many forms of activity to*

*function in close proximity. In its location, height and bulk, the St James Centre is particularly obtrusive development.*

*Layouts follow the topography to create vistas and views both inwards and outwards to and from, high ground all round and particularly northwards over the estuary. Landmark buildings, usually churches as well as monuments, establish formal punctuation. The city centre is recognised as an important regional shopping centre. The important contribution that the cohesive, historic skyline makes to the conservation area means that it is particularly crucial to control incremental creep in building height. Especially along skyline ridges.*

The site is formed on the ridge of a hill at an axis between a number of important routes within the eastern part of the city centre. The site has a prominent setting within the New Town Conservation Area. As stated previously, the present St James complex is recognised as one of the city's least sympathetic buildings in terms of design and scale when assessed in relation to its historical setting. The appraisal further identifies the importance of the cohesive, historic skyline in its contribution to the character of the conservation area and the need to avoid incremental, skyline erosion by increasing building heights.

One of the key principles is to create a 'quarter', developed around a central building and a curved street or galleria. Although the proposal is, in essence, an outline application, there are a number of factors that are to be set as part of any approval. The setting of the maximum footprint and location of each block, their basic form and height, the location and dimensions of pedestrian and vehicular routes allows an assessment of the impact on the character and appearance of the conservation area.

The replacement development would seek to have a positive impact on its immediate environs and the wider area by forming a complex of buildings that would respect its historical setting and the topography of the site. The proposed building heights have been informed by the general height of buildings prevailing in the surrounding area or 'Characteristic General Height' (CGH) of 96 metres above ordnance datum (AOD), as defined in the Edinburgh Skyline Report, ensuring that the development would form an acceptable and subtle addition to the city skyline. The exception to the CGH would be the central building which would be 106m AOD. This feature building would provide visual punctuation within the heart of the complex and would create a rich and diverse roofscape.

The overall design seeks to form a tiered development that responds to the varying levels of the site by locating the tall, feature building at the centre of the complex, with its neighbouring blocks stepping down from the site's ridge towards the existing, lower level street network. By incorporating a 'cascading' element in building heights, the proposal aims to respond to the scale of the surrounding buildings, particularly the Georgian tenements on York Place, and avoid creating an overwhelming backdrop to these properties.

The broad design objectives of creating a set of buildings of considerable scale that avoid taking on an over-dominant appearance would be achieved by the careful use of 'urban cuts' and 'step downs'. At the upper levels of the proposal, these features would play a particularly critical role in providing the development with an appropriate vertical emphasis and fragmented appearance. The locations of these elements, although subject to limits of deviation, have been set to relate to the most prominent views, such as from Ferry Road to the north and Picardy Place to the east, where the current complex presents a visually dominating appearance to the detriment of the conservation area and the wider skyline of the city.

The Environmental Statement assesses a number of key views, as identified in the Edinburgh Skyline Study, and compares the proposed built form with that of the existing complex. There would be a significant positive impact with regards to the relationship between the proposal and neighbouring buildings and monuments; the dome of General Register House, when viewed from North Bridge, would be capable of being viewed almost entirely in front of an open sky. In addition, the Melville Monument, when viewed from George Street to the west, would achieve a far greater degree of symmetry, as the development would be lower and centred on the vista as opposed to the current situation, where the water tower appears to sit at one side of the column, resulting in an unbalanced appearance. There would be a moderate adverse effect on the gap between the dome of General Register House and the Balmoral Hotel when viewed from Ramsey Gardens. This is not a critical view and the change would be as a result of the reinstatement of the street pattern at the top of Leith Street, where the building line would re-create a street edge and remove the existing unattractive open space. Given the townscape benefits of forming a street edge that its capable of becoming a vibrant public realm feature, the adverse impact on that particular view is acceptable.

The development would introduce a far greater degree of pedestrian permeability through the site than at present, and would re-create, to a degree, the intimate streets and spaces associated with the original St James Quarter. It would provide a hierarchy of public spaces, centred around the St James Square, James Craig Walk and the central building, and supported and re-inforced by these smaller public squares and streets. By creating routes through the site, the proposal would form an attractive environment, with suitable levels of passive surveillance provided through the presence of hotels, leisure uses and residential units.

In conclusion, the proposal would result in the removal of a large building complex that has been identified as having an adverse impact on the conservation area. It would introduce a development that would be responsive and sympathetic to its historical and geographical context, and would constitute a significant enhancement to the character and appearance of the New Town Conservation Area.

The approval of materials would be dealt with as a reserved matter. However, it is recognised that this element of the development would play a critical role in ensuring the individual blocks form a compatible and sympathetic addition to the streetscape and city skyline, thereby avoiding the severe and functional appearance of the existing complex.

#### (c) World Heritage Site

The Outstanding Universal Value of the World Heritage Site is expressed in the Statement of Significance adopted by the World Heritage Committee of UNESCO. Within the context of this site, the distinct character of the New Town requires to be considered. In terms of spatial structure, the proposed development would reinforce and re-establish historic routes through the site and create a public space at the site of the original St James Square. The proposal, unlike the existing, also incorporates access at a level with adjoining streets and re-establishes street lines. These features of the proposal make a positive contribution to the plan form of the area.

The proposed development would not have any adverse impact on the Outstanding Universal Value of the World Heritage Site.

#### (d) Listed Buildings

The proposed development would have the potential to impact on the setting of listed buildings within the site boundary, adjacent to the site, and at greater distances. There are over 100 listed buildings identified within the study area set out in the Environmental Statement, and it would be impractical to assess these individually as part of this report. However, this assessment shall examine the impact of the proposal on the setting of the following buildings, recognised as having a particularly sensitive relationship with the existing complex and the proposal: 24/25 St James Square, General Register House, the tenements on the south side of York Place, and the Melville Monument (St Andrew Square) (all 'A' listed) and the James Craig Tenement, the UNITE building (James Craig Walk), the tenements on the east side of Leith Street and St Mary's Cathedral and associated St Andrew's Hall and the Balmoral Hotel (Princes Street) (all 'B' listed).

##### 'A' Listed

#### **24/25 James Square**

The building, which displays its gable end onto James Craig Walk, currently has an open aspect, with the main entrance to New St Andrew House being approximately 45 metres from the south-east corner of the building, separated by the public road and the concourse and vehicular access into New St Andrew House. The latter area was excavated as part of the development of the present complex, and has a substantially lower ground level than the public road.

Whilst the frontage of the building is at right angles with James Craig Walk, its relationship with the open space in front of New St Andrew House provides a degree of visual reference and historical connection with the spatial pattern of the original St James Square. The proposal would result in the original tenement losing a significant degree of this open setting through the development of buildings up to the opposite edge of the existing James Craig Walk. However, this impact would, to an extent, be ameliorated through the re-establishment of the approximate ground levels of the original St James Square. This would assist in restoring historical accuracy in the context of the site and on balance; the proposal would have a minimal adverse effect on the setting of the building.

### **General Register House (Princes Street)**

The neo-classical quadrangular building was intended to terminate the vista on the approach from the south, across the North Bridge. Although the imposing central dome has never been capable of being viewed with an open sky backdrop due to the high tenements of St James Square, the present St James Centre has resulted in the eastern half of the dome being read against part of the unsympathetic southern office elevation. In contrast, the proposal would significantly reduce the section of the dome that would be seen against the backdrop of development, creating an appropriate visual stop.

The development would project beyond the existing building line of Leith Street, thereby concealing part of the eastern elevation of the building when viewed from Leith Street. However, the proposal would remove the entrance terrace to the centre, including the ramped access into James Craig Walk, thus having a beneficial impact on the setting of the building.

### **York Place tenements**

The present complex faces onto the southern, rear elevation of the tenemental buildings on the south side of York Place, and is particularly harsh. The proposal would provide the opportunity to introduce a degree of visual relief to these buildings through the use of urban cuts and step backs on its north elevation at upper levels. In addition, the width of Elder Street to the south of its junction with York Place would be reduced to approximately its original width. The proposal would have a minor positive effect on the setting of these buildings.

### **Melville Monument (St Andrew Square)**

The present complex, and in particular the water tower, which is 111m AOD, has an adverse effect on the imposing monument, which acts as a visual termination at the east end of George Street. The buildings appear to sit at the side of the monument when viewed from the west in George Street and compete with it by breaching the skyline behind. It results in a clumsy vista

and detracts significantly from the setting of the column. The proposal, whilst introducing a considerable built form within the confines of the vista, would create a more appropriate termination view, with the circular, feature building centred behind the column and its neighbouring blocks stepping down and out to form a lower, better balanced visual stop, allowing the monument to dominate that section of skyline. The proposal would have a positive effect on the setting of the monument.

'B' Listed

### **James Craig Tenement (formerly 27-31 St James Square) and Unite Building (James Craig Walk)**

As with the tenement buildings at 24/25 St James Square, the proposal would reduce the existing open aspect of these buildings. Although a public square will be formed in front of the buildings, its extent would be considerably smaller than the present space. In addition, the flanking blocks of the central, circular building would be closer to the front of the listed buildings. However, the restoration of the original ground levels and the formation of a potentially lively and vibrant area of public realm would off-set the adverse effects of the development to a degree, and would result in a minimal adverse effect on the setting of the buildings.

### **Leith Street tenements**

The present complex was deliberately designed to have an inward looking approach and has resulted in the character of Leith Street being considerably compromised. The intimate nature of the street was lost when the centre's elevation was set back from the original building line, creating an awkward and hostile streetscape that fails to engage with the tenements on the east side of the street.

The proposal would effectively re-establish the original building line of the street, and create the sense of enclosure that existed, particularly at the top of Leith Street, close to its junction with Waterloo Place and Princes Street. The removal of the pedestrian bridge, which connects the street with the St James Centre, would also constitute an improvement in the setting of the buildings as it presently creates a visually confusing and fussy feature which distracts from the simple, elegant design of the tenements. The proposal would form a closer visual relationship with the listed tenements, and would significantly improve their setting.

**St Mary's Cathedral and St Andrew's Hall (Picardy Place)**

The cathedral and the hall currently sit with a backdrop of the north-east elevation of the New St Andrew House office complex. This elevation is monolithic and intimidating, and does not relate well to the setting of the listed building, particularly when viewed from Picardy Place. However, the proposed development, whilst having a more diffuse and fragmented character through the use of high level urban cuts, would extend closer to the listed buildings than the present complex. Given the massing of this elevation, the proposal would have a minimal adverse effect on the setting of these listed buildings.

**Balmoral Hotel (Princes Street)**

Whilst the hotel is detached from the site to a greater degree than the above buildings, the proposal would enhance its setting when viewed from Leith Street; the present complex, being set back from the historical street edge fails to achieve the framing that the building enjoyed when the original tenements were in-situ. By re-establishing the urban composition, the hotel would have a more defined and sympathetic enclosure. The proposal would have a minimal positive impact on the setting of the building.

In summary, the development would make a positive contribution to the setting of a number of listed buildings, including General Register House and the Leith Street tenements. It is recognised that the setting of a limited number of buildings would be adversely affected due to the development. However the impact on these buildings would be minimal and localised, such as the tenements in James Craig Walk, which would lose their open outlook to an extent, but gain a greater degree of historical integrity through the restoration of the original ground levels.

The proposals would not have an unacceptable effect on the setting of neighbouring listed buildings.

**(e) Transport**

The present St James complex has approximately 550 car parking spaces laid out within two separate car parks. The proposed development would provide 1800 car parking spaces, located within three underground levels and accessed from Elder Street and Leith Street. Service vehicles would continue to enter the site from York Place and exit at Leith Street. The Elder Street access would be controlled by traffic lights at its junction with St James Place, which would also be changed to facilitate two-way working. This junction would be linked with the existing signal controlled junction at York Place and Elder Street to maximise capacity. The exit onto Leith Street would be from a new opening, approximately opposite Greenside Row. This facility would allow traffic to exit in both directions. Limited service vehicle access would also be provided along St James Place and Little King Street to facilitate access to potential cold storage units and kiosks in that area.

The Transport Assessment identified the requirement to assess in isolation the junctions at Elder Street/York Place and Leith Street and a wider assessment of the local road network, taking into account the implementation of the tram project and 'committed development' such as Granton Waterfront and Caltongate. The models indicate that site access points can accommodate the impact of the development proposals satisfactorily, with access arrangements minimising the potential for queuing. In assessing the wider, local road network, the VISSIM microsimulation model indicates that while the network would operate close to capacity, the St James Quarter traffic could be accommodated without any further increase in queuing. This would be achieved through traffic diversion, in particular the ability for southbound traffic to exit right from the Leith Street access, thereby avoiding the need to carry out a U-turn at Picardy Place.

The Local Transport Strategy contains detailed objectives to reinforce the its overall objective to manage parking to support wider Council economic, environmental and social policies. These include the use of parking policy to help maintain and improve economic vitality of the city centre, ensure that parking provision does not encourage commuter car travel and minimise the negative impacts of parking on the streetscape. The application site is ideally located to maximise the use of the existing public transport network, with a considerable number of bus services running in close proximity to the site. In addition, it is located near to Waverley Station and also to the future tram halts, which will be located at Picardy Place and St Andrew Square. Although the level of car parking spaces would constitute a significant increase in parking provision, it would still be well below the maximum number of 3,330 that could be achieved in accordance with the Council's city centre parking standards. A survey undertaken in 2007 indicated that 65% of visitors travelling to the centre used the bus, compared with only 11% utilising a car. The modal split is not anticipated to increase and the percentage of car usage would still be relatively low. The centre, with increased parking provision, would still be attractive to public transport users, particularly when the tram system is operational.

Greater emphasis would be placed upon the status of pedestrians and cyclists within the hierarchy of modes of transport; the development would have a far better degree of permeability through the quarter than at present, with north-south and east-west routes creating an attractive environment that would encourage these forms of movement, particularly pedestrian traffic. The location of the galleria would complete the retail 'loop' of George Street and Multrees Walk with the St James Quarter, and form a vital component in delivering the aspirations of the development brief.

Cycle parking would be provided within the underground parking levels and 'at grade' at locations around the development. The positioning and numbers of cycle parking would be agreed as part of the reserved matters.

The existing residential properties in St James Square have access to a limited number of controlled parking zone spaces, and any change to their status would be subject to agreement with the council.

As the development site lies within close proximity to the proposed tram lines it is subject to the tram developer contributions guideline. Transport Planning have assessed the proposed development against this guideline and have suggested a baseline figure of £7.5m. Any assessment of the level of contribution should consider the existing uses on the site to establish the net increase of uses on the site. The existing uses on the site would account for a contribution in the region of £3.5m.

For a development of this scale the Tram Developer Contributions Guideline advises that negotiations should take place to ensure an appropriate contribution is made. It is recommended that the final amount is considered further with the developer, taking into consideration the above and any extraordinary costs associated with the development.

A legal agreement would be entered into to secure £18,000 towards the City Car Club, £100,000 towards variable message signing for the car parks and £7,000 towards any Traffic Orders required to introduce loading and waiting restrictions and/or stopping up/re-determination orders in the vicinity of the development. In addition, a green travel plan would be prepared and implemented by the developer.

The proposals are acceptable in relation to transportation infrastructure and the wider road network

#### (f) Environmental Impacts

##### Air Quality

The ES has considered air quality. The main impact will be from emissions from road traffic. The effect of the operational traffic movements on local air quality has been assessed by forecasting traffic-related air pollution concentrations. These have been forecast at locations on the surrounding road network at regular intervals to 2020.

Pollutant concentrations, Nitrogen Dioxide (NO<sub>2</sub>) and Fine Particulate Matter (PM<sub>10</sub>), are forecast to increase slightly with the proposed development in place. However the ES concludes that "overall no significant effects on local air quality are predicted to result from the proposed development".

There is a degree of concern regarding the potential impact upon air quality in the Central Area. The majority of concern is largely due to the current poor air quality standards in the area, and that an increase beyond the traffic levels anticipated as a result of the proposal, would worsen the situation.

Air pollution associated with road traffic and congestion has already led to the declaration of an Air Quality Management Area (AQMA) for Nitrogen Dioxide (NO<sub>2</sub>) for the city centre. The application site lies within the Central Edinburgh Air Quality management Area (CEAQMA),

SFC Environmental Assessment has particular concerns regarding the accuracy of the air quality predictions. A number of factors are considered to make accurate predictions almost impossible. These include:

- the scale of development and very long development time frame;
- monitoring shows air pollutants in the Central Area (and elsewhere in the City) are actually rising contrary to the predictions on which the ES is quite properly based;
- uncertainty as to whether the proposed mitigation measures to reduce vehicle trip generation can be delivered

Notwithstanding the poor air quality standards in the area, it must nevertheless be recognised that it is within this context that the Council through planning policy has directed development to the application site. It is a location that offers good public transport links including access to Tram Line 1, and in close proximity to main line rail services and has the potential to reduce commuting and vehicle movements compared with greenfield sites.

The introduction of the tram and integrated bus services will help to facilitate the development in transport terms and will also minimise impact on air quality. The Council will also have control, through 'reserved matters' applications, of the layout of the uses within the site. This will assist to ensure that the residential properties are located in the most appropriate areas.

Notwithstanding the above mitigation measures, the Council will most likely have to develop and implement an Air Quality Strategy in order to protect air quality in this area and other areas of the city. While this is not just as a result of this development, it is reasonable to require the applicant to enter into an agreement with the Council as a partner in an Air Quality Strategy. The monitoring system proposed for the purpose of transport monitoring should also be capable of monitoring the impact the development is having upon air quality. The applicants should be expected to meet their own targets and in the event that targets are not met, the Council should be entitled to direct financial contributions from the applicant to assist in the delivery of the mitigation measures identified in the Air Quality Strategy.

While it is accepted that air quality is a city wide issue and the Council will have to lead this project it is appropriate to require the applicant to be a partner in this strategy given the scale of the application and potential impact on the City. This is a necessary and reasonable requirement, as a means of mitigation, and as a means of complying with emerging policy on air quality (ECLP Env17).

The development would also generate vehicle emissions from within the underground parking levels and emissions from plant and machinery associated with energy generation within the complex. The use of four vents, located at heights exceeding 20 metres above ground level would disperse emissions effectively, thereby ensuring they would have a negligible impact on local air quality. The use of efficient plant and machinery would minimise the impact of emissions to a negligible level.

The proposals could proceed without significant environmental impacts as controlled by mitigating measures.

#### (g) Residential Amenity

There are a number of existing residential units within close proximity or adjacent to the application site boundary. As the application is broadly in outline form there are limits to the scope of the assessment in relation to issues such as privacy, as the fenestration details are not articulated as part of the application. Any further applications for reserved matters would be required to comply with non-statutory guidance in relation to privacy standards. However, the issues of daylighting, sunlighting and overshadowing can be evaluated to determine the effect of the proposal on these particular elements of amenity. In addition, the proposed mixed uses could introduce activities that would impact on residential amenity, although the siting of individual uses has not been established as part of this outline application, and would be subject to further applications.

#### **Daylighting**

The properties assessed are all flatted properties and located within 18th and 19th century tenement buildings. They are situated in Leith Street, James Craig Walk, York Place, Elder Street and Picardy Place. The basic 'Vertical Sky Component' (VSC) method of assessment in relation to daylighting levels identified that 92% of windows tested would be unaffected by the development. However, a number of properties within James Craig Walk and Elder Street would fail to achieve the minimum VSC criteria as a result of the implementation of the development. Of these windows, the majority provide light into bedrooms and the degree of failure would be minor, with only 3 bedrooms being impacted with a moderate failure. The windows that failed the VSC test were then subjected to the more accurate Average Daylight Factor (ADF) method which takes into account factors such as window size and room size, rather than purely relying on the amount of light falling on the external face of a window as in the VSC. The more advanced test identified only 3 rooms as failing to achieve the minimum ADF criteria; these rooms are all

kitchens within the tenement building at James Craig Walk, with the rooms on the 1st and 2nd floors registering a minor failure and the kitchen window within the ground floor flat constituting a substantial fail. The daylighting assessment failed to include the windows within the basement level of the north-west elevation of the tenement building at 24/25 James Square. However, the remaining windows within that elevation all passed the VSC assessment. In these circumstances it is not considered that this omission would prejudice the validity of the assessment.

In the context of the scale and location of the proposal, the development would not have an unacceptable impact on neighbouring daylighting.

### **Sunlight**

An assessment of the amount of sunlight that would be received by potentially sensitive properties identified two windows that would fail to meet the threshold as set out using the Annual Probable Sunlight Hours (APSH) method. It should be noted that these windows would receive an average level of sunlight above the APSH threshold, but would fail in the amount of winter sunlight received. Of these, one is a living room within a flat in James Craig Walk and the other is a living room within a flat in York Place. However, the latter is also served by two other windows that meet the relevant criteria of APSH, and in these circumstances the room would receive an adequate level of sunlight.

Given the scale of the development, the high density urban surroundings and the relatively minor, overall infringement of the APSH method, the development would not have an unacceptable impact on neighbouring sunlight.

### **Overshadowing**

There are five areas of land surrounding the application site that would be affected by the development; three garden areas to the rear of buildings in York Place, the garden area between the tenements in James Craig Walk and the public open space in front of the cathedral at Picardy Place. The baseline conditions for the last two receptors indicates that there is no area within each that is subject to permanent shade, and this situation would not change in the event of the development taking place.

The three garden areas to the rear of York Place are subject to varying degrees of shade at present and they would all be subject to greater degrees of overshadowing on completion of the development. It is recognised that the impact of the development on these areas would have the potential to be considerable in terms of overshadowing. However, these garden areas service commercial uses, such as hotels and offices, and are currently of very limited amenity use, with a number being used primarily as access points to the rear of the buildings. In these circumstances, the proposal, whilst impacting on the level of direct sunlight reaching these areas, would have very

little practical effect on the operations of the present, long standing uses contained within the buildings and the use of the space.

### **Amenity**

Although the primary use within the Quarter would be retail, a planning permission based on the outline proposals would introduce new uses, such as Food and Drink (Class 3) and Non-Residential Institutions and Culture and Leisure (Class 10 and 11) which would have the potential to impact on existing residential amenity through the characteristic activities of some of these uses. Due to the application being in outline, the location and scale of the various uses has yet to be determined and would be subject to further applications in the event of an outline approval. At this stage the siting arrangements of these uses would be considered, ensuring potential 'bad neighbour' uses would be appropriately separated from sensitive, neighbouring uses. This would ensure the activities associated with these uses would not have an unacceptable effect on neighbouring residential amenity.

In summary, the proposed development would have some impact on the present levels of daylighting and sunlight experienced within a very limited number of residential units. In relation to daylighting, the failure level of two out of the three rooms, all in use as small kitchens, was found to be minor. In terms of sunlight, only one room failed to achieve the minimum standard, and in that particular example the failure related to the amount of winter sunshine rather than the level of predicted annual sunlight. The overshadowing due to the proposal would affect land in non-residential use only. In addition, it should be noted that the results were based on the maximum limits of deviation, thereby providing a 'worst case scenario'.

Given the scale of the proposal and the relatively high building density expected within a city centre site such as St James, the proposal would have a very minor impact on existing residential amenity. The introduction of a mixed use quarter, appropriately controlled, would promote a greater vibrancy and richness in the area, whilst ensuring existing residents would not be subjected to an unacceptable loss of amenity.

### **(h) Sustainability**

The Edinburgh Standards for Sustainable Buildings (ESSB) sets out the Council's objectives in relation to reducing CO2 emissions from new development.

The proposal would aim to meet the standards by using an efficient building fabric that would be reactive to the local climate, thereby reducing the heating, cooling and electrical requirements of the development. In addition, the use of energy efficient mechanical and electrical technologies, in conjunction with the 'Combined Heat and Power' unit, would limit the energy required to operate the buildings.

## Threshold Points and Proposal Points

### ESSB Sustainability Principle Threshold Points and Points Awarded to the Proposals

	Threshold Points Required	Proposal Points
Quality in layout, Building and Landscaping Design.	5	7
Design Inclusive, Health and Safe Environments.	6	10
Reduce Climate Change Impacts and Increase Provision of Low and Zero Carbon Technologies	14	24
Encourage Use of Sustainable Resources and Materials	10	10
Reduce Pollution and Improve Recycling.	2	2
Encourage Sustainable construction and Operation.	4	6
<b>TOTAL</b>	<b>41</b>	<b>59</b>

Based on the calculation methodology set out in the sustainability appraisal, the combined implementation of the above elements would result in a CO2 emission saving of 1.121 tonnes, or a 27% reduction when assessed against the Building Regulations 2007. This would exceed the 25% reduction required by the ESSB.

Due to the outline nature of the proposal, the specific energy efficiency measures proposed shall be further developed with the reserved matters applications.

The development would comply with the aims and objectives of the ESSB.

#### (i) Affordable Housing

The proposed development would create up to 250 residential units and would require the provision of a contribution to affordable housing. Options are being considered for the most appropriate delivery of affordable housing, with off-site provision likely to deliver the best solution.

The application site is identified as Block 7 within the Department's 'String of Pearls' framework, and the approach to affordable housing within the framework area will, to an extent, be led by the method in which this issue is dealt with in the St James Quarter.

To determine the appropriateness of off-site provision it is necessary to consider whether there is adequate, existing levels of social rented housing and access to essential services and amenities. The level of social rented accommodation within the framework area is 10.6% of all housing stock, almost double the city average. It can be concluded from this that there is, at least, an adequate supply of this housing type within the area. However, there is a lack of services, such as medical facilities, within close proximity to the framework area, and it is recognised that this issue could have a significant effect on the overall amenity of vulnerable occupiers of social accommodation units within the area.

For these reasons the String of Pearls Framework Area can be considered as an exceptional set of circumstances, where alternative provision, in areas of the city where there is an identifiable affordable housing need, could provide a better level of amenity for the most vulnerable households. In addition, given the relatively long timescale for the completion of the development, any off-site provision could be delivered more quickly, which would be of considerable benefit to those experiencing affordable housing needs in the shorter term. Furthermore, it would also be a part of any legal agreement that the applicant would provide more affordable housing units than the 25% requirement as set out in the non-statutory guidance to ensure the lack of affordable housing on-site would be appropriately off-set to the wider benefit of the city.

The provision of off-site affordable housing accommodation would be an acceptable infringement of the non-statutory guidance for the reasons stated.

(j) Any other material considerations

There is current capacity within the local schools, except St Thomas of Aquins, and the development's housing provision would not have an unacceptable impact on pupil levels within local schools. A developer contribution of £8,480 would be required, and would be subject to a Section 75 legal agreement.

### Summary

The outline application seeks to introduce a vibrant and stimulating quarter to replace a complex that is considered to be visually detrimental to not only the immediate streetscape, but also the wider townscape and the City's skyline. The design concept would ensure the Quarter would respect the skyline and the setting of surrounding listed buildings. It would re-establish the original Leith Street building line and introduce active frontages to stimulate pedestrian movement.

It would promote pedestrian permeability within the site, reflecting the street pattern of the original development and encourage greater public activity through the introduction of a sequence of streets and squares.

The site forms a critical axis in the context of the east end of the city centre. The mix of uses would stimulate activity and increase the commercial viability, particularly the retail element, of the city centre through the re-connection of the Quarter with George Street, St Andrew Square and the east end of Princes Street.

The development has been demonstrated to be capable of operating within the local transport infrastructure without an unacceptable impact on air quality.

It is recommended that the Development Management Sub-Committee approves this application subject to conditions relating to the approval of subsequent reserved matters applications, guided and controlled through agreed design principles, the provision of a CCTV scheme, the control of noise and other environmental issues, the reservation of the 'limits of deviation' in respect of the St James Place blocks and the Leith Street vehicular access, materials, an archaeological programme, the design of signalised junctions and other traffic related controls, an investigation into the potential for contaminated land, the restriction of the number and operation of car parking spaces and reserved matters.

**John Bury**  
Head of Planning

Contact/tel	Alan Moonie on 0131 529 3909
<b>Ward affected</b>	A11 - City Centre (NEW)
<b>Local Plan</b>	CELP / ECLP
<b>Statutory Development Plan Provision</b>	Office Core / Central Area Proposal
<b>Date registered</b>	19 September 2008
<b>Drawing numbers/ Scheme</b>	01-21 Scheme 1

**Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Elaine Robertson on 0131 529 3612.

Email: [E.Robertson@edinburgh.gov.uk](mailto:E.Robertson@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail [david.emerson@edinburgh.gov.uk](mailto:david.emerson@edinburgh.gov.uk) or [henry.scullion@edinburgh.gov.uk](mailto:henry.scullion@edinburgh.gov.uk)

**Application Type** Outline Planning Application  
**Application Address:** St James Centre  
 Edinburgh

**Proposal:** Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses ( including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh

**Reference No:** 08/03361/OUT

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## Consultations, Representations and Planning Policy

### Consultations

#### **Transport Scotland – EIA response dated 03/10/2008**

*The comments of the Trunk Road Network Management Directorate (TRNMD) are as follows:*

*The proposed development represents an intensification of the use of this site; however the percentage increase in traffic on the trunk road is such that the proposed development is likely to have no impact on the trunk road network. On this basis TRNMD have no comment to make.*

#### **Health + Safety Executive (HSE) – EIA response dated 02/10/2008**

*HSE has no comments on this environmental statement.*

#### **Scottish Natural Heritage (SNH) – EIA response dated 13/10/2008**

*SNH has no objection to the proposal.*

#### *Landscape + Visual Impacts*

*We wish to thank your council for consulting SNH and note the importance and sensitivity of the site within the heart of the city and the World Heritage designated area.*

*SNH generally welcomes the outline application which proposes an overall reduction in the height and dominance of the roofline of development in this area. From the information provided and compared with existing baseline conditions, we judge that such a change will be of a generally beneficial nature and this will likely improve the legibility of views to and from nearby key natural features, including Calton Hill and the New Town designed landscapes.*

*We also consider that the proposed footprint, massing and indicative form of development will (if implemented to satisfactory design standards at the detailed application stage) allow a more sensitive design relationship between built elements and nearby natural features.*

*We therefore raise no objection to this development but consider that the scale massing and other design measures proposed by the outline application should be secured and further developed in spirit with the objectives that are put forward in the projects' ES.*

#### *European Protected Species –Bats*

*We accept the conclusions of the bat survey report (Capreolus Wildlife Consulting, December 2007) that no evidence of use by bats was found within buildings affected by the development and that generally conditions for roosting bats are unfavourable, therefore, no specific mitigation measures are deemed necessary. However, we do advise that if bats are encountered during the course of demolition the recommended procedures set out in the report should be adopted.*

#### **Scottish Government – EIA response dated 23/10/2008**

*This response relates to the Scottish Minister's responsibilities for water supply, water protection, sewerage, flood prevention, coastal protection, waste disposal, soils, air quality + noise. Consideration is being given to the other responsibilities of the Scottish Ministers, including countryside and natural heritage and you may receive a separate response on these issues.*

*On the basis of information available and without prejudice to further consideration the Scottish Ministers may be required to give, we have no comments to offer except we note that Noise + Air Quality issues have been fully considered with mitigation measures recommended as appropriate.*

#### **Scottish Water (SW) – response dated 24/09/08**

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

*We are unable to reserve capacity at our water and waste water treatment works in advance of formal agreement made with us. In view of this, the information provided in this response will need to be reviewed if this proposal progresses to full planning approval.*

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

*Fairmilehead Water Treatment works currently has capacity to service this proposed development.*

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

*AVSE PFI Edinburgh Waste Water Treatment Works currently has capacity to service this proposed development.*

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

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

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

*This proposal requires the provision of an Oil Interceptor prior to discharge to the public sewer system. The applicant should also consult with SEPA on this matter. No substance may be discharged to the public sewerage system that is likely to interfere with the free flow of its content, have detriment to treatment/disposal of their contents, or be prejudicial to health.*

**New Town & Broughton Community Council – response dated 28/10/08**

1. *We acknowledge that the developer, Henderson Global Investors through their agent GVA Grimley, has carried out full consultation with this community council as their project for the redevelopment of the St James Centre has evolved. Our response to this formal application for Outline Consent will be related to the 4 parameters set out in their document, namely 1) Siting of the principal building blocks above ground level; 2) Points of pedestrian, vehicle and service vehicle access; 3) Location of principal pedestrian routes; 4) Maximum height of building blocks. We will also comment however on other features that we consider critical to mention at this stage.*

2. *Now that any suggestion of a high-rise tower in the World Heritage Site has been sensibly abandoned, we are generally in favour of the overall proposals. We particularly support the curved galleria in principle, and trust that it will be designed and detailed to a sufficiently high standard to realise the potential of the top quality shopping and leisure environment envisaged. The Eaton Centre in Toronto is an excellent example of what could be achieved here if sights are set high enough. We do have concerns however, about the apparent unscreened ends to the galleria as the main advantage of the present shopping centre is its enclosure against the elements. We consider a bad mistake was made with Multrees Walk in this respect, and trust that the developer will amend this shortcoming in the final design. Parameter 1.*

3. *The retention and upgrading of the existing John Lewis store is a sound decision as it will provide an anchor for shoppers, and will keep the site alive throughout the construction period. Parameter 1.*

4. *We approve of the pedestrian route linking York Place to Leith Street and hope that the conjectured east-west route to St Andrew Square can be achieved through wayleaves with Registers of Scotland etc. Parameters 2&3.*

5. *As the new hotel is shown on the artist's sketch but not on the plans we feel nonetheless bound to comment at this stage that we are less than happy with its proposed location on the roundabout at the head of Leith Walk, generally obscuring the view of St Mary's Cathedral. Our objection to this, should it become part of the full application, would be mainly on the grounds of the servicing requirements of the hotel and the fact that it would be hemmed in by tramlines and associated transport requirements in what would be a crucial transport hub in Edinburgh. It would appear that TIE and Hendersons may not have found common ground here, and until they do this part of the scheme must remain conjectural. Whilst the view of the cathedral itself cannot be deemed exactly time-honoured as it was only brought about by the demolition of the southern end of Broughton Street in the 1960s, we would strongly object to the church finding itself in juxtaposition to an hotel service yard. We have also told the developer that the Paolozzi sculptures are now part of the present scene and should remain so. We accept nonetheless that no change to these is suggested in the outline application. Parameter 2.*

6. We have commented to the developer earlier that there is insufficient public open space in the scheme as a whole. We do not consider roof gardens count for much in this respect, and while we are pleased to note pockets of open space are mentioned in their 'Public Realm' sheet, we would like to see a proper landscaped open area leading off the galleria that could once again assume the role of 'St James' Square', with the 18th century carved stone name relocated here from Leith Street. Parameter 1.

7. Finally, we would stress the importance of paying due regard to the residents of the surviving tenements both in ensuring that the height of the new blocks in their proximity do not permit overlooking or loss of their views etc. While this application is mainly concerned with demolitions etc at this stage we feel that this point should be raised as indeed demolitions will cause a loss of amenity for them. It is also important that vehicular access etc to their properties is safeguarded at all times. Parameters 2&4.

## **Architectural & Design Scotland (A+DS) – response dated 01/12/2008**

### **1. GENERAL COMMENTS**

1.1 We have, since our earliest engagement with the project, supported the principle of the redevelopment of the St James Quarter and recognise the benefits it could bring to Edinburgh. We generally endorse the work and the ambition of the project team and welcome their approach towards reconnecting the St James Quarter with the rest of the city, and increasing permeability through the site.

1.2 We have encouraged the project team to create a vibrant and exciting development that enhances and acknowledges, but is not intimidated by, its historic context. The quality of the architecture will be critical to the success of the project and we support an approach that, whilst acknowledging its historic surroundings, is of its time and embraces the future.

1.3 We encourage the creation of an attractive mixed-use destination as part of a more sustainable approach to the redevelopment of the area. Demolishing the St James Centre places a responsibility on the developer to ensure that the failings of the existing development are not repeated. There will be little criticism for removing what is commonly regarded as an eyesore, but expectations will be high for a design of outstanding quality that integrates into, and makes connection with, its wider context.

### **2. OUTLINE PLANNING APPLICATION**

2.1 We note that, in addition to establishing the principles of redeveloping the St James Centre, certain detailed elements have been included for approval as part of the outline planning application; the siting of the principle building blocks above ground level; points of pedestrian, vehicle and service vehicle access; location of principle pedestrian routes; and the maximum height of building blocks.

*2.2 We acknowledge and support the principle of establishing the basic structure of the development at an outline planning stage. However, we are concerned that the current approach will result in a uniform mass of development with a consistent horizontal datum. We would like to see an approach that steps the height of the buildings across the development and breaks down the monolithic form.*

*2.3 In our previous reports we raised concerns about the proposals for tall buildings on the site. This issue has been largely addressed by the omission of the tall elements from the project.*

### **3. GALLERIA**

*3.1 We support the concept of the crescent-shaped galleria, which could potentially offer an elegant way of creating a coherent and legible route through the shopping centre, so long as it is developed with sensitivity to relate to and complement the context of the New Town. However, we feel that there are some aspects of its design that require further consideration.*

*3.2 At present the galleria design appears to be a bland retail space, when it could be an attractive destination in its own right. We welcome the design team's intention to ensure a high level of variety and vibrancy to make it a successful place in this respect.*

*3.3 We recognise the need to form a clear entrance into the galleria. The design of the buildings that front on to and frame the proposed new Register Square will be critical in strengthening this space and in forming a more active public realm. Sufficient development guidelines should be incorporated into the outline application to ensure that the design of this new square is not compromised.*

*3.4 As the details designs for the site develop we encourage a clear and consistent architectural language to be maintained that works at both a civic and human scale, and intelligently incorporates retail frontages and signage normally associated with projects of this type.*

*3.5 We applaud the incorporation of residential use at the upper levels. It is important that the form and roof of the galleria is expressed, and not suppressed by other high level elements.*

#### 4. PUBLIC REALM AND STREETScape

- 4.1 *In our previous report we were concerned that some of the proposed public spaces were being compromised and were residuals, rather than drivers, of the built form. We note that the project team have developed the designs in such areas as Little King Street, Register Square and Elder Street to address this but we remain concerned about the designs for St James Square. We feel that this square appears too large relative to its location deep within the heart of the development. We would normally expect a space of this scale to have a more public face. We suggest that this space requires some reconsideration, particularly in light of the omission of the tower. We encourage the project team to strengthen the concept of the 'urban room' as a key driver for the project.*
- 4.2 *We welcome the way in which the designs improve connections to Princes Street. We encourage a richer mix of cultural uses to activate the ground level and help to maintain 24-hour access to bring life into this area of the city. We note the client's aspiration to provide a mix of cultural uses to compliment the commercial elements in this regard.*
- 4.3 *We note that any increase in the retail floor space would impact on the amount of additional car parking and servicing required. The quality of the public realm and/or streetscape should not be compromised by these additional pressures.*
- 4.4 *We applaud the project team for their willingness to improve the streetscape out with the development site by extending the application boundary to include Leith Street, James Craig Walk, Elder Street, St James Place and Little King Street. We support the narrowing of Elder Street to create a friendlier pedestrian environment.*
- 4.5 *The eastern and north-eastern boundaries of the site are currently aggressive and hostile pedestrian environments, and we recognise the challenges in humanising these areas. We commend the project team for engaging with the City of Edinburgh Council to address the improvements that are required and encourage the Council to lead in a joint initiative to improve the public realm in this location.*

#### 5. AREAS OUTWITH THE OUTLINE APPLICATION BOUNDARY

- 5.1 *We understand that the Illustrative Masterplan is purely indicative at this stage and that it does not form part of the outline application. However, it is critical to the success of the project that the vision for the development and its delivery encompass a wider area.*

*5.2 We note that a detailed application for the Picardy Place site is to be brought forward separately, that any proposals will be the result of a collaboration between CEC, HGI and TIE, and that this will also be subject to further public consultation. However, we are disappointed that the opportunities for reconsidering Picardy Place do not form part of the current application and are concerned that the form of the building at Picardy Place still appears to be being dictated by the proposed tram route, rather than a vision for the place.*

## **6. IMPLEMENTATION**

*6.1 We encourage the client to retain a masterplanning team throughout the procurement process to ensure a degree of control is maintained and a high quality outcome is achieved for the whole development.*

### **CONCLUSION**

*We congratulate the project team on their ambition for the project. We support the principle of the redevelopment of the St James Quarter. We encourage the creation of an attractive mixed-use destination as part of a more sustainable approach to the redevelopment of this area. It is important that the project is seen in its wider context and we encourage the Council to be proactive in working with the project team in this respect.*

*We generally welcome the way in which the designs have developed since previously reviewed. However, we have some concerns with how detailed aspects of the project will be delivered and encourage a masterplanning team to be retained throughout the delivery process to help ensure a high quality development that benefits the city is achieved. We look forward to seeing the project as it develops.*

### **Edinburgh World Heritage (EWH) – response dated 05/12/2008**

*The proposed redevelopment of the St James Centre creates an opportunity to reinforce the integrity and character of the World Heritage Site as an opportunity for enhancement, and EWH was happy to draw this to the attention of Henderson Global at the time of its purchase of the site in 2006. EWH has been involved in a number of workshops to establish design guidelines to inform the outline application. The increased permeability and improved links to surrounding streets and spaces are recognized as a real improvement that will help to bring the St James area back into the city street network.*

*However we are concerned that the proposal will still have an overall impact on the visual character of the Edinburgh World Heritage Site, particularly views of the distinctive skyline from the north because of its massing and scale.*

*Whilst EWH can appreciate the reduction in the height resulting from the removal of the Water Tower, the increase of general massing as a result of an agreed general development height for the site could still result in a visually dominating and bulky development of the site, if this maximum height is used across the development. Care must be taken to break it up using lower elements.*

### **Historic Scotland (HS) – response dated 24.12.2008**

*I refer to your letter of 25 September seeking comments from Historic Scotland on the above planning application. We are grateful to you for allowing us an extension to your original response deadline to give us sufficient time to fully consider the extensive documentation which comprises this application.*

*We have also been separately consulted on the Environmental Statement (ES) which accompanies this application through that part of the Scottish Government Planning Decisions Unit which handles the receipt of consultations with Scottish Ministers in their role as a statutory consultee within the Environmental Impact Assessment (Scotland) Regulations 1999. Historic Scotland carries out Scottish Ministers' functions within these Regulations where projects may raise implications for those aspects of the historic environment which are of national importance.*

*This letter sets out, under two separate subheads, both our comments on the ES, and taking that and other considerations into account, on the planning application.*

*In summary we are, in general, content with the assessment of impacts and their mitigation as reported in the Environmental Statement. Detailed comments on the ES can be found below.*

*In terms of the application our detailed comments are set out below. In summary, in processing this high profile application as an Outline Planning Application your authority has restricted the extent to which comment can be made. This is an area which is, as you will be aware, of some concern to us. In considering the Reserved Matters applications which will accompany any detailed scheme, it will be crucial that your authority carries out full consultation, as only at this stage will the full impact of the proposals on the historic environment and wider city be easily judged.*

#### *The Environmental Statement*

##### *Baseline*

*In our response dated 8 October to GVA Grimley regarding the potential scope of the assessment we listed a number of key considerations that we considered should form the basis of a study of impacts of the proposal on the historic environment. This included a number of buildings and their settings to be considered, as well as key views of the world heritage site. We are pleased to note that all of these matters have been considered with an assessment of the level of impact offered on these sites and views.*

### *Methodology and Mitigation*

*Historic Scotland engaged in pre-application discussions with the applicant and their consultants in order to be briefed on their proposed methodology for the assessment of impact on the historic environment. We indicated that we were content with these methodologies as proposed and can confirm that these agreed methodologies have been brought through to the submitted ES.*

*Given that the application is in outline we are aware of the difficulties in putting such applications through the Environmental Impact Assessment process. It is our understanding that there are four detailed elements of the application, namely*

- 1. The siting of the principle building blocks above ground level*
- 2. Points of pedestrian, vehicle and service vehicle access*
- 3. Location of principal pedestrian routes*
- 4. The maximum height of principal building blocks*

*We are generally content that these areas of detail have been appropriately assessed within the ES. However, we do note that much of the proposed mitigation of identified impacts is based on sensitive responses at the detailed design stage. This detailed stage will be critical in addressing much of the impact identified on the historic environment and with this in mind; Historic Scotland would welcome further consultation as the application evolves.*

*We also welcome the development of a Construction Environmental Management Plan to safeguard the remaining structures on the site from accidental damage. We also welcome the tying in of the recommendations included in the Heritage Report into the mitigation measures outlined in the ES.*

### *Heritage Statement*

*We welcome the inclusion of this examination of the existing heritage baseline of the area by Andrew Wright. Its exhaustive approach is to be commended, as well as the suite of recommendations that have generally been incorporated within the ES.*

### *Summary*

*We are content that the assessment meets the criteria of the Environmental Impact Assessment regulations. Given the level of mitigation passed on to the detailed design stage, Historic Scotland would welcome further consultation as more detail emerges.*

### *The Application*

#### *Impact on the Old and New Towns of Edinburgh World Heritage Site*

*It is widely acknowledged that the existing St James Centre has an adverse impact on its immediate setting, the wider city and the Edinburgh Old and New Towns World Heritage Site. In considering its replacement, it is clearly important to consider why the existing St James Centre has such an impact, and aim to avoid repeating the mistakes of previous generations. When considered in terms of the historic environment, and in particular the Outstanding Universal Value of the World*

*Heritage Site, that impact can be seen to be the result of a variety of factors. Each is set out below, together with consideration of the current application.*

### *Skyline*

*As we observed early in negotiations, the position of the St James Centre at the higher end of the New Town Ridge makes any development of this site prominent in the city's skyline. In considering the proposals before you it is important that your authority give full weight to the findings of your recent Skyline Study carried out by Hal Moggeridge.*

*The existing St James Centre has a particularly adverse impact on the skyline when considered in a wide variety of key views. That impact is emphasised by the extent which the centre rises above the average height of surrounding blocks, and the even height of the majority of the building. In aiming to avoid these adverse impacts, the designers propose a more modelled scheme which would aim to reflect the natural topography, with stepped blocks rising to the highest building at the crest of the hill, on line with the George Street axis. Initial wireframe models suggest that such an approach might be successful in integrating the skyline of the new development with that of the surrounding city.*

*In considering this consent and subsequent detailed permissions your authority should give due weight to the importance of variety in the skyline of this development, which will remain a dominating and large scale element in Edinburgh's skyline. We would express concern that the illustrative scheme used within the application documentation continues to show a single, unifying element, a roof-top crescent. Such a design element, reaching over several of the major blocks of the masterplanned area, might introduce a dominance in the skyline which should, in our opinion, be avoided.*

### *Adjoining listed buildings*

*Several important listed buildings immediately adjoin the St James Centre site. Two, Register House and Dundas House, form the focus of major planned axial vistas. The existing centre has a negative impact in both these vistas, and on the setting and appearance of other listed buildings.*

*We note that the submitted wireframe models show a reduced visual impact of the proposed redevelopment on the important Bridges/Register House viewing corridor. We remain disappointed that the scheme would, however, remain visible in this view. There is a clear need for this viewing corridor to be fully examined, as the view develops sequentially from the southern end of South Bridge, across the High Street and on to North Bridge. Clearly the ideal solution would be that the shallow dome of the Register House would be seen against the sky in all views. If this is not possible, it is important that visual impact from the development is reduced as much as possible. In light of this, we believe that the height of the block adjoining Multrees Walk is still too tall.*

*The Category A listed Dundas House has never dominated the axis of George Street to the extent that Register House closes the view across the bridges. As noted in the Heritage Statement, the St James Square tenements in fact formed the skyline. We welcome the redistribution of bulk within the St James Centre development that would put greater focus on the centre of the composition, rather than the current asymmetrical disposition of bulk.*

*Other listed buildings adjoining the site, particularly those in York Place, are currently dominated by cliff-like rear elevations of the St James Centre. In considering a more appropriate response, scale, material and detailing will be important factors.*

#### *Traditional Levels and road alignments*

*We welcome the return to largely at-grade pedestrian circulation and traditional road alignments set out in the outline application. The existing St James Centre, in a strategy typical of its date, avoided traditional arrangements and instead aimed to create its own environment. The failure of such an approach to relate to the existing city, and the historic environment, can be seen as one of its greatest shortcomings.*

*In returning to a policy of at-grade pedestrian movements and traditional street lines the proposed development can address some of the worst damage caused by its predecessor. One area where we would note some caution, however, is in the proposed block on Leith Street nearest to Register House. The initial design tabled by the developers proposed that here the new development would remain behind the existing building line, allowing the side elevation of Register House to be fully seen. We note that the current outline application envisages the new building projecting beyond that line, taking a footprint more closely from the previous building line of the Georgian Street. While not ruling out such an approach, we would require very close scrutiny of such an approach before agreeing it.*

#### *Detailed design and materials*

*A uniform palette of drab artificial materials increases the adverse impact that the existing St James Centre has on its setting and the wider historic environment. In considering reserved matters applications detailed design, elevation handling and materials will need great care if monotony and visual dominance is to be avoided.*

#### *Conclusions*

*The redevelopment of the St James Centre has the potential to remove the greatest eyesore from the city centre. In arriving at an acceptable solution, great attention must be paid to design quality, diversity and materials, while respecting the city's skyline, the setting of adjoining listed buildings and the traditional form of the surrounding city.*

## Archaeology

*Further to your consultation request I would like to make the following comments regarding the above planning application by Henderson Global Investors (HGI), for the redevelopment and refurbishment of the St James Centre including demolition works and new buildings to provide a mixed use development.*

*The site lies at the western end of James Craig's plan for the New Town, placing it within the core of the designated UNESCO World Heritage site covering both Edinburgh's medieval old towns and the New Town. Historically the site occurs immediately to the north of Edinburgh's medieval town along the main medieval road (Leith St) linking Edinburgh with its port at Leith and the nearby burgh of Broughton.*

*Accordingly this application should be considered under following planning policy issued by the Scottish Government Scottish Planning Policy 23: Planning and the Historic environment 2008 and Planning Advice Note 42 (PAN 42), 1994 and also Edinburgh City Local Plan (2007) ENV2, ENV5, ENV7 & ENV8. 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.*

*Having assessed the accompanying Environmental Statement (document 9A) produced by Waterman Environment, in particular sections 10 and 11; I would like to make the following comments. Firstly in terms of content and scope I find these sections acceptable. Secondly I concur with reports summary conclusions that the construction of the current St James Centre has had major impact upon any surviving archaeology relating to the buildings of the New Town and earlier deposits. However there is potential that areas of significant archaeology e.g. 18th century cellars may have survived in areas across the site. Accordingly I agree with the reports proposed mitigation strategy outlined in sections 10.52 & 10.53 (p160) namely that it is essential that an archaeological watching brief is undertaken during ground breaking works. However the scope of such works will require more than the photographic recording suggested in 10.53. Any significant remains encountered will be fully excavated and recorded 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.*

*In addition to the potential buried archaeology the development will see the demolition of St James centre, and includes two B-listed buildings, the 18th Century James Craig Tenement and the 1800 former relief church of St Andrew's Hall. I agree with the report's conclusions that the loss of the St James Centre would have a moderate beneficial impact upon the character and appearance of the UNESCO World Heritage site and the Old & New Town Conservation Area. Accordingly it is in my opinion that loss of the St James Centre is insufficient to refuse consent on heritage grounds. Nevertheless given its prominence with the recent history of Edinburgh's New Town it is recommended that a historic building survey (level 1) is undertaken prior to its demolition. This will require a photographic, illustrative and*

written survey, linked to an appropriate level of documentary research, undertaken by suitably qualified professional archaeologists. The aim of this work will be to both preserve by record this building.

The demolition of the St James Centre will see the removal of the 18th century (1799) date-stone for the St James Square development currently incorporated in the centre's Leith Street entrance. This stone is regarded as being of archaeological significance in terms of the history of the Edinburgh's World Heritage site. Accordingly this important architectural fragment must be preserved and reinstated within the new development as a reminder of the site's heritage and as part of an overall interpretation scheme.

It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works. A condition based upon the model condition stated in PAN 42: Planning and Archaeology, para 34 should be used, as follows;

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (watching brief, historic building survey, conservation, interpretation, analysis, recording & reporting) 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.

#### **SEPA – response dated 19/12/2008**

SEPA has some concerns related to the impact of the proposed development on Air Quality within the city centre. In addition the applicant's attention is drawn to the legal requirement to provide SUDS for any area constructed after 01 April 2007 under the terms of GBR 10 of the Controlled Activity Regulations.

#### **AIR QUALITY**

The development proposal site is within an air quality management area (AQMA) and will have an impact on air quality in the vicinity. These proposals could undermine the measures that the Council has introduced to reduce the levels of atmospheric pollution that currently exist in the AQMA.

We refer to Para 49 of PAN51 which states that: 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to a proven impact on health, is capable of being a material consideration, insofar as it may arise from any land use'. As AQMA's area designated when certain air pollution levels exceed safe levels, factors which increase these levels in AQMA's may be considered to be a material consideration. Para 62 of PAN51 states that: 'in AQMA's or adjacent to them, air quality is likely to be a material consideration for large scale

*proposals or if they are to be occupied by sensitive groups such as the elderly or young children or are likely to have cumulative effects. This does not mean that all such applications should be refused even if they are likely to affect local air quality, but it may mean that conditions have to be applied to mitigate adverse effects'.*

#### **SEWAGE DISPOSAL**

*Sewage from the proposed development should be connected to the public foul sewer. Connection to the sewer is subject to the approval of Scottish Water (SW) and permission to connect may depend on the availability of spare capacity. Your attention is drawn to SW's consultation response for clarification of the position.*

#### **WASTE MANAGEMENT**

*The developer should be aware that waste management facilities for recycling and collection will be required within the development. Contact should be made with the relevant Local Authority Waste Management Dept to identify what facilities are appropriate in a development of this nature.*

#### **RENEWABLES, ENERGY EFFICIENCY AND SUSTAINABILITY**

*SEPA would support the use of renewable energy provided that non significant adverse effects are caused upon the environment or upon the amenity of residents. SEPA recommends that methods and techniques of incorporating on site generation are incorporated into the application.*

*Development of this scale presents the opportunity to demonstrate good practice in sustainable building design and construction. SEPA recommends that energy and resource conservation should be embodied throughout the development. Materials selection, transportation and sourcing, energy efficiency in the operation of buildings, solar gain, water use, and water recycling are all issues which could be included in such an approach.*

#### **CONTAMINATED LAND**

*SEPA is aware that previous historic activities at this site may have resulted in land contamination issues and it is noted that a site investigation has been carried out at the site.*

*The local authority is the planning authority and lead regulator for Part IIA and as such has the responsibility to ensure that land affected by contamination which is subject to development control is assessed and remediated as appropriate. SEPA welcomes the opportunity to be consulted by the planning authority in instances where the local authority would normally have consulted SEPA in terms of pollution of controlled waters issues under Part IIA.*

*Therefore it is recommended that the planning authority consult with those responsible for contaminated land within Environmental Health in the first instance in order to establish the above.*

## **CONSTRUCTION AND LANDSCAPING**

*Construction works associated with the development of the site must be carried out with due regard to SEPA's pollution prevention guidelines (PPG 1, 5, 6).*

*SEPA approves of the provision of a construction environmental management plan (CEMP) to ensure that pollution risks are minimised during the construction phase. The CEMP should ensure that contractors are adequately informed on measures which they need to take to ensure pollution prevention and it is recommended that a responsible person is available on site during construction to ensure compliance with the CEMP.*

*There may be waste management licensing implications arising from the importation of waste material such as soil for landscaping or for any other purpose. Generally, waste material can only be imported to a site if a waste management license is in effect or if any activity exempt from licensing has been registered with SEPA. Similarly, any waste removed from a site must be deposited either at a suitably licensed site or at a site for which a relevant exempt activity has been registered. SEPA regards all soils, including topsoil, removed from sites as waste.*

*Where waste is either imported to or exported from a site, applicants and their contractors should be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.*

## **GENERAL**

*SEPA's area staff will be able to assist the applicants or their agents in meeting*

*SEPA's requirements.*

## **Transportation – response dated 30.01.2009**

*Consent should not be issued until the developer enters into a suitable legal agreement to contribute a sum of £7,515,270 towards the Edinburgh tram project (see below), a sum of £18,000 towards the City Car Club and a sum of £100,000 towards variable message signing for the car parks, and a sum of £7,000 towards any Traffic Regulation Orders required to introduce loading and waiting restrictions or /stopping up orders in the vicinity of the Development.*

*The developer is to prepare and implement a Green Travel Plan, to the satisfaction of the Director of City Development, and details of the operation of the car park/s should be provided at the detailed design stage. This should include details of hours of operation, charges and allocation of parking. There should be an allowance for disabled parking spaces, to the Council's parking standards. It is Council policy to discourage commuter parking and the operation of the car park should reflect this. The management and operation of the car park/s are to be to the satisfaction of the Director of City Development.*

*The developer is to secure four coach parking spaces for the hotel, at a suitable coach parking facility within the City of Edinburgh Council boundary.*

*The indicative tram total contribution has been calculated, as per the approved tram contribution report, for each of the uses based on the figures used in the Transport Assessment as follows:*

<i>Retail 50,000 sq.m -</i>	<i>£3,460,000</i>
<i>Class 3 food/drink 15,000sq.m -</i>	<i>£2,359,091</i>
<i>Hotel 210 rooms -</i>	<i>£642,933</i>
<i>Office 7,207sq.m -</i>	<i>£563,522</i>
<i>Apart Hotel 105 rooms -</i>	<i>£318,867</i>
<i>Residential 95 units -</i>	<i>£170,857</i>

*It is acknowledged that these use areas may change and therefore the final tram contribution amount will be assessed at the detailed planning application stage.*

*I have no objections to the application, subject to the following conditions:*

- 1. The signalised junctions are to be designed in accordance with the relevant guidance and to be to the satisfaction of the Director of City Development. All works associated with the signalisation (including other works such as lane markings, re-surfacing etc) shall be carried out at no cost to the Council.*
- 2. A 'Real Time Passenger Information' web-based unit is to be provided in the hotel foyer area, at no cost to the Council, at a location and layout to the satisfaction of the Director of City Development.*
- 3. The following are reserved matters:*
  - \* The type, location and numbers of cycle parking facilities for both staff/guests and customers. All cycle parking to be in accordance with the Council's parking standards.*
  - \* Details, location and numbers of showers and locker facilities.*
  - \* Signing of pedestrian and cycle access routes to/from and through the development.*
  - \* Pedestrian and cycle access arrangements, including access through the development.*
  - \* The size and layout of the car parking bays.*

4. A Stage 2 (Detailed Design), Stage 3 (At opening) and Stage 4 (1 year after opening) Road User Safety Audit is to be carried out and any recommendations contained within the report to be carried out at no cost to the Council.

#### *Car Parking Notes:*

1. There are currently 550 spaces in the existing St James centre car park in a multi-storey. The original proposal as discussed pre application proposed 4 levels of underground parking with 600 spaces on each level- i.e. a total of 2400 spaces. This number in itself is well below the maximum number that could be provided in accordance with the Council's city centre parking standards. Nonetheless it was considered that given the excellent public transport in the vicinity-existing and proposed- that 2400 represented an overprovision and the developer did agree to re-examine the number of spaces taking into account the existing and projected transport mode share of visitors to the centre. Following completion of this reassessment the application was submitted with a total of 1800 spaces (3 levels of underground parking).

2. The Transport Assessment submitted by the developer with the application does indicate that the junction at York Place/Elder St (as amended to accommodate the Tram) and the new staggered signal junction signal junction onto Leith street can both operate satisfactorily with the increased turning movements at this junction generated to/from an 1800 capacity car park into the new development.

#### *Other Notes*

3. The City Car Club will require three vehicle and three dedicated parking spaces. For operational reasons they will have to be located at ground level (i.e. not in the underground car park), the actual locations will be determined after discussions with the City Car Club.

4. Construction work for the Edinburgh Tram has commenced. Given the proximity of the proposed works to the Tram route, the applicant should consult with TIE (Transport Initiatives Edinburgh) should the timing of the works coincide with tram construction work. The applicant should contact Kirsty Wilson of TIE with timing details.

5. Any stopping up/re-determination orders required for the development are to be carried out at no cost to the Council. (Note: Any such orders will be subject to the normal statutory procedures and the making of any order cannot be guaranteed).

6. If the application requires the provision of new works within the public boundary an application for Roads Construction Consent may be required, and any works within or affecting the public road must be authorised in advance by the Roads Authority.

7. There is a desire to improve the permeability of the site and through routes east to west, for both pedestrians and cyclists. To encourage less car based trips, the developer should ensure that high quality provision is made for both cyclists and

*pedestrians, including widened footways, secure and undercover cycle parking (for staff), conveniently located cycle parking for customers, good direction signing etc.*

*8. The removal of any on-street public parking bays shall be subject to agreement with the Council.*

*9. The pedestrianisation of any public road shall be subject to agreement with the Council.*

### **Affordable Housing – response dated 29/12/2008**

*The Housing Dept has worked with Planning to develop a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city. The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at a city-wide level of 25% for all proposals of 12 units or more. This is consistent with Policy Hou7 Affordable Housing in the Finalised Edinburgh City Local Plan.*

*The department would anticipate that the location, the mix and the range of sizes of the affordable housing contribution would be reflective of the overall development as a whole, in the interests of achieving mixed, sustainable communities. The department would expect that at least 70% of the affordable housing contribution would be for social rented housing and that the applicant would engage in discussions concerning the delivery of affordable housing at the earliest possible stage with a Registered Social Landlord.*

*Affordable housing provision, where it attracts public subsidy in the form of Housing Association Grant, should be compliant with New-build Standards for Lifetime Homes, and 10% of the affordable housing contribution should be wheelchair-accessible. The department also aims to see the affordable housing contribution delivered at the earliest possible opportunity within any given development.*

*This proposal is an outline application, and is understood to be a flagship commercial project assisting in the regeneration of Edinburgh's City Centre. The application first within the wider 'String of Pearls' Framework, which has already been approved by the Council, and which is regarded as a key driver of notable importance for the City's economy. This outline application may eventually include up to 260 residential units, estimated to be delivered by 2016. In the event that there are 12 or more residential units across the site then the AHP will apply to the application.*

*The department would normally insist upon the full 25% Affordable Housing requirement for any application being delivered on site. However, there is scope within the Affordable Housing Policy and its supplementary planning guidance, as a legitimate application of the Affordable Housing Policy, that 'provision may be acceptable on an alternative site where... there are advantages to the Council in accepting off-site provision'. Assisting the Council to achieve one or more of its*

*strategic priorities is an exceptional reason to avoid on-site provision. In this case, the applicant has demonstrated the following*

1. *that more affordable housing could be delivered offsite than onsite (i.e. more than 25% of 260 units and on a site with a value at least equal to or more than the land value of the 25% AH contribution anticipated at the St James location),*
2. *that the Affordable Housing Contribution could be delivered to the City quicker offsite than onsite (i.e.: before 2016 in this case).*
3. *and the applicant is willing to accept that the eventual location for the offsite provision will lie within an area of the City that has an identifiable affordable housing need, thereby making 'an equally satisfactory contribution to meeting unmet local housing needs'.*

*A development of this size, with Affordable Housing comprising 25% of potentially 260 units or thereabouts onsite, coupled with the prospect of the developer offering alternatives that would deliver more units (quicker) than this if provided offsite, would offer significant opportunities for the City, bearing in mind the chronic shortage of affordable housing in the City, and considering the corporate priority of seeking to end homelessness by 2012, and maintaining that situation beyond 2012.*

*From an affordable housing perspective, there are some supplementary reasons to suggest that provision of affordable housing offsite in the case of applications located within the String of Pearls Framework would be an acceptable outcome. It would be an outcome that would work to the benefit of those experiencing homelessness and those awaiting permanent accommodation in the City, by providing more accommodation, quicker, than otherwise would be the case. It would also be beneficial to those first time buyers, up-sizers, down-sizers and other groups who (often due to changes in personal circumstances) have an identifiable affordable housing need, which the City cannot currently accommodate in sufficient quantity. This is particularly the case for social rented accommodation run by our preferred partners RSLs, which is the tenure that the AHP seeks as a clear majority of any given application's AH contribution in every case. According to the Affordable Housing Policy, RSL-rn social rented accommodation would be expected to form 70% of any AH contribution arising from this application, the remaining 30% of the affordable contribution being other forms of Low Cost Home Ownership.*

*According to the statistics for the area in which the String of Pearls Framework stands, the statistics being emergent from the last Census, social rented accommodation from an RSL landlord stood at 10.6% of all housing in the String of Pearls Framework area, almost double the City-wide average of 5.5% for that particular tenure. Council-let tenancies are lower in City Centre ward than the city-wide figure, which does provide some counter-balance in this respect, but any social rented accommodation emergent from this application would become an RSL-administered rented tenancy, and the over-provision of this tenure relative to the City-wide average for the tenure is clear. This provides some comfort in considering the merits of offsite provision in the case of applications within the String of Pearls Framework area.*

*Possibly more significant, when one considers the current housing situation in Edinburgh, is the relative lack of proximity to essential services and amenities such as schools and medical facilities in the vicinity in the String of Pearls Framework area, particularly in the centre of the String of Pearls Framework area. This compares poorly with the proximity to similar amenities and services experienced in other areas of the City. At present, as we edge closer to the corporate target of ending homelessness by 2012, almost all social lets from the Council are provided to applicants who are currently homeless. Almost all are on low incomes, most being in receipt of state benefits, and car ownership is exceptionally low. Health issues are more prevalent amongst this population, and consequently the average use of GP surgery facilities is above average. Proximity to services such as schools and medical facilities is therefore a significant issue.*

*The String of Pearls Framework Area could be viewed as an exceptional circumstance, where alternative locations may provide better amenity for the ultimate end user of the accommodation delivered through the AHP, particularly so in the case of the most vulnerable households being re-housed following an episode or sustained period of homelessness.*

*Taking into consideration the annual policy requirements, that the applicant must deliver more affordable housing, quicker, and in areas of the City which have an identifiable affordable housing need (and in areas with possibly better amenities for the specific end users of the accommodation), there may be significant benefit to the City in considering offsite provision of the affordable housing contribution within applications such as this one within the String of Pearls Framework Area.*

*The Department can confirm that, in discussions, the applicant has provided a commitment to deliver more affordable housing units than the statutory 25% requirement, should this be allowed to be provided offsite.*

*The applicant has also provided a commitment to deliver this increased affordable housing requirement quicker than the market housing would be developed, up to a minimum of twelve months before the residential completion of the project at St James, which will be of enormous benefit to those experiencing affordable housing need at the time of the completion of the AH units – at least a year earlier than they would otherwise have become available.*

*The location for the offsite affordable housing requirement could be agreed between the Council and applicant on or before the time when the first demolition work takes place on the St James site itself. The applicant has also expressed commitment to a process whereby the details can be secured through a Section 75 agreement.*

*SfC is therefore supportive of this application within that context.*

## **Environmental Services – Services for Communities–response dated 11/02/2009**

*Services for Communities (SfC) Environmental Assessment has reviewed the details of the application and been in communication with the applicant and colleagues in City Development on a number of issues, primarily air quality impacts, since receipt of the application. Regarding the information we have obtained to date, we can provide the following advice and recommendation.*

### *Background*

*Part IV of the Environment Act 1995 requires local authorities to monitor, review and assess Air Quality in their area by way of staged processes. A number of pollutants require to be assessed against European Union (EU) and national air quality objectives. Where these objectives are unlikely to be met by the target dates, the Local Authority must declare Air Quality Management Areas (AQMA). They must also prepare and implement an Air Quality Action Plan to manage and improve the air quality in pursuit of the objectives.*

*Edinburgh currently has two main AQMAs - Central and St John's Road - and is in the process of extending the Central AQMA and declaring a further one at Great Junction Street (Leith).*

*The St James development site is located within the Central AQMA. Ongoing monitoring here and at other locations shows that nitrogen dioxide (NO<sub>2</sub>) concentrations and particulate matter (PM<sub>10</sub>) have increased and fail to meet the health-based objectives. Edinburgh (as with many other urban centres) is not experiencing the UK Government's predicted decreases in air pollution levels associated with improvements in vehicle engine technology.*

*The majority of the locations within the AQMAs are predicted to fail the EU Limit values by 2010. This could have knock-on financial implications for the Local Authority, via EU-levied infraction fines.*

### *Air Quality issues at present*

*Orders are currently being drafted by CEC Legal Services to amend and extend the existing AQMAs as follows:*

#### *Central AQMA*

*amended due to breaches of the hourly nitrogen dioxide objective (additional to existing breach of annual objective)  
extended geographically to include West Port*

#### *St Johns Road AQMA*

*amended to take account of breaches of hourly objective for nitrogen dioxide (additional to existing breach of annual objective)*

### *Great Junction Street*

*New AQMA to be declared due to breach of annual objective for nitrogen dioxide*

*The orders will take effect from 23rd February 2009.*

*In addition, London Road/Easter Road, Hope Park Terrace, a number of streets in Leith, Ferry Road and Glasgow Road have been recently identified as failing the annual nitrogen dioxide objectives. In line with national guidance, Sfc Environmental Assessment will be undertaking in-depth analysis (Detailed Assessments) during 2009 to establish whether AQMAs will require to be declared in these areas as well.*

*Again in line with national guidance, a city-wide study (Detailed Assessment) is due to be carried out in 2009/10 by Sfc Environmental Assessment to determine the extent of breaches of the Scottish Government's Air Quality objective for PM10. This follows concerns arising from current monitoring data for that pollutant.*

*These issues regarding air quality in the city are highlighted in CEC's current Air Quality Action Plan (2008–2010). This was approved by TIE Committee as recently as 23rd September 2008.*

### *The proposals*

*The proposals include an increase in car parking capacity more than three times that contained within the current St James Centre, to a maximum of 1800 spaces. Justification for this level of parking appears to derive from comparisons with other retail-centred developments located on the periphery of Edinburgh, and also from similar commercial centres in other UK cities. In our view, the selected developments are bad comparators in air quality terms as they are not necessarily located in areas of existing poor air quality.*

*It also appears from the submitted figures that the level of parking provision is part-based on the needs of other retail operations in the east city centre, not solely for the demands of the proposed redevelopment.*

### *Transport Assessment*

*An Environmental Impact Assessment has been carried out by the developer and an Environmental Statement submitted with the application. This includes an Air Quality Impact Assessment, which by turn is heavily reliant on details of the Transport Assessment (TA). Road traffic is the main source of air pollution in Edinburgh and therefore the impact of development on the road network is a major consideration with regards to air quality.*

*An audit of the submitted Transport Assessment has been carried out by City Development's Transportation Framework Consultants. Their comments are that the general content and methodology used to produce the assessment are acceptable however they also identified areas where further work is necessary in order for the assessment to be satisfactory.*

*The audit states that details regarding the modal shift and committed developments used in the assessment could be reviewed but more significantly, issues surrounding traffic modelling and junction assessments should be addressed.*

*With the Elder Street junction for example, there is an issue regarding possible queuing into the car parks during peak periods, which may have serious implications for existing residents in terms of air quality. Lane allocation and junction configuration, especially on York Place/Queen Street and the Picardy Place roundabout are other pertinent examples of shortfalls in the traffic modelling work. It is possible that the capacity of these junctions has been wrongly estimated which could affect the predicted extent of traffic volumes, degrees of queuing and impacts on other junctions. Increases in congestion and queuing will have concomitant impacts on air pollution.*

*In our opinion the application would be more accurately assessed if this work was carried out.*

#### *Air Quality Impact Assessment*

*Most modelled air quality impacts associated with development are likely to be understated when predicting to future years - in this case 2015. This is due to assumptions about the improvements deriving from vehicle engine performance, even although this has not materialised in Edinburgh. In fact, air quality in Edinburgh is deteriorating.*

*The ADMS Roads (dispersion model) which was used to determine current and future concentrations of air pollutants in the area underestimated nitrogen dioxide concentrations at six locations compared with data that this Council actually measured. At three of these locations discrepancies were substantial which resulted in the Princes Street data not being used in the verification process. Consequently when the model was run, Princes Street values gave an estimated concentration of 39  $\mu\text{g}/\text{m}^3$ , whereas CEC's actual measurements from an adjacent site give 52  $\mu\text{g}/\text{m}^3$ ; the model underestimates predicted nitrogen dioxide concentration at this location by 25%. This exemplifies a problem associated with predictive modelling and highlights why the Planning Authority should be cautious in accepting the predicted impacts incorporated in the assessment.*

*In the case of this development proposal, the Air Quality impact assessment identifies that only minor adverse impacts on air quality in some areas are to be anticipated. However, a more cautious (and sensible) approach would likely identify impacts as being more extensive.*

*One of these areas is Leith Street, where the current proposals will result in the creation of a new street canyon. This type of street layout does not allow for good dispersal of air pollutants. Many of the identified air quality concerns in Edinburgh are in locations where such canyons already exist. It therefore seems inappropriate to consider the creation of a new street canyon where people live, and particularly in an existing AQMA.*

*Furthermore, a new road junction is proposed for Leith Street, to create a southbound right-turn out of the development. It is anticipated that the introduction of more traffic controls and associated pedestrian crossings (the existing pedestrian footbridge across Leith Street is to be removed) will slow vehicle movement and increase congestion. This in turn is likely to lead to increased levels of air pollution.*

#### *Other considerations*

*There are additional issues that require to be taken account of.*

*The Traffic Impact Assessment submitted for the Leith Dock outline planning application (LD-OPA) stated that constraints on city centre parking would result in reduced trips by car into and out of the city centre. A 5% reduction in possible traffic levels associated with the LD-OPA was used in the modelling work for that application (as one of a range of mitigation mechanisms to reduce car travel). Increases in car parking capacity in the city centre, particularly in the eastern part, undermines this and conflicts with the assumptions that the Council has already accepted in respect of that major development.*

*The current Local Transport Strategy does not appear to identify a need for additional off-street car parking in the eastern part of the city centre. Restricting parking is a mechanism to reduce traffic volumes and congestion and therefore pollution levels. This is particularly pertinent within an existing AQMA. The same strategy includes an objective to 'improve road safety and reduce congestion and pollution'.*

*The existing car parking facilities at Greenside Place are currently under-occupied by up to 40% (or 400 parking spaces). It would seem logical to try and to utilise this existing capacity to support the needs of the development, and reduce the level of parking in the current proposals.*

*Guidance on dealing with air quality concerns within the development control process - Development Control: Planning for Air Quality, National Society for Clean Air (now Environmental Pollution UK), 2006 - is available to help Local Authorities evaluate the significance of the air quality impacts. It states that "should proposals interfere significantly or prevent the implementation of actions within an air quality action plan, air quality should be a high priority material consideration".*

### *Conclusions and Recommendation*

*It is the professional opinion of Environmental Assessment that the submitted Air Quality Impact Assessment underestimates the true impacts on Local Air Quality of the development, and that full consideration has not been given to the range of mitigating measures available to the applicant to reduce these impacts. The development proposals do little to assist CEC in its endeavours to improve Local Air Quality and contradict the spirit and purpose of the Air Quality Action Plan, and also of associated elements of the Local Transport Strategy. As they stand, the proposals will weaken CEC's endeavour to promote partnership arrangements and agreements with other developers, to evolve a low emissions strategy for the city. Their implementation will also add to the air quality monitoring load and costs to*

*CEC.*

*In conclusion, it is SfC Environmental Assessment's opinion that certain elements of these proposals will produce adverse impacts on Local Air Quality. The level of car parking provision is excessive within this location, the creation of a new street canyon and the introduction of a new road junction, removal of the pedestrian footbridge; coupled with concerns about increased congestion and queuing, lead to the conclusion that Environmental Assessment cannot support this application in its current form given its impact on local air quality.*

*Notwithstanding this recommendation, should planning consent be granted for these proposals, it is imperative that the applicant works in partnership with and contributes appropriately to, the development of a low emissions strategy for the city. This will include appropriate financial contribution to support the costs to CEC (SfC) of additional monitoring, modelling and potential transport interventions in the city centre over a 10 year period following completion of the development; details to be prescribed by way of a Section 75 Legal Agreement between the applicant and CEC; contribution level not to exceed £250,000, over the 10 year period. To be reviewed in light of emerging trends in Local Air Quality.*

*Should consent be granted, details of the following elements of the application should be reserved matters in order to allow proper assessment of potential conflicts which may arise from their location and/or operation.*

*Location of the residential properties*

*Location of car park venting / exhaust terminations*

*Location of Class 10 and 11 uses*

*Details of the servicing of the development*

*Environmental Assessment has also considered the application with reference to providing a good level of amenity from conflicts that might arise from land contamination, and from noise, odour and light pollution. Such issues will require to be addressed by way of planning conditions attached to the outline consent and carried forward to any future reserved matters / detailed planning consents, as appropriate. These are appended below.*

*Conditions recommended by SfC Environmental Assessment in the event of planning consent being issued.*

*The following conditions are recommended as pertaining to the entire development site, including all proposed commercial uses;  
Prior to the commencement of construction works on site:*

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

*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 Planning Authority.*

*The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

*The following conditions are recommended specifically for Class 3 Food and Drink, Class 7 Hotel and Class 11 Assembly and Leisure Uses*

*Commercial kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level (or other appropriate exhaust point previously agreed by the Planning Authority) to ensure that no cooking odours escape or are exhausted into any neighbouring premises.*

*The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 meters per second.*

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

*All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

*The following conditions are considered necessary to protect amenity within the residential aspect of the development.*

*The development shall not commence until a scheme for protecting the residential development hereby approved, from noise from road traffic, has been submitted to and agreed in writing by the Council's Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied. Internal sound pressure levels from the source should be consistent with Noise Exposure Category A, as defined in Planning Advice Note 56 – Planning and Noise.*

*The design, installation and operation of any lift (passenger or otherwise) shall be such that associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*

*The development shall be designed and constructed so that any noise associated with the electricity substation complies with NR20 when measured within any nearby living apartment, with windows adequately open for fresh air ventilation.*

*All to the satisfaction of the Planning Authority where not already stated.*

#### Representations

The application was advertised on 26th September 2008.

Six letters of support have been received from the following: Scottish Enterprise, Royal Park Terrace and Spring Gardens Residents' Association, The Cockburn Association, Visit Scotland, Edinburgh Chamber of Commerce and the Scottish Civic Trust.

Six letters of objection have been submitted. Five of the letters are from private individuals and one has been submitted on behalf of a neighbouring commercial unit.

The material grounds of objection are:

- the proposal constitutes over-development of the site. This issue is addressed in section (a) of the assessment;
- the proposal is too high and adversely affects the city skyline. This issue is addressed in section (b) of the assessment;
- the proposal would have an adverse effect on the setting of nearby listed buildings. This issue is addressed in section (d) of the assessment;
- the proposal would fail to provide public space of sufficient quality and scale. This issue is addressed in section (a) of the assessment;

- the proposal would provide too many parking spaces, increasing congestion and to the detriment of air quality. This issue is addressed in section (f) of the assessment;
- the proposal fails to provide adequate access and through routes for cyclists. This issue is addressed in section (e) of the assessment;
- the proposal would restrict vehicular access to existing residential properties. This issue is addressed in section (e) of the assessment;
- the proposal would have an adverse effect on neighbouring residential amenity. This issue is addressed in section (g) of the assessment;
- the proposal would introduce a non-conforming use in the context of the local development plan. This issue is addressed in section (a) of the assessment;

One letter of comment was submitted in relation to the Environmental Statement. The issues that are of a more technical nature, and not addressed in the assessment are as follows:

(i) Public Availability of application documents - it is acknowledged that there were some delays in getting all of the documents scanned onto the Planning and Building Standards Portal. However, when this issue was brought to the Department's attention it was rectified, and an extension to the period for representations was given so that potential representees would not be prejudiced.

(ii) The requirement for a Strategic Environmental Assessment (SEA) to be undertaken - the views of individual officers in assessing the need for an SEA does not prejudice the Council, as Local Planning Authority from taking a different view.

(iii) The content of an Environmental Impact Assessment (EIA) - An EIA can be a relatively complex document that requires a considerable amount of data to be meaningful. As part of any EIA submission, a non-technical summary is provided to allow members of the public the opportunity to assess the broad impact of a potential development without the need to go through extensive technical data.

(iv) The number of units or floorspace given over to each use within the outline application - the application set out the maximum number of units or floorspace that could be implemented as part of any permission. The accompanying documents make it clear that not all the uses will achieve the stated figures or floorspaces, and that these will be determined at the reserved matters stage.

(v) The basis of the conclusions reached within the Environmental Statement (ES) - the conclusions of the ES have been reached using the maximum provision of uses and the maximum footprint of each block. In these circumstances it produces a 'worse case scenario'.

(vi) The relationship between the site boundary and land ownership - an applicant is entitled to submit a planning application inclusive of land not within the applicant's ownership. A grant of planning permission is normally related to the land and not the

applicant. The implementation of a planning permission may become a legal issue where the land is in different ownerships.

(vii) Site access during construction - this issue is controlled under the Roads (Scotland) Act 1984.

(viii) Clarification of application site boundary - the Council is satisfied that the site boundary indicated as part of the outline application is accurate.

(ix) The provision of car parking spaces within the development - It is acknowledged that there is a slight discrepancy in the ES at one point where the car parking figure is given as 1550; this is an error that is not found within the Transport Assessment, the document that informed, to a considerable extent, the conclusions reached within the Air Quality chapter of the ES. In these circumstances the Council is satisfied that no prejudice has occurred.

(x) The impact of the development on neighbouring, residential daylight levels - It is acknowledged that the assessment did not include windows in the north-west elevation of the basement level of James Craig Walk. However, these are concealed behind a solid wall and cannot readily be seen from a public viewpoint. Moreover, the remaining 40 windows (one window opening has been blocked up) pass the daylighting test, and in these circumstances the omission is not considered to be prejudicial to residential amenity.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## Planning Policy

The application site is located within the Central Edinburgh Local Plan, in an area identified as 'Office Core' and in the Finalised Edinburgh City Local Plan, in an area identified as 'Central Area Proposal 1'.

The St James Quarter Development Brief was approved in April 2007 to provide guidance in relation to the re-development of the site. The six objectives within the Brief seek to deliver a more outward-looking and less dominating form of development, a significant expansion of retail floorspace, provision of business accommodation (offices), hotel, housing, leisure and cultural uses, replacement provision of off-street, short stay car parking for public use, a new civic space...pedestrian routes that will strengthen and re-establish links with the surrounding area and development that enhances local views into and across the site and contributes positively to the historic skyline from more distant views.

**Relevant Policies:**

Relevant policies of the Edinburgh and Lothians Structure Plan

Policy RET1 states that retail and commercial leisure developments appropriate to town centres should be located in accordance with priorities a to e

Policy RET2 states that developments referred to in RET1 will only be acceptable where criteria a to e of the policy have been satisfied.

Policy RET3 states that Edinburgh City Centre will continue to be supported as the main destination for comparison shopping and commercial leisure within the Lothian's.

Policy ENV1C states that local plans should include policies for protecting and enhancing International and National Historic or Built Environment Designations.

Policy ENV1D states that local plans should include policies for protecting and enhancing Regional and Local Natural Built Environment Interests.

Policy HOU2 supports the development of suitable urban brownfield sites for housing through re-use, redevelopment or conversion.

Policy HOU7 states that local plans should include policies requiring an appropriate provision of affordable housing and should set out the appropriate planning mechanism for achieving it

Policy ECON6 states that office development will be supported in Edinburgh City Centre, Edinburgh Park/South Gyle, Granton Waterfront, Leith and on business sites in the Newbridge area

**Relevant policies of the Central Edinburgh Local Plan.**

Policy CD2 (LISTED BUILDINGS) sets out criteria for assessing proposals affecting listed buildings and seeks to safeguard their character and setting.

Policy CD3 (LISTED BUILDINGS - USES) establishes a presumption (with stated qualifications) in favour of retaining a listed building in (or restoring it to) its original use.

Policy CD4 (CONSERVATION AREAS) requires that developments in a conservation area retain all features which contribute to the area's character and appearance.

Policy CD5 (CONSERVATION AREAS - REDEVELOPMENT) sets out the criteria against which new development in conservation areas will be assessed, and seeks to preserve or enhance their character and appearance.

Policy CD8 (ARCHAEOLOGICAL EVALUATION) sets out procedural requirements for applications for development or redevelopment of sites of known or suspected archaeological significance.

Policy CD9 (PROTECTION OF ARCHAEOLOGICAL REMAINS) requires where possible the "in situ" protection of important archaeological remains and sets out procedural requirements if this cannot be achieved.

Policy CD10 (NEW DEVELOPMENT - OBJECTIVE) encourages new development of the highest possible architectural and urban quality.

Policy CD11 (NEW DEVELOPMENT - GENERAL) sets out general design requirements for new development, and requires particular attention to be paid to main approach roads to the city centre.

Policy CD12 (HEIGHT CONTROL) protects the city's historic skyline and views from adverse high development.

Policy CD13 (HEIGHT AND TOPOGRAPHY) requires the suppression of the height of new building where necessary to retain or emphasise the significance of important topographical features, including valley features.

Policy CD14 (MAJOR DEVELOPMENT OPPORTUNITIES) sets out general requirements for the development of major opportunity sites (identified on the Proposals Map) and other large or phased development sites.

Policy CD18 (SAFETY, SUSTAINABILITY AND ACCESSIBILITY) requires the design and layout of development proposals to meet safety, sustainability and accessibility objectives.

Policy S1 (SHOPPING DEVELOPMENT - CITY CENTRE) encourages, and sets out criteria for assessing, the expansion of retail floorspace in the city centre.

Policy S10 (IMPROVEMENT OF SHOPPING ENVIRONMENT) supports, and sets out criteria for assessing, proposals to improve and enhance the environment of shopping areas, particularly the city centre.

Policy H1 (HOUSING DEVELOPMENT) encourages the provision of new residential accommodation, in conjunction with other land uses if necessary to maintain the mixed use character, its locality, and sets out criteria for assessing development proposals in predominantly residential areas.

Policy H2 (HOUSING DEVELOPMENT) encourages, and sets out criteria for assessing, proposals for housing development within the Mixed Activities Zone.

Policy H7 (HOUSING DIVERSITY) sets out policy objectives for achieving a mix of house types and sizes in new developments.

Policy H11 (HOUSING AMENITY) establishes a presumption against new development and changes of use likely to introduce increased levels of traffic or activity to the detriment of residential amenity or to the reasonable prospects of further residential development where this is an objective of the Local Plan.

Policy L2 (COMMERCIAL LEISURE USES) sets out criteria for assessing commercial leisure uses within the Retail and Office Cores, Mixed Activities Zone and other areas where commercial uses are present.

Policy L6 (RETENTION OF HOTELS) safeguards existing purpose built and other hotels which contribute to character and diversity of function within the city centre.

Policy L7 (HOTEL DEVELOPMENT) sets out criteria for assessing new hotel developments.

Policy T8 (CYCLE PARKING) requires new development to provide cycle parking facilities in accordance with agreed standards and on suitable sites to contribute to the network of safe routes.

Policy T9 (CYCLE PARKING) encourages the provision of secure cycle parking on-street as part of traffic management schemes and in suitable off-street locations.

Policy T10 (PEDESTRIAN ENVIRONMENT) sets out the Council's objectives for improving the pedestrian environment of the city centre and other main areas of pedestrian congregation

Policy T11 (PUBLIC CAR PARKING) supports proposals to increase off-street public short-stay car parking in the controlled parking zone, including the temporary use of vacant development sites and conversion of private non-residential parking to short-stay use.

Policy T13 (CAR PARK DESIGN) requires that car park developments are not detrimental to the appearance of their surroundings or to residential amenity.

Policy T15 (PRIVATE CAR PARKING) requires all new development to comply with car parking standards set out in the Development Control Handbook, including provision for people with disabilities, and requires car parking to be designed to minimise visual intrusion.

Policy T18 (TRANSPORTATION IMPACT STATEMENTS) describes the circumstances in which the Council will require a Transportation Impact Statement as part of a planning application

Policy GE4 (DESIGNED LANDSCAPES) requires historic gardens and parks included in the Inventory of Gardens and Designed Landscapes to be protected from development likely to affect adversely their character and interest.

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

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

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

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

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

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

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

Policy Env 2 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 4 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Env 5 (Conservation Areas – Development) sets out criteria for assessing development in conservation areas.

Policy Env 6 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

Policy Env 7 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 8 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Ret 1 (City Centre Retail Core) sets criteria for assessing retail development in or on the edge of the City Centre Retail Core.

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

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

Policy Tra 3 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 4 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 5 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Tra 13 (City Centre Public Parking) outlines the circumstances in which car parks in the Central Area will be supported.

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

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

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

**Non-statutory guidelines** on the 'SETTING OF LISTED BUILDINGS' supplement local plan conservation and design policies, providing guidance for the protection and enhancement of the setting of listed buildings.

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

**Non-statutory guidelines** on Edinburgh Standards for Urban Design sets criteria for the quality of design in new development to maintain and improve the visual image and identity of Edinburgh.

**Non-statutory guidelines** Non-statutory guidelines THE OLD AND NEW TOWNS OF EDINBURGH WORLD HERITAGE SITE MANAGEMENT PLAN supplements Edinburgh City Local Plan policies relating to conservation and design and seeks to assist in preserving the Outstanding Universal Values of Edinburgh's World Heritage Site and to ensure that changes complement and enhance those Outstanding Universal Values.

**Non-statutory guidelines** on Developer contributions in schools gives guidance on the situations where developers will be asked to make financial or other contributions towards the cost of providing new facilities for schools.

**Non-statutory guidelines** 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

**Non-statutory guidelines** on 'AFFORDABLE HOUSING' sets out the requirements for the provision of affordable housing within housing developments.

**Non-statutory guidelines** on 'HIGH BUILDINGS AND ROOFSCAPE' supplement local plan policies on building height and roof design, and provide policy guidance on these matters.

## Appendix B



**Application Type** Outline Planning Application  
**Application Address:** St James Centre  
Edinburgh

**Proposal:** Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses ( including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh

**Reference No:** 08/03361/OUT

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## Conditions/Reasons associated with the Recommendation

### Recommendation

It is recommended that this application be **GRANTED**

### Conditions

1. Within five years of the date of this permission, the first of the applications for the approval of reserved matters, specified in condition 3 below, shall be made to the Planning Authority, and all the applications for approval of all reserved matters shall be made within seven years of the date of this permission.
2. The development hereby permitted shall be commenced, either within seven years of the date of this permission, or if later the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

3. The first reserved matters application shall be accompanied by a phasing plan for the development of the site. The phasing plan shall identify the podium levels, including the underground parking levels, and individual blocks to come forward for approval. Any subsequent alteration to the phasing plan shall be agreed in writing by the Head of Planning.
4. Reserved matters applications for each phase of the development shall be accompanied by an updated, illustrative masterplan (Document 8 of supporting information submitted with the planning application) detailing the development of the site. Each reserved matter shall have a design statement, including provision of public realm. This illustrative masterplan shall be updated with the submission of each reserved matters application. The illustrative masterplan will demonstrate how the uses on the site will fit together, the pedestrian linkages through the site and access arrangements.
5. The details of the reserved matters submitted pursuant to this permission shall be substantially in accordance with the Parameter Plans as presented within the Environmental Statement accompanying the planning application and Design Principles as defined in the Design Statement accompanying this planning application.
6. The development hereby permitted shall be carried out in substantial accordance with the principles and requirements of the mitigation measures set out in the Environmental Statement accompanying the planning application unless provided for in any other condition attached to the permission.
7. Unless otherwise agreed in writing by the Head of Planning, within 12 months of demolition of the existing buildings and prior to the occupation of any units in the development, a design guide for future occupiers, setting out design principles for external fronted shop fronts and signage shall be submitted to and agreed in writing by the Head of Planning.
8. Notwithstanding the approved plans, the following limits of deviation on the St James Place blocks are reserved for further consideration:
  - (i) The height and limits of deviation at level 8 of the St James Place blocks on the northern crescent. The height and deviation of the crescent is acceptable as per the approved plans.
  - (ii) The limits of deviation to levels 5, 6 and 7 of the St James Place blocks on the north eastern corner of the site with current deviation of -3 metres.

9. Notwithstanding the approved plan (Drawing Number SJQ(FP)002 Rev: A) and the principle of two means of access being accepted, the limits of deviation on Leith Street to provide vehicular access/egress are reserved for further consideration.
10. A detailed CCTV scheme for this development shall be submitted to and approved in writing by the Head of Planning and Strategy within 6 months of works commencing. The approved scheme shall be implemented prior to the 24 hour public routes comprising James Craig Walk, East Register Street and Elder Street and Little King Street linking into St James Square (as defined within the Illustrative Masterplan accompanying this application) being made accessible to the public.
11. Details of the proposed footway materials on the re-aligned Leith Street shall be submitted to and approved in writing by the Head of Planning and Strategy before work is commenced on site; note: samples panels of the materials are to be erected and maintained on site for an agreed period during construction. The approved materials shall be implemented prior to the occupation of any unit's subject of this planning permission.
12. Construction details, detailed specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Head of Planning and Strategy before work is commenced on site; note: samples panels of the materials are to be erected and maintained on site for an agreed period during construction.
13. 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 Head of Planning & Strategy, having first been agreed by the City Archaeologist.
14. The 18th century date stone with wording '1799 St James Square' shall be removed from its current location on Leith Street and retained in its present condition prior to any demolition work being undertaken. It shall be re-sited in a location approved in writing by the Head of Planning prior to any unit, subject of this permission, being occupied.
15. The signalised junctions are to be designed in accordance with the relevant guidance and to be to the satisfaction of the Director of City Development. All works associated with the signalisation (including works such as lane markings, re-surfacing etc) shall be carried out at no cost to the Council.

16. 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 to the satisfaction of the Head of Planning and Strategy, 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 Head of Planning and Strategy.
- 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 to the satisfaction of the Head of Planning and Strategy.
17. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
18. The development shall not commence until a scheme for protecting the residential development hereby approved from noise from road traffic has been submitted to and approved in writing by the Head of Planning & Strategy; all works which form part of the approved scheme shall be completed to the satisfaction of the Head of Planning & Strategy before any part of the development is occupied. internal sound pressure levels from the source should be consistent with Noise Exposure Category A, as defined in Planning Advice Note 56 - Planning and Noise.
19. The design, installation and operation of any lift (passenger or otherwise) shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
20. The development shall be designed and constructed so that any noise associated with the electricity substation complies with NR20 when measured within any nearby living apartment, with any window within the apartment open.
21. This condition relates specifically to Class 3 (Food and Drink), Class 7 (Hotel) and Class 11 (Assembly and Leisure):

- (i) Commercial kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level (or other appropriate exhaust point previously agreed by the Head of Planning) to ensure that no cooking odours escape or are exhausted into any neighbouring premises.
  - (ii) The kitchen ventilation system being designed and installed so that gases are expelled with a minimum upwards velocity of 15 meters per second.
  - (iii) The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any nearby living apartment.
  - (iv) All music and vocals amplified or otherwise, shall be so controlled as to be inaudible within any nearby living apartment.
22. A Stage 2 (Detailed design), Stage 3 (At opening) and Stage 4 (1 year after opening) Road Safety Audit is to be carried out and any recommendations contained within the report to be carried out at no cost to the Council within two months of the completion of the report or at a date to be agreed in writing with the Head of Planning.
23. Before development starts, further applications shall be submitted to and approved in writing by the Planning Authority in respect of the following reserved matters:
- (i) Number of residential/commercial/business units to be developed;
  - (ii) The precise location and extent of individual uses;
  - (iii) The design of all external features and glazing specifications (including acoustic capabilities), all external materials and finishes, including their colour;
  - (iv) The type, location and numbers of cycle parking facilities for both staff/guests and customers. All cycle parking to be in accordance with the Council's parking standards.
  - (v) Details, location and numbers of showers and locker facilities;
  - (vi) Signing of pedestrian and cycle access routes to/from and through the development;
  - (vii) Pedestrian and cycle access arrangements, including access through the development;
  - (viii) The size and layout of the car parking bays;

- (ix) Amendments or any treatment to adopted roads or footways;
  - (x) Location of car park venting/exhaust termination;
  - (xi) Details of the servicing of the development;
  - (xii) The external lighting, including floodlighting and streetlighting, arrangements for the development;
  - (xiii) The hours of deliveries and collections, including waste collection for any commercial and business uses;
  - (xiv) Waste management and recycling facilities;
  - (xv) The hours of operation of the commercial and business uses;
  - (xvi) Surface water and drainage arrangements;
  - (xvii) Hard and soft landscaping details, which shall include:
    - (a) The location of new trees, shrubs and hedges
    - (b) A schedule of plants to comprise species, plant size and proposed number/density
    - (c) Programme of completion and subsequent maintenance
    - (d) Other structures, such as street furniture
    - (e) A detailed strategy and time table for the delivery of public realm.
24. The number of car parking spaces shall be restricted to a maximum of 1800 spaces. The commencement of the commercial operation of the car park shall not take place until an initiation date is agreed in writing with the Head of Planning.
25. Prior to the occupation of the development a management plan for public access routes which cross the galleria shall be submitted to and approved by the head of planning. The management plan shall provide details of the circumstances to be agreed to allow these routes to be closed of for operational requirements or in the interest of public safety. Any subsequent revisions to the management plan shall be agreed in writing with the Head of Planning prior to implementation.

26. Prior to the commencement of operation of the car park details of the operation of the car park/s should be submitted. This is to include details of hours of operation charges and allocation of parking. There should be an allowance for disabled parking spaces to the Council's parking standards. It is Council policy to discourage commuter parking and the operation of the car park should reflect this. The management and operation of the car park/s are to be agreed in writing with the Head of Planning prior to their use.
27. That the store hereby permitted shall not be brought into use or opened to the public until a Green Travel Plan is submitted to, approved by the Head of Planning and brought into operation.

### **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
3. In order to ensure that each phase of the development is commenced at the appropriate time having regard to Section 59 of the Town and Country Planning (Scotland) Act 1997.
4. In order to ensure that each phase of the development is commenced at the appropriate time having regard to Section 59 of the Town and Country Planning (Scotland) Act 1997.
5. To ensure that an appropriate form and quality of development is achieved for this site.
6. To ensure that the development is carried out in accordance with the principles of mitigation set out in the Environmental Statement in order to minimise any adverse environmental effects of the development.
7. To ensure that an appropriate form and quality of development is achieved for this site.
8. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
9. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.

11. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
12. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
13. In order to safeguard the interests of archaeological heritage.
14. In order to safeguard the interests of archaeological heritage.
15. In order to safeguard the interests of road safety.
16. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
17. In order to safeguard the amenity of neighbouring residents and other occupiers.
18. In order to safeguard the amenity of neighbouring residents and other occupiers.
19. In order to safeguard the amenity of neighbouring residents and other occupiers.
20. In order to safeguard the amenity of neighbouring residents and other occupiers.
21. In order to protect the amenity of the occupiers of the development.
22. In order to safeguard the interests of road safety.
23. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
24. In order to safeguard the interests of road safety.
25. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
26. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
27. To accord with the provisions of the outline permission and Section 75 agreement

## **INFORMATIVES**

It should be noted that:

### **1. Legal Agreement**

Permission shall not be issued until a suitable legal agreement has been concluded covering the following matters:

#### **Affordable Housing**

The level of affordable housing shall be up to 35% of the overall number of residential units and be provided in a range of affordable tenures specified in Council Policy. The affordable housing shall be provided in an appropriate off site location with delivery of units prior to the completion of the St James Quarter. The legal agreement shall allow flexibility in the delivery of the units with options allowed for the payment of an enhanced commuted sum or development in partnership with a Registered Social Landlord.

#### **Education**

Contribution to school provision for St Thomas of Aquins.

#### **Transport Infrastructure**

Contributions for the development will be negotiated to include the following:

- Tram system
- City Car Club
- Variable message Signing
- Traffic Orders

#### **Air Quality**

The applicant will be required to be a partner in any Air Quality Strategy/ low emissions strategy for the city to be developed by the Council. This will include appropriate financial contribution to support the costs to CEC of additional monitoring, modelling and potential transport interventions in the city centre over a 10 year period following completion of the development. Contribution level not to exceed £250,000 over the 10 year period. With a review in light of emerging trends in Local Air Quality.

## Appendix C



**Application Type** Outline Planning Application

**Proposal:** Redevelopment and refurbishment including demolition works and new buildings to provide mixed use development comprising retail (Class 1), leisure and culture (Class 10 and Class 11), hotel (Class 7), offices (Class 4), food and drink (Class 3), residential, and other related ancillary uses ( including Financial, Professional and other Services - Class 2), car parking, servicing, access arrangements, provision of new public realm and refurbishment of existing department store, detailed approval of siting and maximum height of building blocks, points of vehicular access and egress and location of pedestrian routes at the St James Centre, Edinburgh

**Reference No:** 08/03361/OUT

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## Location Plan

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