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Bruce Nicolson, Planning Officer
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010.07.10.18bn

18 October 2007

Dear Bruce,

CALTONGATE PLANNING APPLICATIONS
Objections to revised proposals

I refer to your correspondence (September 2007) regarding revised / additional submissions for the following applications:

- 07/ 01206 /CON, 227-229 Canongate
- 07/ 01207 /LBC, 5A-7-9 Cranston Street
- 07/ 01208 /LBC, 5 New Street (Canongate Venture)
- 07/ 01231 /LBC, 231 Canongate (Sailors Ark)
- 07/ 01235 /FUL, Residential North & South
- 07/ 01237 /FUL, 4 New Street, 223-227-229-231 A Canongate (Hotel / Conference)
- 07/ 01241 /FUL, East Market Street, 5A – 9 Cranston Street and 2 – 23 Jeffrey Street
- 07/ 01287 /FUL, Office
- 07/ 01288 /FUL, East Market Street and Cranston Street
- 07/ 01289 /LBC, Jeffrey Street
- 07/ 01290 /CON, Cranston Street
- 07/ 01299 /CON, 221 – 223 Canongate

Having reviewed the new documents on the Planning Portal I do not regard the proposals to have substantially changed and maintain my objection to all Planning Applications (including the revisions) on the Caltongate Masterplan site as outlined in my letter of 8 June 2007 (NSA ref. 010.07.06.08bn). In summary I regard the Masterplan to be overly dictated by the commercial requirement for large footprint hotel/conference and office buildings which do not permit a fine-grained street & public access pattern, particularly abutting the Canongate, and therefore regard these proposals as detrimental to the character of the Old Town.

I am aware the Masterplan is formally regarded as supplementary guidance. In my opinion the recommendation by the previous Planning Committee may have been taken without full awareness of the related guidance and the presumption against development that should have prevailed where the proposals did not accord with the guidance. To assist your understanding of my concern I have quoted below from the Development Plan and other related supplementary guidance produced by the Council (the underlining is my emphasis). At the end of this letter I have quoted from the Approved Masterplan and added comments.

Also, I believe the standing of the Masterplan as supplementary guidance is questionable because many significant issues were deferred to the Planning Application Stage. You will be aware that the new Planning Committee needs to be adequately briefed on this matter to ensure they are able to make decisions in the best interest of the citizens of Edinburgh.

EDINBURGH AND THE LOTHIAN STRUCTURE PLAN 2015

(As approved by the Scottish Ministers on 17 June 2004)

Housing

(p. 22) 3.4 To achieve a more sustainable pattern of development, the housing policies of this structure plan aim to:

- give priority to the re-use of brownfield land for housing

Economic Development

(p. 30) 4.8 New development opportunities will be identified in local plans to meet the demand resulting from the continued growth of the Edinburgh and the Lothian's economy. Land will be needed to provide for a diverse range of activities, including the development of key sectors as well as the growth and expansion of existing industries and small businesses.

(p. 31) ECON 2: **New Land for Economic Development**

In addition to maintaining the established land supply, local plans should ensure that new proposals: d) maximise the reuse of redundant buildings and brownfield land and offer viable development opportunities;

ECON 6: **Office Development**

(p. 33) Office development will be supported in the strategic business centres of Edinburgh City Centre, Edinburgh Park/South Gyle, Granton Waterfront, Leith and Livingston. Local plans should define the boundaries of the centres and apply the following criteria: c) development is at high density while ensuring that conservation and townscape requirements are met and the amenity of residential areas respected.

ECON 7: **Small-Scale Business Development**

(p. 34) In addition to the strategic land allocations in policies ECON2 and ECON3, local plans may allocate land for general industry/business or office use in or adjacent to existing settlements subject to the following criteria: a) development is small-scale and in keeping with the character of the settlement or the local area;

Transport

(p.35) 5.1 To achieve a more sustainable pattern of development, the transport policies of this structure plan aim to:

- ensure that the location and design of new development, especially major new development, reduces the need to travel by car and encourages the use of public transport, walking and cycling;
- maximise accessibility for all in the community by foot, cycle and public transport;

(p.38) 5.12 Walking and cycling are the most sustainable modes of transport and can compete well with the car for short journeys when safe, secure and attractive routes are available. Local plans should facilitate the development of safe and attractive pedestrian and cycle networks, safeguarding routes where necessary.

5.14 Accessibility by public transport, foot and cycle is fundamentally important in achieving more socially inclusive and environmentally sustainable travel patterns. Policies TRAN2 to TRAN6 seek to complement the proposals relating to Edinburgh and the Lothians' transport system outlined above, ensuring that the location and form of development maximises the potential for travel by these forms of transport.

Environment

(p.46) 7.4 Important elements of the built and natural heritage, including non-statutory designations, will be protected from harmful development. The structure plan adopts national planning policy... NPPG18 'Planning and the Historic Environment', in respect of development that might affect international or national designations of natural heritage interest and the built environment.

7.5 ... New development should avoid unacceptable uses, excessive densities and intrusive building heights and should respect and ensure fit with the local and, where appropriate, the wider context and character.

(p.47) ENV 1 C: **International and National Historic or Built Environment Designations**
Development which would harm the character, appearance and setting of the following designated built or cultural heritage sites, and/or the specific features which justify their designation, should be resisted.

- World Heritage Sites
- Listed Buildings

ENV 1 D: **Regional and Local Natural And Built Environment Interests**

Development affecting the following regional or local areas of natural heritage and built environmental interest, or their settings, will only be permitted where it can be demonstrated that:

- a) The objectives and overall integrity of the designated area will not be compromised; or
- b) The social or economic benefits to be gained from the proposed development outweigh the conservation or other interest of the site.

Implementation

Sustainable Development

(p.54) 8.6 The development plan strategy aims to reconcile economic and environmental objectives in achieving a sustainable pattern of development. The Lothian Councils will take the principles of sustainable development into account as they implement the policies and proposals in this plan. In particular, they will be concerned that the key sustainable issues of density, design, the location of development and its relationship with transport facilities are explored fully in local plans and in the granting of planning permissions.

MAJOR DEVELOPMENT OPPORTUNITY

Waverley -identified as a Major Development Opportunity (MDO) in the Central Edinburgh Local Plan (CEC, 1997)

(p.139) Any redevelopment will have a major impact on the appearance of this prominent part of the city centre. It is essential that a positive contribution is made to civic quality, while respecting the existing landform and townscape...To the south side of the railway, development should harmonise with the texture and urban grain of the Old Town.

WAVERLEY VALLEY CO-ORDINATING FRAMEWORK

(the Waverley Valley Redevelopment Strategy was approved by the Council in March 2000. This was supplemented by a Co-ordinating Framework approved in March 2001 as detailed policy guidance for the area and is quoted below).

15 Urban Grain

15.1 The architectural scale and massing of the new built form will be sensitively designed to harmonise with the structure and form of the urban grain of the Old Town. The current developments at Holyrood North offer an indication of how this might be achieved.

15.2...Buildings which resort to island-site solutions, deep floor plans, square atria-style layouts, rectilinear forms which do not acknowledge the subtleties of the street network, and those which attempt to assert themselves by excess height or unsympathetic over scaled floorplates, will not be supported.

16 Layout & Permeability

16.1 At present many of the sites create barriers to free pedestrian movement. A high degree of permeability will therefore be required in new developments, provided through a pedestrian-friendly environment of human scale, laid out in a compact streetscape of walkways and squares which acknowledges the traditional pattern of the Old Town, providing vitality, security and safety with interest at ground levels.

17 Height, Massing & Roofscape

17.2 Height must also respect the hierarchy of building massing up to the Old Town ridge. No buildings on the slope may come above those on the Royal Mile itself.

17.4 ...buildings should have roof forms which are interesting and in scale and profile integrate with the Old Town. Long unbroken horizontal roof lines and elevations should be avoided.

18 Architectural Design

18.1 Ground floors should be treated in a separate manner and given a scale and form compatible with ground floor forms found within the Old Town.

18.2 In terms of detailed design, rhythm, palette of materials and architectural quality and character, the Holyrood North site provides a suitable model of a co-ordination mechanism.

FINALISED EDINBURGH CITY LOCAL PLAN

City Centre Regeneration
Proposal CA 2 Caltongate

10.11 The Caltongate Master Plan was approved by the Council in October 2006. It proposes mixed use development to achieve a sustainable and integrated city quarter. The master plan will support a development that provides for:

- a close-grained layout which reflects the distinctive spatial pattern of the Old Town and includes a new civic space within the site and a new pedestrian link from East Market Street to Canongate.
- buildings which respect the form and contours of Waverley Valley, protect existing views into and across the site and provide new views.

OLD TOWN CONSERVATION AREA CHARACTER APPRAISAL

(accessed from CEC website, pages unnumbered)

Conservation Areas

Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, describes conservation areas as "... areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance".

Character Appraisals

...The planning authority and the Scottish Executive are obliged to protect conservation areas from development that would adversely affect their special character. It is, therefore, important that both the authorities and other groups who have an interest in conservation areas and residents are aware of those elements that must be preserved or enhanced.

...New developments should be accompanied by a contextual analysis that demonstrates how the proposals take account of the essential character of the area as identified in this document.

Old Town Conservation Area Boundary

The Conservation Area ranks as one of the most important in the United Kingdom, in terms of both its architectural and historic interest. Its significance is reflected in the extensive number of Statutorily Listed Buildings, the number of tourists that visit the area, its 'Outstanding' status and its international recognition as part of the UNESCO designated Edinburgh Old and New Town World Heritage Site.

Building Forms

The tenement is the dominant building form within the Conservation Area. Short streets and respect for the topography limit the apparent mass of any one building, creating a fusion between tenements and these other forms. This contributes to an appearance of density, a 'close knit' character and cohesive groupings. Scales are often made larger than they really are by the drama of the topography, the narrow and irregular width of feus, the apparent verticality of much development, changing viewing levels and restricted void to solid relationships.

Building Lines

Respect for building lines and heights are essential in successfully uniting buildings from different periods.

Essential Character: Townscape

- *Building lines and heights respond to natural features and contours to create a sculptural appearance as streets wind up and down hill, reinforcing the 'organic' character of the Old Town.*
- *The contrast between bustling main streets and quiet pedestrian accessed rear areas emphasised by the street layout and the contrasting built forms of the front and rear areas.*
- *The importance of steps in closes and access ways offering permeability and ease in changing levels.*
- *The high level of pedestrian permeability throughout the Old Town.*

Essential Character: Architectural Character

- *The consistent and harmonious height and mass of buildings: usually four or five storeys high on street frontages.*
- *The proportion and rhythm of building frontages, determined by ownership patterns of both the original medieval 'Burgess' plots and later tenement layouts.*

Activities and Uses

... The building of new housing on sites such as Holyrood North and the restoration of many historic residential properties throughout the Old Town has provided a firm foundation for a thriving modern community.

It is essential that a productive balance between the interests of residents, business and visitors is maintained. The continued existence of a creative mix of uses is essential for the retention of the character and attraction of the Old Town.

Essential Character: Activities and Uses

- *The vitality and variety of different uses which contribute to the character of the Conservation Area.*
- *The strong and continuing presence of a residential community.*
- *Increasing residential development is ensuring a living town centre.*

Opportunities for Enhancement

The Character Appraisal emphasises the more positive aspects of character in order that the future can build on what is best within the Conservation Area. The quality of urban and architectural design needs to be continuously improved if the character of the Conservation Area is to be enhanced. The retention of good quality buildings (as well as listed buildings) and the sensitive interpretation of traditional spatial structures in securing appropriate new development are of particular importance.

New Development

The richness of the Old Town's natural setting and built heritage is considerable. It is this complexity and diversity which make it attractive, yet make these qualities hard to define. It also has a fragility and human scale which often does not sit easily with the demands of present day development requirements. These are qualities and conflicts that must be resolved if the character of the Old Town is to be sensitively interpreted and enhanced.

The organic and articulated massing of the Old Town is being eroded by the scale and lack of modulation in some recent developments.

New development should be of good contemporary design that is sympathetic to the spatial pattern, scale and massing, proportions, building line and design of traditional buildings in the area. Any development within or adjacent to the Conservation Area should restrict itself in scale and mass to the traditionally four/five storey form.

THE EDINBURGH STANDARDS FOR URBAN DESIGN

(approved by the Planning Committee City of Edinburgh Council, 7 August 2003)

Urban Design Principles

Summary City-Wide Dimension

(p. 47) *1.1 integrate new development and contribute to distinctiveness
...proposals should not cause unsympathetic change.*

1.2 City Wide Views and Context

Protect and enhance views to and from established landmarks, hills, skylines, and recognise distinctive urban zones, layers of built form and backcloths. Maintain strategic views from major access routes and public vantage points... proposed buildings, visible from higher points should maintain or enhance the prevailing massing, articulation and any interesting existing pattern of roofs.

(p. 48) 2.2 Reinforce Local Identity

Where new development is to be located within a neighbourhood of distinctive spatial structure, townscape and landscape, the proposal should reinforce the existing character...new build should not be higher nor of greater mass than adjacent existing development unless there are special townscape reasons.

2.3 Make Distinctive Urban Form

Shape distinctive neighbourhoods to create local identity, where the existing development form is poor or due for regeneration...mix of uses and building forms need to be encouraged according to Local Plan requirements and area character.

(p. 49) 3.1 Reinforce Character

Establish key elements to ensure fit with surroundings...have respect for and reflect local proportions and plot sizes.

3.2 Promote Pedestrian Access

Developments should connect with, extend or improve the local street structure...provide a choice of routes that maximise connectivity and linkages.

3.3 Value Open Space

New Development should enhance existing, and provide new open space...relate and connect new developments to existing street layout and built form.

DEVELOPMENT QUALITY HANDBOOK (approved 22 July 1999)

Policy Guidance - High Buildings and Roofscape

(p. 2) 1. High Buildings

a) All new development should generally be well integrated with its surroundings as regards, scale, form, siting, alignment and materials.

b) Accordingly, development should conform to the general height of buildings prevailing in the surrounding area. In residential areas this will be commonly set by tenemental or villa building forms or, in a mews location, will be determined by existing mews buildings. Well-designed architectural features that rise above this height, and which would contribute to the visual interest of the city's skyline and not adversely affect key views, may be acceptable.

c) Existing high and intrusive buildings will not be accepted as precedents for the future and their replacement with more sensitively scaled buildings will be sought when their redevelopment is in prospect.

2. Roofscapes

a) Where it is possible to view roofs from street level and/or other prominent locations, all plant and machinery, and other services, should be incorporated within a building or located behind a parapet wall, or similar feature, which is part of the overall design of the building.

b) New buildings, which are visible from above, should seek to continue the interesting pattern of roofs created by the variety of traditional roof styles found in the following locations:

(i) the Old Town and New Town Conservation Areas which are extensively in view from the Castle, the Scott Monument and Caltongate Hill

CALTONGATE MASTERPLAN (5 October 2006)

Introduction

(p. 5) *While the Masterplan addresses land principally in the ownership of the Council and Mountgrange; the development principles it sets out will be relevant to other sites in the Waverley Valley.*

A Redevelopment Strategy for the Waverley Valley (2000)/ Waverley Valley Co-ordinating Framework Document (2001)

(p. 11) *The Strategy highlights the opportunity for major public space on the former New Street bus depot site.*

- This is incorrect; in the Co-ordinating Framework Document there is a Main Pedestrian Route drawing which clearly indicates the major new public space at the Council's new front door; any new public space on the bus depot site is intended as a minor public space. The intended hierarchy is contradicted by the current proposals.

Mixed Uses

(p.17) *This schedule is not a rigid land use allocation but sets out the broad land uses, which are considered acceptable in principle. Figure 14 outlines the general disposition of these uses. However, the final mix and location of uses and the associated scale and mass will be determined at the planning application stage.*

- This undermines the usefulness of a spatial masterplan.

Spatial Structure and Permeability

(p. 20) *New development must reflect the spatial pattern of the Old Town by providing clear primary routes and also to allow secondary movement through new open space, wynds, closes and back courts to reflect the close-grain and hidden character of the Old Town. Relief from these narrow spaces can be provided by routes opening into larger spaces.*

- This is more commonly known as 'having your cake and eating it'. It appears the description is moulded to fit the developer's requirements. Clearly this contradicts the predominate character of the Old Town.

(p. 21) *Building permeability (highlighted in Figure 17: Proposed Spatial Structure / grain)*

- The term 'building permeability' is deceptive and the dashed line should be removed; true permeability refers to the network of 24 hour pedestrian access, unlike buildings which are privately managed and restrict public access.

Townscape

(p. 22) *The Masterplan seeks to ensure that any new development respects and also integrates with this existing context to reinforce the sense of place.*

Architectural Expression

(p. 23) *To create variety and interest – reflecting the character of the Old Town – a number of architectural practices must be used for the detailed design stages. The regeneration of Holyrood North provides an exemplar for such an approach.*

- Holyrood North is a smaller site and used 17 architectural practices each designing a single building. This was possible because plots were smaller in keeping with the Old Town context meaning there were more of them. Caltongate only has 6 different architects because the plots are much larger.

Heights

(p. 24) *The Waverley Valley Redevelopment Strategy sets out acceptable building envelopes. These building envelopes and the height of the new Council HQ should be the basis for the height of any new buildings.*

- The new Council HQ is four stories whereas most of the Caltongate buildings are higher than this (generally 6 storeys).

(p. 24) *The height of any new development must be subservient to the Old Town ridge to ensure this remains a visible feature. For future planning applications, a visual analysis from Regent Road/ Calton Hill will be required.*

- The view from Regent Road or Calton Hill has not been submitted with the Planning Applications. The view from Regent Road in particular is illustrative of how the proposals will impact the Old Town ridge.

Roofscape

(p. 26) *Roofscape must be fragmented - large roof expanses and flat roofs should be avoided. Roofs should be well-articulated to reflect the complex roofscape of the Old Town. Traditional roof materials will be favoured.*

Heritage: Listed Buildings

(p. 30) *There is a presumption in favour of the preservation of listed buildings except where a strong case can be made out for demolition after full consideration of the following factors: importance, condition and alternative uses. The Memorandum of Guidance states that 'the extent to which any proposed new use and the building accommodating that use would positively enhance both the environment and the setting of other listed buildings in the area also requires to be considered'.*

- How will the hotel/conference and office use buildings enhance both the environment and the setting of other listed buildings in the area?

Jeffrey Street Site

(p. 33) *A single storey building would be preferable but this should not preclude the possibility of the right high quality building at two storeys on this site, which could add to the amenity of Jeffrey Street and frame views to Calton Hill.*

- Will the proposed private restaurant use in this position justify blocking the existing full panoramic view to Calton Hill?

Canongate Venture

(p. 34) *The Council is minded to accept the demolition of the listed building but only on the basis that the replacement building fully addresses the development objectives of the Masterplan and the associated economic, cultural and urban design benefits. However, the case for demolition cannot be fully made or supported without proposals for the detailed design of the replacement building on the site. Support for demolition will therefore depend on the detailed design stage as any replacement building must be of the highest quality.*

New Street

(p. 34) *Separate ground floor uses; for example small business premises; should be located along New Street to provide activity at ground floor level.*

- Only one entrance has been provided along the entire length of proposed New Street office building.

(p. 34) *Where required as part of a development proposal, a link over New Street between development sites will be considered, subject to an adequate case being made for its need. Support for such a link will depend on the final design stage. It should be single-storey to minimise impact on views, especially the view of the skyline of Calton Hill and street environment, and of a high design standard to create a positive addition to the townscape.*

- Figures 44 & 45 compare the existing view and the proposed bridge view. Any bridge, no matter its material or quality, will block the view and create a visual deterrent to this pedestrian route.

Calton Road

(p. 39) *Development on the northern section of the former bus depot site should avoid exacerbating the adverse impact of the railway bridge.*

- The proposed office building elongates the tunnel under the bridge, making this difficult junction worse.

(p.39) *The development of the site to the north of Calton Road must allow space to accommodate a new pedestrian route to Regent Road. A developer contribution will be required towards the route. If sufficient additional funding cannot be achieved within a reasonable period of time, the contribution will be utilised to upgrade the existing paths.*

- Should the more likely scenario of upgrading existing paths ensue the Masterplan proposal for a residential street terminating at the position of un-built formal stairs will be absurd.

Delivery: Landowners

(p.44) *Mountgrange Capital plc, a privately owned property investment and development company, purchased the former New Street bus depot site in 2004. It subsequently added to its holdings by acquiring property in Calton Road, part of the Old Sailor's Ark (231 Canongate) and flats on Canongate through its subsidiary Mountgrange Caltongate Ltd. In addition, the Council has conditionally resolved to dispose of properties in East Market Street and Cranston Street to Mountgrange. Mountgrange is therefore the most significant landowner within the masterplan area.*

- Encouragement of a single landowner of such a significant area of the Old Town is not in the long term interests of the City and contradicts the ethos of the Old Town as a place of variety and juxtaposition. Instead the proposal is for large footprint uses abutting the Canongate. This pattern of development is detrimental to the character of the Old Town.

Timetable and Phasing

(p.46) *In order to bring about the regeneration of Caltongate, in its entirety and in as swift a timescale as possible, thereby minimising disruption to local amenity, it is important to achieve early delivery of significant 'enabling works'. Some of the work is already underway including the demolition of the former New Street Bus Garage, grouting of voids within the ground below that building, remediation of that site and the underpinning of the adjacent railway bridge abutment. Conservation area consent to demolish the former New Street bus depot has already been granted...Further enabling works will be procured by means of a separate building contract for the supporting plinth or 'podium' in the Central area of the site.*

- Is the granting and commencement of works prior to decision on the subsequent planning application for the buildings above ground problematic? If the subsequent applications are refused consent will the financial risk for works underway be fully borne by Mountgrange? Will Montgrange's enabling work for the plinth jeopardise any future plans if the current applications are refused planning permission?
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Please note I have not quoted from the Edinburgh World Heritage Management Plan or Historic Scotland guidance and trust that any relevant comment will have been picked up by others.

I would be pleased to discuss the above in person if you feel this would assist.

Yours sincerely

Neil Simpson (Email letter)

Neil Simpson
Principal

Copy to:
Architecture & Design Scotland
Cockburn Association
Edinburgh World Heritage
Old Town Association
Old Town Community Council