

T: [REDACTED]  
E: [REDACTED]

[REDACTED]  
CMS Cameron McKenna Nabarro  
Olswang LLP

Our ref: PPA-230-2178

27 October 2020

Dear [REDACTED]

## **DECISION NOTICE**

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**PLANNING APPEAL: Change of use, alterations to and restoration of principal former Royal High School building and pavilions (original Thomas Hamilton-designed school buildings), demolition of ancillary buildings including the former Gymnasium Block and Lodge, new build development, new/ improved vehicular, service and pedestrian accesses, landscaping, parking, public realm and other works to create a world class hotel of international standing with associated uses (including publicly accessible bars (public house) and restaurants (Class 3)), at New Parliament House, 5-7 Regent Road, Edinburgh EH7 5BL ('the Proposed Development')**

1. This letter contains Scottish Ministers' decision on the planning appeal (ref: PPA-230-2178) submitted by Duddingston House Properties and Urbanist Hotels against the decision by the City of Edinburgh Council on the above-mentioned development.
2. The application for planning permission (ref: 15/03989/FUL) was made to the planning authority, the City of Edinburgh Council, on 3 September 2015, and refused by the Council on 18 December 2015. Under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Scotland) Regulations 2010, the appeal came into a class to be determined by a person appointed by Scottish Ministers, rather than by Scottish Ministers themselves. In exercise of the powers under paragraph 3(1) of Schedule 4 to the Act, Scottish Ministers directed, on 23 March 2016, that they would determine the case themselves. The reason given for the direction was that this appeal raises issues of national importance in terms of potential impacts on the historic environment,

including the Old and New Towns of Edinburgh World Heritage Site, and in relation to potential economic and tourism benefits.

3. The appeal was considered by means of inquiry and hearing sessions, which took place between 18 September and 23 October 2018 and were conducted by [REDACTED] BSc (Hons) Dip Arch RIBA IHBC and [REDACTED] MSc MRTPI, Reporters appointed by Scottish Ministers for that purpose.

4. The inquiry and hearing sessions conducted by the Reporters also related to a listed building consent appeal (reference LBA-230-2076) for the same scheme ('Scheme 1'), and a planning permission appeal (reference PPA-230-2213) and a listed building consent appeal (reference LBA-230-2118) for a revised scheme ('Scheme 2').

5. The Reporters conducted accompanied site inspections on 10 and 11 May 2018 and a number of unaccompanied inspections from places around the site on various dates before, during and after the inquiry sessions. Following the inquiry and hearing sessions, the Reporters requested further written representations on Historic Environment Scotland's revised Historic Environment Policy for Scotland.

6. The final reports with the Reporters' recommendations were issued to Scottish Ministers on 2 June 2020. A copy of the Reporters' report on the planning permission appeals ('the Report') is enclosed.

7. The appellants have made a claim for an award of expenses against Edinburgh World Heritage, and the Architectural Heritage Society of Scotland has made a claim for an award of expenses against the appellants. These claims are the subject of separate decisions issued by Scottish Ministers.

### **Reporters' Recommendation and Scottish Ministers' Decision**

8. The Reporters have recommended that the appeal be refused. Scottish Ministers have carefully considered all the evidence presented and the Reporters' conclusions and recommendations. For the reasons given below, Scottish Ministers agree with the Reporters' recommendation and refuse planning permission. All references to paragraph numbers, unless otherwise stated, are to the Report.

### **Environmental Impact Assessment**

9. On 16 May 2017, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force. The 2017 regulations revoked the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 with certain exceptions. The 2011 regulations continue to have effect for an application (and any subsequent appeal) for planning permission where the applicant submitted an environmental statement in connection with the application before 16 May 2017. That was done in this case. This appeal is therefore determined in accordance with the 2011 regulations as they applied before 16 May 2017.

## **The Proposals and Site**

10. The appeal site is at New Parliament House, 5-7 Regent Road, Edinburgh. The 19th Century building is more commonly known as the former Royal High School, and that name is used throughout this decision notice.

11. The former Royal High School is a category A listed building of international importance. It is prominently sited on the southern slope of Calton Hill, which is included in the national Inventory of Gardens and Designed Landscapes. The site is within the Old and New Towns of Edinburgh World Heritage Site, and the New Town Conservation Area. Across the road to the south of the site (and on the other side of the Waverley Valley) is the Old Town Conservation Area. Calton Hill has evolved as a highly significant cultural place in Edinburgh, containing the National Monument, Nelson's Monument and other notable structures.

12. In addition to the main school building, the listing includes the lodge, classroom block, retaining/boundary walls, gateposts and railings.

### The Proposed Development ('Scheme 1')

13. The appeal proposals are for the change of use, alterations to and restoration of the principal former Royal High School building and pavilions (referred to as the Hamilton building, after its architect Thomas Hamilton), the demolition of ancillary buildings, and other development, to create a "world class hotel of international standing" with associated uses including publicly accessible bars and restaurants.

14. Two large extensions are proposed, one on each side of the main Hamilton building, largely over the east and west playgrounds of the former school.

15. The proposals involve the total demolition of some of the buildings within the site including the listed lodge, gymnasium block, classroom block and luncheon hall. Alterations to the remaining buildings, the retaining walls, boundary walls, gateposts and railings are proposed. The main building would be altered internally and externally, to accommodate a reception hall; dining rooms; bars/lounges; kitchens, stores, etc.

16. The Proposed Development includes the construction of glazed galleries along the north elevation of the building, and glazed links connecting into the east and west gables of the Hamilton building.

17. The proposals also include the removal of some trees, and provision of new landscaping. Proposed works to the public realm around the buildings include widening of the public footway on the frontage of the Hamilton building and its resurfacing with sandstone slabs; formation of a service entrance at the western end of Regent Terrace; and removal of on-street pay and display parking on Regent Road.

## **The Reporters' Report**

18. The Report is in three parts: Part 1 covers the relevant statutory duties and issues common to both appeals (related to Scheme 1 and Scheme 2). The Reporters' conclusions in Part 2 (regarding the Scheme 1 appeal specifically) and

Part 3 (related to Scheme 2 and not relevant to this decision) are informed by their conclusions at Part 1.

19. Within Part 1, the Reporters discuss the policy context and determining issues in Chapter 1. In Chapter 2, they describe the application site and its surroundings. The Reporters' findings and conclusions regarding the special interest of the listed building (the former Royal High School), its setting, and the New Town Conservation Area, are contained in Chapters 3, 4 and 5 respectively. Their findings in relation to other considerations are contained in Chapter 6.

20. Within Part 2, the Reporters' findings and conclusions regarding impacts on heritage assets are contained in Chapter 9. Their findings and conclusions regarding townscape and visual assets, impact on residential amenity and tourism and the economy are in Chapters 10, 11 and 12 respectively. The Reporters' overall conclusions and recommendation for the Scheme 1 planning appeal are set out in Chapter 14.

### **Legal and policy context and determining issues**

21. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires Ministers to determine planning appeals in accordance with the development plan unless material considerations indicate otherwise.

22. In accordance with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as amended ('the Listed Buildings Act'), special attention should be paid to the desirability of preserving or enhancing the character or appearance the conservation area in which the building is located, i.e. the New Town Conservation Area. Ministers are also required to have special regard to the desirability of preserving the listed building or its setting, as well as the setting of nearby listed buildings, in accordance with section 59(1) of the Listed Buildings Act.

23. The relevant development plan consists of the SESplan Strategic Development Plan 2013, together with the Edinburgh Local Development Plan adopted in 2016.

24. The Reporters accept the general contention (and Ministers agree) that SESplan requires local authorities to bring forward local development plans that include policies and proposals which will ensure that there are 'no significant adverse impacts' on heritage assets, and that the Edinburgh Local Development Plan (LDP) does that.

25. The Reporters summarise relevant policies of the Edinburgh LDP, relevant elements of National Planning Framework 3 (NPF 3) and Scottish Planning Policy; and the Council's Development Brief for Princes Street Block 10.

26. Scottish Ministers agree with the Reporters' assessment of the development plan as set out in paragraphs 1.2 – 1.18.

27. Scottish Ministers also agree with the Reporters' assessment of the relevance of National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) as set

out in paragraphs 1.19 – 1.25, and of the Council’s Development Brief for Princes Street Block 10 (paragraph 1.26).

28. The Reporters identify relevant content of the Historic Environment Policy for Scotland 2019 (HEPS), and Historic Environment Scotland’s Interim Guidance on the Principles of Listed Building Consent; Managing Change in the Historic Environment series; designation policy and selection guidance. Scottish Ministers agree that these are relevant to the consideration of this appeal.

29. The Reporters also discuss the status of the Old and New Towns of Edinburgh as a World Heritage Site, and the associated obligations under the World Heritage Convention.

### **Summary of Reporters’ findings**

30. Having regard to the provisions of the development plan and other material considerations, Scottish Ministers agree with the Reporters that the main issues in this appeal are:

- impacts of the proposals on the listed building, the conservation area, the World Heritage Site and on other heritage assets;
- townscape and visual impacts;
- impact on residential amenity;
- impacts on tourism and the economy; and
- whether any other material considerations point towards approval or refusal of planning permission.

### **Impacts of the proposals on heritage assets**

31. Scottish Ministers agree with the Reporters’ findings and conclusions regarding the special interest of the listed building; the setting of the listed building and the New Town Conservation Area (in Chapters 3, 4 and 5 respectively).

32. The Reporters state (paragraph 9.102) that the proposed development would help to preserve the listed building by a sympathetic repair and restoration of the fabric of the building. The outside of the main Hamilton building together with the majority of the boundary walls and railings would be brought into good condition. The proposed use would involve substantial alterations to some of the internal fabric but would re-use the main spaces for public areas. Proposed internal alterations would be sensitively done to protect adjacent fabric and minimise loss of the original. These impacts alone would amount to preservation by repair, protection and beneficial re-use of the listed building. The Reporters state this must carry substantial weight in favour of the proposed new uses. Scottish Ministers agree with these findings of the Reporters.

33. The Reporters note (paragraph 9.105) that the appellants accept the primacy of the southern elevation of the principal listed building, and the importance of the oblique views in the understanding and appreciation of this building. Scottish Ministers agree with the Reporters that these views would inevitably be significantly compromised by the addition of large-scale wings to each side, however the wings are cloaked.

34. Scottish Ministers agree with the Reporters (para 9.106) that the Proposed Development would have considerable impacts on the setting of the listed building, and that the prominence and dominance of the building in certain views would be spoiled by the overwhelming scale of the extensions proposed. Scottish Ministers also agree with the Reporters (para 9.108) that the proposed extensions would appear overbearing, urbanising and out of context, and be a distraction in significant views of the principal building and harmful to its setting.

35. Ministers agree with the Reporters (paragraph 9.109) that little weight should be attached to the fact that, in theory, the works could be reversed.

36. Scottish Ministers acknowledge that the Reporters refer (in paragraph 9.103 of the Report) to paragraph 15 of Historic Environment Scotland's *Interim Guidance on the Principles for Listed Building Consent* ('the HES Interim Guidance'). That paragraph states:

- 15. Where a proposal involves alteration or adaptation which will have an adverse or significantly adverse impact on the special interest of the building, planning authorities, in reaching decisions should consider carefully:*
- a. the relative importance of the special interest of the building; and*
  - b. the scale of the impact of the proposals on that special interest; and*
  - c. whether there are other options which would ensure a continuing beneficial use for the building with less impact on its special interest; and*
  - d. whether there are significant benefits for economic growth or the wider community which justify a departure from the presumption set out in paragraph 8.*

37. The Reporters state at paragraph 9.103 that "Failure to meet any one of the criteria [listed in paragraph 15] could be grounds to conclude that the presumption against works which adversely affect the special interest of the listed building or its setting should not be departed from". However, Scottish Ministers interpret this paragraph as setting out four considerations for decision-making, rather than four 'criteria' which should all be satisfied.

#### *Other options*

38. Scottish Ministers agree with the Reporters (paragraph 6.8) that an alternative proposal can be considered an option (in terms of point c of Paragraph 15 of the HES Interim Guidance) if it is shown to be viable, technically feasible and has (or would be likely to get) consent.

39. The Reporters discuss (at paragraphs 6.6 - 6.7 and 9.110 - 9.117) a scheme by the Royal High School Preservation Trust (RHSPT) to redevelop the listed building and its site as a music school. The Reporters state at paragraph 9.110 that the RHSPT proposal has planning permission and listed building consent, although some details remain to be resolved. Scottish Ministers understand that the RHSPT is unable to implement its proposal at this time as the appellants have effective control of the site. Ministers also understand that the listed building consent for the RHSPT scheme (Council reference 15/05665/LBC) has now expired, but the planning permission (Council reference 15/05662/FUL) remains extant. The previous grant of listed building consent for the scheme indicates to Scottish Ministers that the

proposal would be likely to gain consent again. Ministers agree with the Reporters (paragraph 9.110) that there is no reason why the RHSPT scheme would not be a viable and achievable alternative to the appeal proposals.

40. Scottish Ministers agree with the Reporters' assessment of the RHSPT scheme as set out in paragraphs 9.111 – 9.114. Scottish Ministers also agree with the Reporters (paragraph 9.116) that whichever option (i.e. the RHSPT scheme or the hotel Scheme 1) were to be established, the original pattern of use would be further lost to the new arrangement, and therefore that less significance should be attributed to the internal alterations. Ministers agree with the Reporters (paragraph 9.116) that the appeal proposal would better preserve the listed building itself, given that it would involve considerably less removal of original fabric of the principal building than the RHSPT scheme would. However, Ministers also agree with the Reporters that the proposed hotel wings would have a much greater adverse impact (than the RHSPT scheme) on the setting of the listed building. On balance, Ministers consider that the RHSPT scheme represents an option which would, if implemented, ensure a continuing beneficial use for the building with less impact (than that of the Proposed Development) on its special interest.

41. Scottish Ministers consider that, even if no option had been identified that would ensure a continuing beneficial use for the building with less impact on its special interest, the absence of any such option would not justify a departure from the presumption against works which adversely affect the special interest in this case, given the scale of the adverse impact that would be caused by the Proposed Development.

42. Scottish Ministers agree with the Reporters (paragraph 9.120) that the economic and tourism benefits of the Proposed Development would be at least regionally significant. However, Scottish Ministers also agree with the Reporters that limited weight should be placed on the proposal to define the particular quality or level of service at the hotel, and that the benefit of the proposed hotel to the economy should not therefore be determined on the ambitions for a world-class hotel.

43. The Reporters find that the proposed works would be a radical intervention in a sensitive part of the New Town Conservation Area, and would appear as two major extensions out of keeping with the character of the principal building and its prominent setting. Ministers agree with the Reporters that (paragraph 9.124) the character and appearance of the conservation area would be neither preserved nor enhanced by the Proposed Development.

44. Ministers have taken account all of the submitted evidence regarding impacts on the Old and New Towns of Edinburgh World Heritage Site ('the WHS').

45. Ministers acknowledge that the ICOMOS (International Council on Monuments and Sites) Guidance on Heritage Impact Assessments for Cultural World Heritage Properties states (on page 1) that "World Heritage properties need to be seen as single entities that manifest OUV [Outstanding Universal Value]. Their OUV is reflected in a range of attributes, and in order to sustain OUV it is those attributes that need to be protected."

46. In relation to the attributes of the WHS, Ministers acknowledge that the Statement of Outstanding Universal Value (SOUV) states that “[the] contrast between the organic medieval Old Town and the planned Georgian New Town...provides a clarity of urban structure unrivalled in Europe.” It also states that the juxtaposition of these two distinctive landscapes, each of exceptional historic and architectural interest, creates the outstanding urban landscape. Ministers agree with the evidence of Historic Environment Scotland (HES) that the site of the Royal High School is located at one of the most visible and marked juxtapositions between the Old and the New Town, at the junction of the two Conservation Areas, midway up Calton Hill above the Waverley valley.

47. Ministers also agree with HES that the former Royal High School is a key building within the WHS, and is one of the finest public and commercial monuments of the neo-classical revival in Europe as mentioned in the SOUV.

48. The SOUV states that the successive planned extensions of the New Town, and the high quality of its architecture, set standards for Scotland and beyond, and exerted a major influence on the development of urban architecture and town planning throughout Europe, in the 18th and 19th centuries. Ministers agree with HES that the former Royal High School is a key component of one of these planned extensions - the Calton Scheme, a major expansion of the city to the east.

49. Ministers agree with HES that the Proposed Development would result in considerable damage to the setting of one of the most important neo-classical buildings in the city, removing its current prominence and current domination of its carefully conceived and planned site, reducing it to a subordinate structure set between the new hotel wings which would become dominant features of Calton Hill’s southern slope.

50. Given the above, Scottish Ministers consider that the Proposed Development would cause harm to the qualities which justified the inscription of the World Heritage Site, contrary to Policy Env 1 of the Edinburgh Local Development Plan.

51. In view of all of the above and the findings of the Reporters, Scottish Ministers agree with the Reporters’ conclusions (paragraph 9.129) that:

- the proposal is contrary to Policies Env 2, Env 3 and Env 4 of the Edinburgh Local Development Plan, due to its adverse impacts on the listed building and its setting;
- the proposal is contrary to Policy Env 6 of the Edinburgh Local Development Plan, due to its adverse impacts on the character and setting of the New Town Conservation Area;
- the proposal is contrary to Policy Env 1 of the Edinburgh Local Development Plan, due to its adverse impacts on the qualities of the Old and New Towns of Edinburgh World Heritage Site;
- the proposal is contrary to Policy Del 2 of the Edinburgh Local Development Plan, due to its adverse impacts on the character and attractiveness of the city centre;
- the proposal is contrary to Policies Des 1 and Des 4 of the Edinburgh Local Development Plan, due to its adverse impacts on the character and appearance of the area;



- the proposal is inconsistent with those provisions of NPF3 and SPP relating to heritage assets, due to the adverse impacts on the World Heritage Site, the listed building (and its setting), and on the character and appearance of the conservation area; and
- the proposal is inconsistent overall with the Historic Environment Policy for Scotland (and its supporting guidance), due to the adverse impacts on the World Heritage Site, the listed building, and on the character and appearance of the conservation area.

### **Townscape and visual impacts**

52. Scottish Ministers accept and agree with all of the Reporters' findings and conclusions in Chapter 10 in relation to townscape and visual impacts. Scottish Ministers agree with the Reporters that the Proposed Development would adversely affect the setting of the Old Town Conservation Area; the New Town Gardens Inventory Garden and Designed Landscape (GDL); the Calton Hill Special Landscape Area; and that there would be significant adverse townscape and visual impacts. Ministers therefore agree with the Reporters that the Proposed Development is contrary to Policies Env 6, Env 7, Env 11 and Des 11 of the Edinburgh Local Development Plan.

### **Impact on residential amenity**

53. Scottish Ministers accept and agree with all of the Reporters' findings and conclusions in Chapter 11 with regard to impact on residential amenity. Ministers agree with the Reporters that the degree of change likely to be experienced in regard to residential amenity would not be unacceptably adverse, and that the Proposed Development is consistent with Policy Des 5 of the Edinburgh Local Development Plan.

### **Impacts on tourism and the economy**

54. Scottish Ministers share the Reporters' opinions that the Proposed Development would result in significant economic benefit, and that economic benefits are likely to be significant locally, and potentially also regionally. Ministers agree with the Reporters that it would be a stretch to conclude that the economic impacts alone would be nationally significant.

55. Ministers agree with the Reporters that the tourism impact of the Proposed Development would be at least locally and regionally significant, and may even be nationally significant if the appellant's intention to develop a '6 star' or world class hotel bore fruit. However, Ministers also agree with the Reporters that there is no legitimate way (in planning terms) of controlling that matter, which limits the weight to be afforded to this consideration. Ministers accept the Reporters' statement that weight can be given to the likelihood that the hotel would be operated to a very high standard.

56. Scottish Ministers accept and agree with the Reporters' other findings and conclusions in Chapter 12 in relation to impacts on tourism and the economy. Ministers agree with the Reporters that the Proposed Development is consistent with Policy Emp 10 of the Edinburgh Local Development Plan, and complies in part with

Policy Del 2 of the LDP, in as far as it would be likely to contribute to Edinburgh's role as a strategic business and shopping centre and Scotland's capital city.

### **Scottish Planning Policy (SPP)**

57. As discussed above, Ministers consider that the Proposed Development would have adverse impacts on: the listed building and its setting; the character and setting of the New Town Conservation Area; the qualities of the Old and New Towns of Edinburgh World Heritage Site; the Calton Hill Special Landscape Area; the character and attractiveness of the city centre; the New Town Gardens Inventory Garden and Designed Landscape; the skyline and key views of the city centre; and the character and appearance of the area.

58. Paragraph 28 of SPP states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. SPP sets out principles which should guide policies and decisions. Amongst them are:

- giving due weight to net economic benefit;
- supporting delivery of accessible housing, business, retailing and leisure development;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- supporting good design and the six qualities of successful places;
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

59. Scottish Ministers agree with the Reporters that the Proposed Development would result in significant economic benefit (locally, and potentially regionally). Clearly the proposals involve business and leisure development. However, the Proposed Development would not protect and enhance the historic environment. It would not demonstrate all six qualities of successful places, given that the proposals would not complement local features and would instead have adverse impacts on the character and appearance of the area and significant adverse townscape and visual impacts.

60. The Proposed Development would constitute over-development, given (as the Reporters state) the impact of the scale of the extensions is harmful to the integrity and setting of the nationally and internationally important listed building in its highly valued setting.

61. Given the above, Scottish Ministers agree with the Reporters that (paragraph 14.12) the Proposed Development is not "the right development in the right place" as expected by paragraph 28 of SPP.

62. Ministers consider that the adverse impacts identified above would significantly and demonstrably outweigh the benefits (as identified by the Reporters and as also discussed above) when assessed against the wider policies in SPP.

## Overall conclusions

63. Scottish Ministers accept the Reporters' overall conclusions set out in Chapter 14. Ministers conclude that the Proposed Development would not preserve the former Royal High School listed building or its setting and would neither preserve nor enhance the character and appearance of the Edinburgh New Town Conservation Area.

64. Ministers agree with the Reporters' conclusions that the Proposed Development is contrary to Policies Env 1, Env 2, Env 3, Env 4, Env 6, Env 7, Env 11, Del 2, Des 1, Des 4 and Des 11 of the Edinburgh Local Development Plan, for the reasons explained by the Reporters and as outlined above.

65. Scottish Ministers also agree with the Reporters' conclusions that the Proposed Development is consistent with Policies Des 5 and Emp 10 of the Edinburgh Local Development Plan.

66. Scottish Ministers agree with the Reporters' overall conclusion that the Proposed Development is contrary to the development plan.

67. Ministers also agree with the Reporters that it is necessary to consider whether material considerations indicate that permission should nonetheless be granted. In this regard, Ministers agree with the Reporters' findings that the Proposed Development would significantly contribute to the Edinburgh tourism sector and thereby to the city economy, and that these benefits may be regional in scale, which weigh significantly in favour of permission being granted. The Proposed Development would make some contribution to sustainable development and in terms of paragraph 32 of SPP the presumption in favour of development that contributes to sustainable development would be a material consideration. This presumption is not, however, a significant material consideration as the relevant development policies are not out of date nor are they contained in a local development plan which is more than 5 years old. It is recognised that SESplan is more than 5 years old but this of itself is not considered sufficient to convert the presumption in favour of development that contributes to sustainable development into a significant material consideration. However even if this principle were to be applied, Ministers consider that the Proposed Development would have adverse impacts which would significantly and demonstrably outweigh the benefits of the Proposed Development.

68. In reaching this decision, Ministers have had special regard to the desirability of preserving the listed building or its setting, and paid special attention to the desirability of preserving or enhancing the character or appearance of the New Town Conservation Area, in accordance with Section 59(1) and 64 respectively of the Listed Buildings Act.

69. Ministers also agree with the Reporters that:

- the proposal is inconsistent with the provisions of National Planning Framework 3 and SPP relating to heritage assets, due to adverse impacts on the World Heritage Site, the listed building (and its setting), and on the character and appearance of the conservation area;

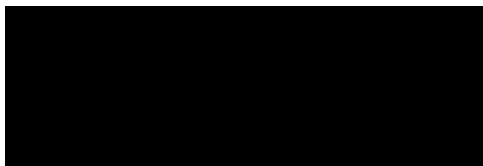
- overall the proposal does not represent the right development in the right place; and
- the proposal is inconsistent overall with the Historic Environment Policy for Scotland (and its supporting guidance), due to the adverse impacts on the World Heritage Site, the listed building, and the character and appearance of the conservation area.

70. Accordingly, for the reasons set out in the Reporters' report and as summarised above, Scottish Ministers hereby dismiss the appeal and refuse planning permission for the change of use, alterations to and restoration of principal former Royal High School building and pavilions (original Thomas Hamilton-designed school buildings), demolition of ancillary buildings including the former Gymnasium Block and Lodge, new build development, new/ improved vehicular, service and pedestrian accesses, landscaping, parking, public realm and other works to create a world class hotel of international standing with associated uses (including publicly accessible bars (public house) and restaurants (Class 3)), at New Parliament House, 5-7 Regent Road, Edinburgh, EH7 5BL.

71. This decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If such an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

72. A copy of this letter and the Reporters' report has been sent to the representatives of The City of Edinburgh Council; Historic Environment Scotland; The New Town and Broughton Community Council; The Architectural Heritage Society Of Scotland; Edinburgh World Heritage; The Cockburn Association; The Royal High School Preservation Trust; and The Regent, Royal and Carlton Terraces and Mews Association. Those parties who lodged representations will also be informed of the decision.

Yours sincerely

A large black rectangular redaction box covering the signature of the Chief Planner.A small black rectangular redaction box covering the name of the Chief Planner.  
**Chief Planner**