

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Friday, 17th March, 2023**

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

### Contacts

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## **1. Order of business**

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- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward.
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

## **2. Declaration of interests**

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- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **3. Minutes**

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- 3.1 None.

## **4. General Applications, Miscellaneous Business and Pre-Application Reports**

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**The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved**

without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1.

4.1 None.

## 5. Returning Applications

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These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

5.1 None.

## 6. Applications for Hearing

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The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

6.1 None.

## 7. Applications for Detailed Presentation

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The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

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|-----|--|---------|
| 7.1 | 9 Haymarket Terrace, Edinburgh - Demolition of existing and proposed new-build office development (class 4) with associated ancillary uses, public realm, landscaping, and car parking - application no. 21/03756/FUL – Report by the Chief Planning Officer | 7 - 28  |
|     | It is recommended that this application be <b>GRANTED</b> .  |         |
| 7.2 | 20 Haymarket Yards, Edinburgh, EH12 5WU - Demolition of existing buildings and erection of mixed-use development   | 29 - 60 |

comprising hotel (class 7) with ancillary cafe, office (class 4), and associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing and access - application no. 22/04595/FUL – Report by the Chief Planning Officer

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

- 7.3** 36 - 44 Westfield Road, Edinburgh, EH11 2QB - Demolition of existing office and erection of student accommodation including communal amenity space, conversion of existing cottages to energy centre and associated landscaping, car parking, cycle parking and ancillary facilities (as amended) - application no. 22/02539/FUL – Report by the Chief Planning Officer 61 - 86

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

## **8. Returning Applications Following Site Visit**

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**These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.**

- 8.1** None.

### **Nick Smith**

Service Director – Legal and Assurance

## **Committee Members**

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Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalgleish, Councillor Neil Gardiner, Councillor Euan Hyslop, Councillor Tim Jones, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Kayleigh O'Neill

## **Information about the Development Management Sub-Committee**

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The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242, email [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@edinburgh.gov.uk) / [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk).

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## Development Management Sub-Committee Report

**Friday 17 March 2023**

**Application for Planning Permission  
9 Haymarket Terrace, Edinburgh,**

**Proposal: Demolition of existing and proposed new-build office development (class 4) with associated ancillary uses, public realm, landscaping, and car parking.**

**Item – Committee Decision  
Application Number – 21/03756/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because 242 letters of representation submitted across 2 schemes, objecting to the proposals have been received, and the recommendation is that the application be granted. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposal would deliver a modern office which would be net zero carbon in its operation and therefore highly sustainable. Due to its size the building would deliver considerable economic benefit. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

The building is near to the Category A Listed Haymarket Station which is an important building within the Haymarket area. In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, there is a strong presumption against granting planning permission if there is harm to a listed building or its setting.

The building height and form has been revised to reduce the impact on the setting of the A Listed Haymarket Station. The revised proposals are not considered to have an adverse impact on the setting of the A Listed Building.

The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

There are no material considerations which outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The site is Rosebery House which is next to the category A listed Haymarket Station. It has a site area of 5978m<sup>2</sup>. It is a 1970s office block which is five storeys in height and has around 8000m<sup>2</sup> of floor space. It has the appearance of a four-storey building from Haymarket Terrace but the site falls away towards the railway to the south and rear concealing an additional storey below the entrance level. The building sits behind a wall next to the tram stop. The applicant states that the building fabric and services are reaching the end of their lifespan.

To the west is an office known as City Point. It is five storeys to the Haymarket Terrace side and like Rosebery House has an additional storey below its entrance level.

To the north are five storey tenements. Their fifth storey is finished in roof slates, and this gives them the appearance of four storey buildings with attic accommodation. The tenements are in both the New Town Conservation Area and the Edinburgh World Heritage Site. The boundaries of these designations runs along the middle of Haymarket Terrace at this location.

There are a number of listed buildings near the site. These include:

- The Category A Haymarket Station is two storeys to its front and has a stone portico. It has been extended with a new concourse with lifts and escalators to its platforms which are below the entrance level (listed 27 October 1964, reference LB26901).
- 1 to 9 Rosebery Crescent (to the north) are category C (listed 10 December 1964, references LB29657, LB29658, LB29659, LB29660, LB48909)
- 10 to 14 Rosebery Crescent are category B (listed 10 December 1964, reference LB29661)
- Distillery Lane Easter Dalry House And Boundary Wall is category B and south of Haymarket Station (listed 8 May 1975, reference LB 26824)
- Distillery Lane And Dalry Road, Caledonian Distillery are category B and are also to the south. Included are former warehouse buildings and a 90m high former chimney (listed 26 October 1989, LB26811).
- Haymarket Terrace, Ryrie's (formerly Haymarket Inn). This is 2 storey category B listed public house (listed 9 February 1993, reference LB 26926)
- the Dalry Colonies are category B and to the south east of Haymarket Station (listed 29 April 1977, reference LB26746).

The site is within the City Centre designation of the Edinburgh Local Development Plan.



Haymarket Tram Stop is immediately to the front of the site on Haymarket Terrace and just beyond that are a number of bus stops both local and long distance buses. There is a taxi rank on Haymarket Terrace. There is an on-road cycle route which is part of NCN1 and NCN76 along Haymarket yards. So, with heavy rail, tram, buses and the cycle route, the site is very well served by public transport and active travel routes.

### **Description Of the Proposal**

It is proposed to demolish Rosebery House and replace it with a new office that is both larger in footprint and height than the existing building. It would have 19008m<sup>2</sup> of floor space. A key part of the proposal is that the new building is designed to be sustainable, achieving net zero carbon in its operation. The building would be 8 story's in height. Like Rosebery House, the proposed building would have an entrance at the Haymarket Terrace level with a storey below. The building form is stepped so that it is lower on Haymarket Terrace. The section of building to the rear would measure approximately 37.44 metres high with the front section 25.3 metres high. The existing building is approximately 12.8 metres high to Haymarket Terrace. The building is proposed to be finished in precast acid etched concrete. There would be bronze coloured polyester powder coated spandrel panels and glazing.

There would be 220 cycle parking spaces and 5 car parking spaces located within the lower ground floor.

The front entrance of the building would be positioned next to the tram stop.

### **Supporting Information**

The application is supported by the following information which is available to view on the Planning and Building Standards Online Services:

- Acoustic Planning.
- Air Quality Assessment.
- Bat survey.
- Bream Pre-Assessment.
- Daylight and Sunlight Report.
- Design and Access Statement.
- Economic Benefits Report.
- Flood Risk Assessment and Drainage Strategy.
- Planning Statement.
- Pre-Application Consultation Report.
- Preliminary Environmental Risk Assessment.
- S1 Sustainability Form.
- Sustainability Statement.
- Transport Statement and
- Workplace Travel Plan.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

Planning Application 22/04595/FUL

20 Haymarket Yards, Edinburgh, EH12 5WU

Proposal: Demolition of existing buildings and erection of mixed- use development comprising hotel(Class 7) with ancillary cafe, office (Class 4), and associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing and access.

The application is under consideration on the agenda of 17 March 2023.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

West End Community Council

Gorgie Dalry Community Council

Historic Environment Scotland

Archaeology

Economic Development

Edinburgh Trams

Edinburgh World Heritage

Network Rail

Gorgie Dalry Community Council

Network Rail

Archaeology

Economic Development

Historic Environment Scotland

Edinburgh Trams

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 28 November 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 25 November 2022 26 August 2021

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 242

## **Section B - Assessment**

## Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

## Assessment

To address these determining issues, it needs to be considered whether:

### a) The proposals harm the listed building and its setting?

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

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

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

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

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

- identify the historic assets that might be affected;
- define the setting of each historic asset; and
- assess the impact of any new development on this".

## **Haymarket Station**

Haymarket Station is a category A listed - 7 bay station office which was originally opened in 1842. The setting of Haymarket Station on the approach from the east is of the Station Building set squarely at the end of a vista with limited buildings within this setting. Its setting includes the vista along Atholl / Coates Place and West Maitland Street. The listed chimney can be seen behind. There are some low rise buildings around the station including the listed Ryrie's pub, the nearby Dalry colonies and the station's own extension. Around the junction of Haymarket Terrace / Dalry Road / West Maitland Street the relatively low rise buildings help reinforce the importance of the station building.

While the tenements and offices are larger, these are set some way away from the station. The former Haymarket Goods Yards development next to Morrison Street / Dalry Road, which is currently under construction, will be a lot taller than surrounding buildings, but it is further away from the station than the application site. Although the setting was altered as part of the extension to Haymarket Station these alterations are positioned away from the main elevation and are positioned below the height of the original station.

The proposed new office building would alter the immediate setting of Haymarket Station through the introduction of a building higher than the station. Whilst the new building would not be viewed directly behind the station the relationship between the new building and the Station Building is particularly sensitive. It is recognised that this relationship can be viewed from a number of different roads/ pedestrian areas and the experience alters on different approaches. In certain views the new building would alter the setting of the category A listed station. The alterations to the proposed form and massing of the new building have reduced the overall impact on the setting of the A listed building. It is considered that this is a neutral impact.

The impact of the original proposed new building on the setting of Haymarket Station was considered to be negative in a number of viewpoints. The revised scheme has reduced the height of the building to the eastern edge of the site reducing the impact on the setting of the Station. In viewpoints 1,2 and 11 around the Haymarket junction the office rises above the station. From where Dalry Road bridges over the railway (view 10) the new building would form the backdrop to Haymarket Station where currently there is sky. In these views the new office will provide an alternative backdrop to the station. However, on balance it is considered that the impact is neutral. The key approaches to Haymarket Station from the east are preserved and the station is read in its original context.

Historic Environment Scotland have expressed concern with the relationship of the new building with the setting of the Station Building. They also advise that the impact on closer views is likely to be more damaging. Additional closer views were provided and Historic Environment Scotland consider that within these closer views there would be a negative impact on the setting of the Station. It is acknowledged within the consultation response that the new building would not impact on the more significant long view of the Station from West Maitland Street. HES conclude that the proposed new building does not raise significant enough historic environments issues for them to object to the application.

Any alteration to the size and massing of Rosebery House will have an impact on the setting of Haymarket Station. In considering this impact the most significant views are those in approach from the east. It has been demonstrated in the application that these views are retained and the significant setting of Haymarket Station is maintained. On balance it is considered that the redevelopment of the site at Rosebery House is acceptable in terms of the setting of Haymarket Station.

### **Other Listed Buildings**

There are also listed buildings surrounding the site including Ryrie's, Distillery Lane (including former chimney) and properties on Rosebery Crescent. The immediate setting of these buildings is of a tighter urban context and they form an important relationship with the A Listed Haymarket Station. The relationship between these listed buildings and the proposed new office development will result in an altered setting for these buildings but is not one which is considered to result in harm to these buildings' setting.

Given that there would be potential harm to the setting of the A listed Haymarket Station, in terms of the above legal tests consideration is required to be given to whether there are significant benefits that justify the development in this particular location; and if so, does this outweigh any adverse impacts.

There are significant economic benefits from the proposed redevelopment of this site. Office developments within this area don't currently command prime rents in comparison to other city centre locations and newer office developments. An office building of advanced age with outdated facilities would be replaced by a modern office development in a strategic location. The new development would be expected to generate an uplift of 888 full time equivalent posts. In addition, it is expected that there would be an increase of £63.4 million GVA per annum (2019 prices) to the local economy. The strategic location at a transport hub reinforces the potential for these economic benefits to be delivered. This gives some weight to the argument that these benefits can only be delivered at this location.

The revised scheme for the smaller building at this location has sought to balance the economic requirements of the delivery of an office scheme in this location with the impacts on the setting of the listed building.

In its operation, the building would be net zero in its operation and would contribute to the Council's objective of being a net zero carbon city. This objective is reinforced by the highly accessible location which will promote sustainable travel modes. The net zero measures are however more expensive to implement than an equivalent building meeting the building regulations.

## **Conclusion in relation to the listed building**

In considering the Planning (Listed Building and Conservation areas) (Scotland) Act 1997 it is considered that whilst there is an alteration to the setting of the Category A Listed Haymarket Station in specific views that there is not a negative impact.

### **b) The proposals comply with the development plan.**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 - Liveable Places Policies 14,15,18 and 19
- NPF 4 - Productive Place Policies 26 and 27
- LDP Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 11;
- LDP transport policies Tra 2, Tra 3 and Tra 4.
- LDP delivery policy Del 1 and Del 2; and
- LDP employment policy Emp 1, Emp 9 and Emp 10.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 4.

### **Principle of Development**

NPF 4 Policy 27 supports the development of sites within city centres for developments which generate significant footfall including office developments. This is further strengthened through LDP policies Emp 1 (Office Development) which supports high quality office development located in the city centre. The policy recognises the importance of office-based businesses in providing jobs and contributing to economic growth. The city centre is a prime location for office space due to proximity to other office, service and transport hubs.

LDP Policy Del 2 (City Centre) supports development in the City Centre which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

The proposal complies with NPF 4 policy 27 and LDP Policy Emp1 and Del 2 through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

## Character and Appearance of Conservation Area

NPF 4 Policy 7 (d) seeks to ensure that development proposals affecting conservation areas should ensure that the character and appearance is preserved or enhanced. In particular the character of the area, existing density, built form, layout and context should all be considered in the assessment of proposals.

The site lies out with both the New Town and Coltbridge and West Coates Conservation Area but has a direct relationship to the setting of these areas.

The New Town Conservation Area Character Appraisal identifies the key characteristics as:

- grand formal streets lined by fine terraced buildings expressing neoclassical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;
- the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and • the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.

In particular it is stated that "*The New Town has very consistent heights and a cohesive skyline and is particularly susceptible to buildings that break the prevailing roof and eaves height and impinge on the many important views. It is also important to protect the character of the Conservation Area from potentially damaging impact of high buildings outside the Conservation Area.*"

The Coltbridge and Wester Coates Conservation Area Character Appraisal identifies the key characteristics as: -

- the defined relationship between the edge of the conservation area and the New Town Conservation Area;
- views and vistas in and around Donaldson's School are an important feature;
- spatial structure is dominated by the set piece of Donaldson's School and a rectangular street grid occupied by large, detached and semi- detached villas in generous feus.

The key aspect of the impact on the setting of the Conservation Areas is in the increase in height of the building (when compared to the existing situation) and the disruption this causes to the skyline and vistas from within the Conservation Area. The impact on the New Town Conservation Area is considered to have a greater weight than the impact on Coltbridge and Wester Coates given the separation from the site.

The proposed building height is approximately 24.9 metres higher than the existing building on the site and approximately 19.4metres higher than the adjacent tenements which form the southern edge of the New Town Conservation Area. A Townscape and Visual Impact Appraisal (TVIA) has been submitted to support the proposals.

The proposals have been reduced in height from the original submission to lessen the difference in overall height between the site and the adjacent conservation area. Whilst out with the conservation area it is important to consider the relationship the building has with the conservation area.

The development site sits within the background of a commercial area which is distinctly different to the tenemental style of the conservation area. The site is also set back from the southern building line of Haymarket Terrace which reduces the overall impact on the conservation. The presence of a key transport interchange also signifies the difference in the character of these areas. These factors all combine to support the form and massing of a building of the scale proposed. It is considered that the proposed development will not have an adverse impact on the setting of the conservation area.

### **Sense of Place, Design and Sustainability**

The Haymarket Urban Design Framework (HUDF) was approved in 2008 and provides a context for future proposals for the redevelopment of sites within the wider Haymarket Area. However, it has generally been superseded through revisions to Local Development Plan Policy (refers to Central Edinburgh Local Plan 1997) and the Edinburgh Design Guidance. The delivery of the tram interchange within this area also alters the significance of this document. The HUDF does identify the application site as a development opportunity.

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

### Height and Design

In terms of general character, the site lies within the heart of Haymarket. The area is characterised by tenemental buildings mixed with office development at a scale of four to five storeys. LDP Policy Des 1 - Design Quality and Context, states that a proposal should demonstrate how it will contribute towards a sense of place. Design should be based on an overall concept that draws upon positive characteristics of the surrounding area. The design justification for the increased height is predicated on scheme viability and a maximisation of the development plot.

The proposed height of the development has been altered to address the previous concerns regarding the impact on the surroundings and character of the wider area. The proposed scale and massing of the building will be a significant alteration on the current building height. In considering the capacity of the site to accommodate a building of this scale and massing a visual assessment was submitted in support of the proposals.



Viewpoints 7, 8 and 9 illustrate the views of the development from the south of the site. Viewpoint 8 from Distillery Lane illustrates the changes that have been made to the scheme to alter the elevational treatment and break the long continual elevation that was previously proposed. The breaking up of the mass and articulation of the elevation reduces the overall impact of the proposals within this view. The proposal creates a new visual focus in outward views to the west from the city centre.

LDP Policy Des 4 part d) considers whether the materials and detailing are appropriate to the context. The section of the Haymarket Terrace elevation seeks to introduce an articulate and refined response to the street. This combined with the revised elevational treatment to the southern elevation provides a more rounded and complete building. The proportions and detailing of the building responds positively to the context.

LDP Policy Des 11 - Tall Buildings - Skyline and Key Views - states *that permission will only be granted for development which rises above the building height prevailing generally in the surrounding area where;*

- a) *a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use;*
- b) *the scale of the building is appropriate in its context;*
- c) *there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.*

Whilst the proposed development when viewed from Wester Craiglockhart Hill does not obstruct St Mary's Cathedral, the Caledonian Distillery Chimney or Donaldson's Hospital, it does introduce a sizeable middle ground element in the context of these landmarks, which is notable by the height mass and scale of the southern elevation.

The scale and form of the building has been reduced and refined to ensure that there is not a single massing evident within the longer viewpoints. The proposals will not impinge on the skyline and are considered appropriate within the city skyline.

### Layout

In comparison with Rosebery House which largely sits behind a wall on Haymarket Terrace, the proposed building would have a better relationship with the street and tram stop area through the formation of a widened footway and entrance which opens directly onto this space. This is in accordance with Policy Des 7 - Layout Design which seeks layouts which encourage walking and cycling. In relation to layout, the requirements of Network Rail on queue management for the station when large events are taking place, is discussed below. The building position along the western boundary will be pulled back from the existing building line and will widen the footpath within this area.

## Conclusion

There is an improvement to the layout of the site in comparison with the existing situation. The design and form of the key public elevation on Haymarket Terrace frontage is attractively designed. The proposal will be a significant alteration within the townscape of this area. This design response is considered appropriate within this city centre location at a key interchange. NPF 4 in its overall strategy supports higher density development which will help to sustain public transport and support local living. The redevelopment of this site as a higher density development supports these principles.

## Sustainability

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient and office space.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The applicant has submitted an additional supporting statement which provides commentary on the design of the proposals to achieve Net Zero Carbon in operation. The provision of a net zero building supports the Council's wider aspirations for net zero. The building would be fully electric and will reduce energy use through the use of heat recovery on the ventilations systems, low carbon heating and cooling through reversible heat pumps and photovoltaics on the roof. In addition the design has been revised to reduce glazing and incorporate solar shading elements into the façade. Opportunity would be taken to reuse and recycle materials from the demolition where possible.

The site is in a very sustainable location with access to a range of public transport options and linkages to existing and emerging active travel routes.

NPF Policy 3 seeks to protect and enhance biodiversity. It is acknowledged that there are limitations due to the constraints of the site and urban character of the area. However, the scheme has been adapted to include bird and bat boxes and incorporate native planting species within the new terraces. This will result in a net gain for the site from the existing condition.

## **Heritage Assets**

### World Heritage Site

The site lies out with but adjacent to the Old and New Towns of Edinburgh World Heritage Site (WHS). Policy ENV 1 - World Heritage Sites - seeks to ensure that development which would harm the qualities of the World Heritage Site should not be supported.

The potential impact on the WHS has been considered in the consultation response from HES who advise that there is limited impact on the approach to the WHS although there would be an impact on the views down Rosebery Crescent. Edinburgh World Heritage advise that the visual information submitted is insufficient to fully address the potential impact on the WHS. Drawing together the consultation advice and an assessment of the proposals it is considered that the proposed development does not have an impact on the Outstanding Universal Value of the World Heritage Site.

### Archaeology

The site is acknowledged as being within an area of archaeological importance. The previous construction of an office on this site will have had an impact on archaeological remains. However, there still remains for archaeological remains to be present on site and should planning permission be granted then a condition requiring archaeological investigation and recording by a professional archaeological organisation should be attached.

### **Residential Amenity**

LDP Policy Des 5 - Development Design - Amenity - seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

### Daylighting and Sunlight

#### Daylight

The site lies immediately opposite a traditional residential tenement which fronts on to Haymarket Terrace. There is a distance of 35 metres between the proposed new building and the existing tenements. The height of the new building opposite the residential properties will result in an increase of 19.4 metres at the highest point. The applicant has submitted a Daylight and Sunlight Assessment for the proposed development. This information was updated following the submission of the revised information. The potential adverse impact on daylight and sunlight has been raised in a number of the letters of representation received from residents within the tenements.

The information submitted in support of the application illustrates that when considering daylight and using the Vertical Sky Component (VSC) a total of 22% of windows across the range of properties fail this assessment. The majority of the windows to the south of the application site comply with the VSC component with only 1 window on Dalry Gait failing the VSC but passing the Average Daylight Factor (ADF). In comparison the properties along Haymarket Terrace and in particular along the central section range from 43% to 88% of windows passing the VSC.

The Edinburgh Design Guidance states that the layout of buildings in an area will be used to assess whether the proposed spacing is reasonable. The guidance also states that in more sensitive and densely planned parts of Edinburgh where development results in VSC reductions not meeting the guidance ADF calculations may be required by the Council. In this case because many windows fail the VSC test ADF calculations have been provided by the applicant.

The applicant has submitted supporting information within the daylight assessment report of the ADF Analysis. This analysis has confirmed that all of the windows have satisfied the ADF calculations.

The reduction in overall building height and the building being set back from the traditional building line along Haymarket Terrace assists to mitigate the impact of the new development.

### Sunlight

There are no impacts on private amenity space from the proposed development.

### Privacy/Overlooking/Outlook

The pattern of a development within an area will influence the acceptable level of privacy and outlook that should be afforded to any properties. The proposed new development is positioned on the same building line to the north and maintains the same relationship to Haymarket Terrace at lower levels. There are no adverse implications on privacy from the proposals.

However, through the increase in height to such a degree it is considered that there will be an impact on the outlook from these properties arising from the development. To the south and beyond the railway line there is less of an impact on outlook. Whilst there is an impact on outlook due to the size of the building, the immediate outlook of the residential properties is considered to be acceptable.

### Noise

The site is located within the city centre adjacent to existing key transport hubs that come with a level of noise expected within the city centre. Any noise from the proposals would be limited to any plant requirements and if committee were minded to grant planning permission an appropriate condition could be attached to cover this matter.

### Ground Contamination

The site has been previously developed and there is the potential that a contaminated land report would be required. Should the committee be minded to grant permission then a condition covering contaminated land matters could be attached.

Overall, it is considered that by virtue of the proposed height of the proposed development there would be an adverse impact on the proposed amenity of the adjacent residents contrary to LDP Policy Des 5 Development Design - Amenity and the Edinburgh Design Guidance.

## **h) Road Safety and Infrastructure**

### Access and Traffic Generation

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The Roads Authority requested that the application be continued to address some minor matters. These include inter-relationship between the site access and Haymarket Yards. Should the application be approved this could be further address with the applicant through condition. The level of parking has been reduced on site from 28 spaces to five EV spaces and three disabled spaces. The level of parking proposed is acceptable and complies with policy.

Edinburgh Trams have been consulted on the application and generally welcome the proposals subject to technical matters including asset protection and construction requirements.

### Cycle Parking

LDP Policy Tra 3 - Private Cycle Parking - requires that developments make provision for cycle parking levels that comply with the levels set out in the Edinburgh Design Guidance. The development provides for 220 cycle parking spaces within the basement area of the building. The level of cycle parking complies with the Edinburgh Design Guidance. In addition, there would be Drying rooms, a cycle workshop area, lockers, changing areas and showers.

Should Committee be minded to approve the application it is recommended that a condition is attached to introduce a greater variation in cycle storage provision.

### Infrastructure Requirements

The application if approved would be required to contribute £761,754. to the Edinburgh Tram in accordance with the Developer Contributions Guidance. This is based on the new additional floor space created. A legal agreement would be required to secure this contribution.

### Network Rail

Network Rail are a consultee to the application due to the proximity to the operational railway and interaction with Haymarket station. Network Rail have objected to the application on the basis that the proposals will reduce the ability for queue management at Haymarket Station when large scale events take place within the city. The developers have offered a stepped access to mitigate the loss of the queue system. However, this has been rejected by Network Rail as an unmanageable situation. No agreement has been reached between the parties.

This an operational matter for the station to resolve with the applicants and current owners of the site.

## Conclusion in relation to the Development Plan

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes. Due to the revised design and massing it is considered that the proposal is of an acceptable form for this key city centre location.

### c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

#### Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

The revised proposals were advertised and re notified. A summary of the representations is provided below:

#### *material considerations*

- Design inappropriate through scale and massing and visual appearance;
- Impact on historic skyline.
- Outdated design which reflects brutalist buildings;
- Materials are inappropriate.
- Unacceptable impact on the setting of the listed Distillery Lane Tower and Haymarket Station;
- Adverse impact on the heritage assets within the City - a threat to the UNESCO World Heritage Site;
- Adverse impact on the conservation area
- Contrary to policy ENV 1 on the World Heritage Site
- Contrary to policies DES 4, DES 5 and Des 11 of the Local Development Plan.
- Proposals fails to enhance the character of the area contrary to Policy DEL 2
- Proposals based on Councils Commercial Needs Study 2018 - pre- pandemic and should be updated to consider now.
- Query demand for new office space post the pandemic

- Impact on privacy
- Loss of sunlight and daylight to neighbouring properties
- Reuse of the existing building should be the priority - demolition of the existing buildings is not a sustainable - waste of embodied carbon
- Not in line with the Councils Climate Strategy 2030
- Increase in traffic and congestion.
- Noise and air pollution retention within the street
- Not enough parking spaces for so many staff
- Careful consideration to drainage required.

### **Non- Material**

- Noise/ dust and disturbance from proposed demolition and construction works.
- Remove view.
- Impact on access to private parking area
- Reduction in value of property
- Impact on amenity of adjacent commercial operations - driving rents down in the area
- No Good Neighbour Agreement in Place
- Impact on Views
- Access for Rugby Fans.

### **Support**

- Reduced parking.
- Electric charging.

### **Dalry Community Council - Objects to the scheme**

- Impact on residents - Size and scale
- Change to the appearance of Caledonian Village
- Scale and height
- Lack of public realm/public space
- Architectural quality
- Proposal contrary to LDP policies Des 1, Des 4, Des 8, Des 11 and Env 1

### **West End Community Council - Objects to the Scheme**

- Proximity to the Conservation Area and World Heritage Site
- Proposed height dwarfs the residential tenements.
- Traditional materials should be considered.
- Adverse impact on daylight and sunlight
- Impact of plant on upper floors
- Light emissions from large, glazed area.
- Are photovoltaics appropriate near to the World Heritage Site

### **Conclusion in relation to identified material considerations.**

The proposals do not raise any issues in relation to other material considerations identified.

## Overall conclusion

The proposal would deliver a modern office which would be net zero carbon in its operation and therefore highly sustainable. Due to its size the building would deliver considerable economic benefit. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

The building is near to the Category A Listed Haymarket Station which is an important building within the Haymarket area. In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, there is a strong presumption against granting planning permission if there is harm to a listed building or its setting.

The building height and form has been revised to reduce the impact on the setting of the A Listed Haymarket Station. The revised proposals are not considered to have an adverse impact on the setting of the A Listed Building.

The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal complies with Edinburgh Local Development Plan (LDP) Policy Emp 1 - Office Development and Del 2 - City Centre through the creation of a high-quality office development in the City Centre, and most notably within an area which is highly accessible by sustainable transport modes.

There are no material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and



- b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
- 4. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials shall be submitted to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
- 5. Prior to the occupation of the development a scheme for the inclusion of 20% non- standard cycle parking spaces shall be submitted and agreed with the Planning Authority and the cycle parking as approved installed.

### **Reasons**

- 1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2. In order to safeguard the interests of archaeological heritage.
- 3. Due to the previous nature of the site.
- 4. In order for the Planning Authority to consider further.
- 5. In the interest of sustainable travel.

### **Informatives**

It should be noted that:

- 1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Transport

- the sum of £761,754. to the Edinburgh Tram.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 22 July 2021**

**Drawing Numbers/Scheme**

1- 9, 10-15a, 17a, 18a, 19b,20a, 21a, 22

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Elaine Campbell, Operations Manager - Development Management  
E-mail: [elaine.campbell@edinburgh.gov.uk](mailto:elaine.campbell@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: West End Community Council  
COMMENT: Object to the proposals.  
DATE: 27 August 2021

NAME: Gorgie Dalry Community Council  
COMMENT: Object to the proposals.  
DATE: 16 August 2021

NAME: Historic Environment Scotland  
COMMENT: Do not consider that the setting of Haymarket Station or the OUV of the World Heritage Site would be significantly diminished that would warrant objection. Further clarity of visuals required.  
DATE: 27 August 2021

NAME: Archaeology  
COMMENT: Condition required.  
DATE: 19 August 2021

NAME: Economic Development  
COMMENT: It is estimated that the proposed development would support approximately 1,392 FTE jobs and £99.3 million of GVA per annum (2019 prices), compared to 504 FTE jobs and £35.9 million of GVA per annum (2019 prices) supported by the existing building if fully let: an increase of 888 FTE jobs and £63.4 million of GVA per annum (2019 prices). The development would deliver a modern office building in a strategic location.  
DATE: 2 August 2021

NAME: Edinburgh Trams  
COMMENT: Edinburgh Trams welcomes the development. Technical aspects to be addressed directly with applicant.  
DATE: 29 July 2021

NAME: Edinburgh World Heritage  
COMMENT: Additional visuals required to assess the proposals.  
DATE: 13 September 2021

NAME: Network Rail  
COMMENT: Network rail object on the grounds that the proposals as it stands could adversely affect the operation of neighbouring Haymarket Station and the public transport network during special events.  
DATE: 12 August 2021

NAME: Gorgie Dalry Community Council  
COMMENT: Maintain objection.  
DATE: 17 December 2022

NAME: Network Rail  
COMMENT: Maintain objection to the scheme.

DATE: 28 December 2022

NAME: Archaeology  
COMMENT: Maintain previous comments.  
DATE: 28 December 2022

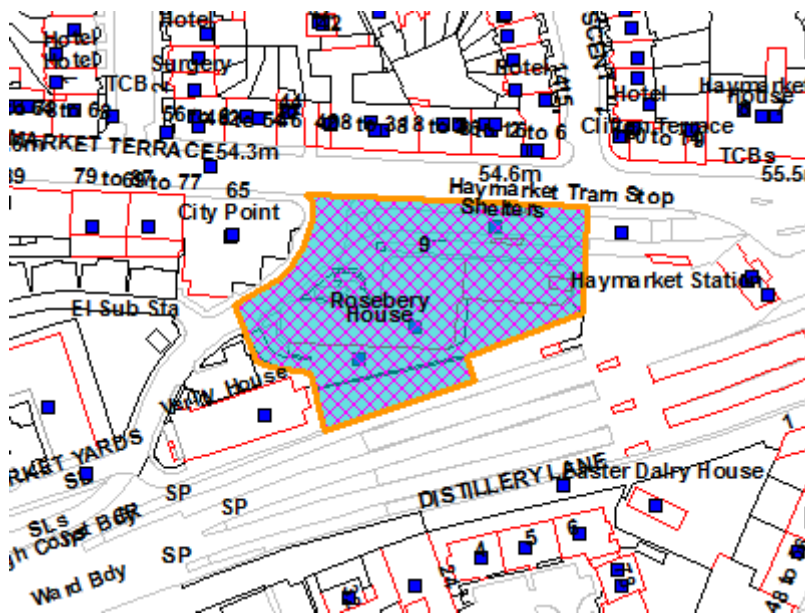
NAME: Economic Development  
COMMENT: Maintain previous comments.  
DATE: 29 December 2022

NAME: Historic Environment Scotland  
COMMENT: Do not object but have concerns on the local views of Haymarket station.  
Significant long views are unaffected.  
DATE: 1 March 2022

NAME: Edinburgh Trams  
COMMENT: No change to previous comments  
DATE: 28 December 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee Report

**Friday 17 March 2023**

**Application for Planning Permission  
20 Haymarket Yards, Edinburgh, EH12 5WU**

**Proposal: Demolition of existing buildings and erection of mixed-use development comprising hotel (class 7) with ancillary cafe, office (class 4), and associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing and access.**

**Item – Committee Decision  
Application Number – 22/04595/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

This application has been referred to the Development Management Sub-Committee because the Section 75 Contributions as in excess of £250,000 and the redevelopment of the site is of wider public interest. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict. The proposals will deliver a sustainable and well-designed office and hotel scheme that will contribute to climate mitigation and adaptation and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place. Although the proposal will increase whole life carbon emissions, the densification of use in a city centre location will lead to significant per capita carbon savings. Although the development will have some adverse impacts on neighbouring amenity, the major economic and sustainability benefits of the scheme lead to the conclusion that on balance, the proposal is acceptable.

## SECTION A – Application Background

### Site Description

The application site is 0.59 hectares with a vacant 3 storey, 4,831sqm office built in 1998.

The office is built on the site of the former railway goods yards associated with Haymarket Station constructed in the early 1840's. Herdman's Flour Mill, a 7 storey 1920s building stood on this site until it was closed and demolished in 1968.

The site levels sit at 50m AOD, 5m below Haymarket Terrace, adjacent to the tram line and railway, rising gradually towards Haymarket to the east. The site is 4 minute's walk from Haymarket station.

The existing building is clad in sandstone and buff brick with grey steel windows and slate roof tiles. The office has a horseshoe layout with car parking in the front courtyard.

The site includes soft landscaping, 25 semi-mature pine and birch trees around the perimeter and an electricity substation on the eastern boundary. Haymarket Yards currently has two lanes in bidirectional use.

The adjacent uses are primarily office developments however residential tenements are located to the north of the site on Haymarket Terrace. There is also a consented Purpose Built Student Accommodation (PBSA) (application reference 21/04413/FUL) scheme planned on a vacant plot immediately north of the existing office.

The site is not within a conservation area, however the boundaries of the New Town Conservation Area and World Heritage Site, lies to the north of Haymarket Terrace. Coltbridge and Wester Coates Conservation Area lies to the north and west of the wider Haymarket Yards area.

There are a number of listed buildings near to the site, including:

- the Category A listed Haymarket Station (listed 27 October 1964, reference LB26901).
- 1 - 40 Coates Gardens which are category B listed (listed 25th February 1965, references LB28565 and LB28567)
- Distillery Lane Easter Dalry House And Boundary Wall is category B listed and south of Haymarket Station (listed 8 May 1975, reference LB 26824)
- Distillery Lane and Dalry Road, Caledonian Distillery are category B and are also to the south. Included are former warehouse buildings and a 90m high former chimney (listed 26 October 1989, LB26811).
- Haymarket Terrace, Ryrie's (formerly Haymarket Inn). This is a category B listed public house (listed 9 February 1993, reference LB 26926).

### Description of the Proposal

## Summary

The proposal is for the redevelopment of the site to form a new 10 storey office development and separate 9 storey hotel development with associated landscaping. The existing office building on the site would be demolished and all landscaping will be remodelled including the removal of 25 trees and 20 parking spaces.

## Office building

The proposed Class 4 (use) 21,922sqm 10 storey office will have a height of 92m (Above Ordnance Datum) with access off a new public plaza.

The office building will have an expressed frame composed of a green 'terrazzo' granite chipping pre-cast concrete fins and infilled with a pre-coated aluminium curtain walling system, including back-painted glass spandrels, profiled metal fins, flush metal panels and glass.

## Hotel building

The Class 7 (use) 197 bed 9 storey hotel will be 84m tall (Above Ordnance Datum) with access off the central plaza.

The hotel will be finished in a pale buff brick facade with flush pre-cast concrete datum courses infilled with a pre-coated aluminium window system including flush metal spandrel panels, projecting balconies and balustrade elements. Architectural metalwork will be finished in a bronze tone.

## Landscaping/Amenity

The hard landscaping scheme includes a new public plaza, timber seating and widened 4 metre shared use path adjacent to a redesigned street with single lane section. The material palette includes a combination of granite slabs and whin stone kerbs.

Soft landscaping proposals include 'rain garden' sustainable urban drainage systems (SUDS) and semi-mature tree planting.

The office will combine roof terrace amenity space with 4 south-facing internal 'winter garden' social areas.

The electricity sub-station will be relocated from an external standalone unit in the east of the site to an internal ground floor plant room within the hotel.

## Access

Haymarket Yards is currently a 6 metre wide two lane bi-directional close with access to existing car parks serving a number of businesses. The proposed treatment involves the narrowing a section of the carriageway to 3 metres with a 6 metre wide two lane 'passing place' to the West. The eastbound traffic signal has been relocated to the Western two lane passing place. This allows movement either eastbound-only or westbound-only at any one time along the single carriageway section depending on the traffic signalling. The tramline or tram signalling will remain unchanged.

The west end of Haymarket terrace will remain two lanes with access to existing offices and car parks.

### Services

Delivery and maintenance vehicles can access the service entrance to the rear/west of the office via Haymarket Yards and the public realm has been designed to allow access for emergency services. The hotel can be serviced via an off-carriageway loading bay on Haymarket Yards.

### Car/Cycle Parking

The office proposal includes 4 parking spaces with 7kw electric vehicle charging capability and 1 accessible parking bay. The hotel is parking-free, however, there is level access from Haymarket station by foot.

The office will have space for 14 motorcycles and the hotel will have space for 1 motorcycle.

The office will have 160 internal, secure, ground-floor cycle parking spaces with storage space for non-standard cycles alongside employee changing facilities.

The hotel will have 20 internal, secure cycle parking spaces at lower ground level with storage space for non-standard cycles.

Twenty-four external cycle spaces will be included in the public realm for office and hotel visitors.

### Energy-efficiency measures

The proposal will be carbon net-zero in operation by virtue of a highly insulated built fabric, solar PV array and air source heat pump (ASHP) renewable heating system in the roof plant.

### Demolition

The existing office will be dismantled in order to retain and reuse existing materials such as stone and windows for use on other construction schemes. Brick and concrete will be crushed and recycled. All metal elements will be recycled.

### **Supporting Information**

- Heritage Statement/Conservation Plan.
- Planning Statement.
- Sustainability Statement with Carbon Assessment.
- Town and Visual Impact Analysis, including verified views.
- Design and Access Statement.
- Daylight, privacy, and overshadowing information.
- Tree Survey.
- Public Realm, landscape, and amenity terrace plans.
- Surface water management information and S1 Form.
- Archaeological Statement.



- Transport Statement.
- Waste management information; and
- Bat survey.

### **Relevant Site History**

21/05661/PAN

20 Haymarket Yards

Edinburgh

EH12 5WU

Redevelopment of site for mixed-use development (two buildings) comprising hotel (class 7), office (class 4) and café (class 3) use, with associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing, and access.

Pre-application Consultation approved.

8 November 2021

### **Other Relevant Site History**

Planning Application 21/03756/FUL

Demolition of existing and proposed new-build officer development (class 4) with associated ancillary uses, public realm, landscaping, and car parking.

9 Haymarket terrace, Edinburgh.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland

Flood Prevention Service

Environmental Protection

Network Rail

Archaeologist

Economic Development

Scottish Water

Scottish Power

Roads Authority

West End Community Council

Edinburgh World Heritage

Edinburgh Trams

Police Scotland

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 28 September 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 6

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

## Assessment

To address these determining issues, it needs to be considered whether:

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

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

- *identify the historic assets that might be affected.*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

The listed buildings affected to any significant extent by this development in terms of setting comprise Haymarket Station and those at 1 - 36 Coates Gardens.

### Haymarket Station

The existing setting of Haymarket station includes the 5-storey sandstone tenement block along Haymarket Terrace, the 7 storey Haymarket Hub hotel opposite the station entrance and the 5 storey City Point office block on the corner of Haymarket Yards.

The setting on the approach from the east is of the Station building set squarely at the end of a vista with limited buildings within this setting. Its setting includes the vista along Atholl / Coates Place and West Maitland Street. The listed chimney stack can be seen behind. There are some low-rise buildings around the station including the listed Ryrie's pub, the nearby Dalry colonies and the station's own extension.

The proposed office and hotel at 20 Haymarket Yards are set back by 200 metres from the primary frontage of the station, such that they will have a moderate but acceptable impact on the setting of the building. The hotel, which would be sited nearer to the station, is 8 metres lower than the office, further ensuring a more subservient setting to the station.

The hotel has been reduced in height by a storey since pre-app stage and the roof plant has also been set back and partially relocated internally to improve the articulation of the roofscape. The roof plant of the proposed office has also been set back since pre-app stage but will stand proud of the vertical framing surrounding the 10th storey. The plant will be enclosed by perforated steel screening specified to colour match steel elements of the building elevations. The visual impact of the roof plant is considered acceptable.

The proposed redevelopment of the 1970s Rosebery House office block on Haymarket Terrace is currently being assessed (application reference: 21/03756/FUL)). The current proposal is for a 7-8 storey stepped office block within the immediate setting of Haymarket Station. If this development was built, it would alter the setting of the station and block out views of the 20 Haymarket Yards proposal if one was facing the station's principal elevation, as shown in the Verified View from Morrison Street/West Maitland Street.

Historic Environment Scotland does not object to the proposal. They contend that while the proposed redevelopment of Elgin House (and cumulative impact with Rosebery House) would have some impacts on the historic environment, they do not consider that the development would result in major impacts of national significance to the setting of Haymarket Station or the Outstanding Universal Value of the nearby World Heritage Site.

### Coates Gardens

1 - 40 Coates Gardens, completed in 1876, comprise two rows of B listed 2 storey ashlar sandstone terraces with polished dressings and large bay timber sash windows. They form part of the New Town Conservation Area and World Heritage Site which is a planned urban concept characterised by Georgian formality. Facing southwards down the sloping cobbled street, the 5 storey sandstone tenement block lining the south side of Haymarket Terrace forms the immediate setting of Coates Gardens.

The proposal would rise up to the south of this tenement block and the hotel primarily would become visible from Coates Gardens. Given the level difference between Haymarket Terrace and Haymarket Yards as well as the revised building height, the proposal creates a moderate but acceptable stepping up from the existing tenement block setting of Coates Gardens, and the proposed buff brick contributes to the existing sandstone palette.

### Other listed buildings

There are also listed buildings surrounding the site including Ryrie's and Distillery Lane (including the B listed chimney stalk). Although the setting of these buildings would be altered, it is not considered that the proposal would do harm to these historic assets, given the evolving townscape of the Haymarket area.

### ***Conclusion in relation to the listed building***

In view of the Planning (Listed Building and Conservation areas) (Scotland) Act 1997, it is considered that the moderate impact on the wider setting of the Category A listed Haymarket Station and the B listed terrace on Coates Gardens is considered acceptable.

### **b) Compliance with the Development Plan**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 climate and nature crises policies 1, 2, 3 and 9.
- NPF4 historic assets and places policy 7.
- NPF4 successful places policies 14 and 15.
- NPF4 infrastructure policy 18.

- LDP environment policies Env 12 and Env 16.
- LDP Des 1, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8 and Des 11;
- LDP transport policies Tra 2, Tra 3 and Tra 4;
- LDP delivery policy Del 1 and Del 2; and
- LDP employment policy Emp 1, Emp 9 and Emp 10.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

### **Principle of use**

The proposed office (class 4) and hotel (class 7) with ground floor cafe is in keeping with the existing commercial employment use in this well connected city centre location in line with LDP Policy Del 2, Emp 1 and Emp 10.

NPF4 Policy 27 supports development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses. The site lies within City Centre as defined in the Edinburgh Local Development Plan (LDP). The proposed mix of uses in this application is appropriate within this urban location.

It is estimated that the existing office could support 422 FTE jobs and £35.587 million of gross value added (GVA) per annum (2020 prices) if fully occupied.

By comparison, it is estimated that the proposed redevelopment could support 1,710 FTE jobs and £139.866 million of GVA per annum (2020 prices) if fully occupied.

This represents a net increase of 1,288 FTE jobs and £104.279 million of GVA per annum (2020 prices).

The existing office building is no longer commercially fit for purpose with regard to high quality workspace and amenity areas and does not maximise the potential of this prime site for leasing to more businesses.

The strategic location of this site makes it highly accessible by sustainable transport and as such the proposal would meet a growing demand for modern office and hotel space near a major transport intersection in line with Del 2. The City of Edinburgh's most recent Commercial Needs Study for office space (2018) states the following:

- To support the trend for Edinburgh's economic growth, the city centre would require 248,850sqm over the next 10 years.
- The majority of demand for prime office space is in the city centre.
- The city centre has lost 8,609sqm of office space to other uses over the last decade.
- 86% of existing office stock in Edinburgh is graded 2 or 3 star. This proposal represents a grade of 5 star by comparison.
- Public transport interchanges and amenities are key drivers in identifying city centre locations for development or redevelopment.

The Council's Commercial Needs Study for visitor accommodation (2018) also states that based on estimated growth trends, there is capacity for 7,890 new hotel bedrooms in Edinburgh by 2030 including an estimated 3000 under construction or confirmed.

### ***Conclusion in relation to principle of use***

The proposed development is in accordance with NPF4 Policy 27 as it will enhance and improve the vitality and viability of this area. The sustainable location will allow people to work and stay in city area with access to a major transport interchange in line with LDP Policy Del 2, Emp 1 and Emp 10. This will reduce car dependency and is consistent with NPF4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

### **Climate Mitigation and Adaptation**

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient office space and hotel provision.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The Sustainability Statement submitted assesses a range of carbon emissions caused by the proposal. The new development will have higher whole life emissions than the refurbish/extend option, given the increased density of the new development. The assessment found that the development has the potential to reduce the whole life carbon footprint per person over the 100 year period by 21% per annum compared with the refurbish/extend option. This overall finding suggests that the proposal for a new development is the preferred option.

With regard to net zero ambitions, the proposal will contribute to negating the embodied carbon emissions associated with the new development by introducing a highly insulated built fabric, solar PV array and Air Source Heat Pumps which will produce renewable heating for the buildings, together reducing operational carbon emissions. As above, the increased efficiencies derived from densification will further offset the embodied carbon.

The development site is near the City Centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO<sub>2</sub> and traffic from this development could feed into this AQMA.

The predominantly parking-free development and densified use in a strategic location beside a major transport intersection would lead to travel emission reductions over the existing scenario.

Also, the secure internal cycle parking spaces will encourage active travel behaviour change.

The hotel will have a bio-solar green roof which integrates living plants within the panel array, further improving the building's heat retention while promoting biodiversity.

The proposed development is therefore acceptable with regard to climate mitigation and adaptation as it involves the densification of commercial brownfield land in a highly sustainable location. The replacement of the existing building will significantly improve the energy efficiency and reduce annual per capita whole life carbon emissions compared with refurbishment.

The proposal complies with NPF4 Policy 1, 2 and 9.

### **Flooding and Drainage**

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes permeable paving and swale SUDS to retain surface water run-off.

Surface water will be discharged via gravity to a rainwater harvesting tank with an overflow connection to the public combined sewer and foul water will be discharged to the combined sewer network. Scottish Water raises no objection to the proposal and has confirmed that there is capacity to service the development.

The proposals satisfy the Council's Flood Prevention requirements and LDP Policy Env 21.

### **Biodiversity**

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance.

The proposal involves the removal of the existing 15 Corsican pines, 6 silver birch and 3 gean and a single Deodar cedar. The majority of the trees are category of C by virtue of confined roots, displaying symptoms of stress and low vigour. Some of the perimeter trees are being suppressed by areas of overgrown vegetation surrounding them.

There is a single category B specimen - a Deodar cedar - located to the east of the existing building line. Although this tree displays moderate quality and value, its retention would prevent the entire development of the hotel.

The tree replacement plan includes the planting of 4 heavy standard Honey Locust 'Sunburst' deciduous trees which are resilient to urban conditions, and a single semi-mature London Plane proposed in the centre of the public plaza. A single specimen would provide more opportunity for growth. Plane trees provide seeds which are eaten by local wildlife and birds have been known to nest in their crown.

The proposed living roof areas on the office and hotel will enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates and birds.

Swift and bat boxes have been included in the landscape plan.

The development will therefore support and encourage local biodiversity and have no adverse impact on protected species or significant trees worthy of retention in accordance with NPF4 Policy 3 and LDP Policies Env 12 and Env 16.

### **Design and setting**

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

LDP Policy Des 1 states that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality.

LDP Policy Des 4 also states that proposals should have a positive impact on the character of the area having regards to height, mass, scale and material palette.

LDP Policy Des 11 states that developments which rise above the prevailing building height of the area should have a scale appropriate to their context and should not have an adverse impact on important views of the historic skyline.

### **Existing context**

The immediate townscape character within a 500m radius of the site is largely within the undesignated urban areas of Haymarket. The Gorgie and Dalry townscape to the south is segregated from Haymarket and the application site by the mainline railway line.

Across Haymarket and Dalry there is a perceptible divide in townscape character. North of the mainline railway, the urban structure is defined by large scale buildings and a coarse grain around Haymarket Station, Rosebery House, Haymarket Yards, and the emerging Haymarket Edinburgh (19/02623/FUL). The character of this part of the townscape is given over to transport interchange and commercial uses. There are also tenement buildings on Haymarket Terrace and around the fringes of the Coltbridge and Wester Coates Conservation Area, including a variety of modern residential infill and commercial premises. The variety of forms and uses results in a less unified character, particularly relative to the historic townscapes of New Town Conservation Area immediately to the north.

To the south of the railway, the urban grain is primarily defined by colonies and historic tenement buildings, laid out in rectilinear blocks and crescents. Modern infill development and commercial land uses have somewhat fragmented the urban form across Haymarket and Dalry, creating a varied but predominantly residential character, particularly to the south.



## Sense of place

The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development along Haymarket Yards while creating an active frontage through the addition of a new public plaza and café. Currently the two-lane street serves as an access road only, whereas the proposed widened footway and new south-facing public realm seating area with quality material palette will increase the vitality of this back lane and create a destination.

The proposed buildings display high quality, distinctive architectural detailing and their scale affords them a gateway presence for those entering Haymarket Station by train without dominating the existing townscape.

## Material palette

The office building will have an expressed frame composed of a green 'terrazzo' pre-cast concrete tiles fins, dark/mid grey aluminium elements and glazing which will provide a contemporary contrast to the existing sandstone tenement blocks.

The hotel will be finished in a pale buff brick facade with flush pre-cast concrete datum courses infilled with a high-quality pre-coated aluminium window system including flush metal spandrel panels, projecting balconies, and balustrade elements. Architectural metalwork will be finished in a bronze tone. Horizontal bands of white precast concrete and coloured spandrels will further break down the mass of the scheme.

Whilst brick is not characteristic of the Georgian terraces and Victorian tenements within this area, Haymarket Yards was occupied by brick industrial buildings into the mid-20th century. The proposed buff brick provides a response to this heritage while being sympathetic in tone to the sandstone used in the adjacent City Point office and beyond to Haymarket Terrace.

Modern glazing can also be found in other recent developments within the area such as Apex House, the Haymarket station extension and the Haymarket Edinburgh development, which contributes to a unified commercial centre character.

## Mass, height, and scale

The application site lies within a low-lying part of the city, at approximately 50m AOD which is 5m below Haymarket Terrace where City Point and Apex House are located. The slightly lower-lying position of the Application Site, together with the containment provided by surrounding built form help reduce the prominence of the proposal.

The office building has a broadly cuboid massing, while the hotel building has a triangular prism massing; this differentiation in massing helps to identify both as separate and distinct forms. Both buildings employ setbacks to upper levels to break down the massing as perceived from the surrounding townscape.

The office will be 10 storeys with a stepped plant level. The height of the 10th storey roof frame is 89m AOD and the ridge height of the plant is 92m. The 9 storey hotel is a significant step down towards City Point with a ridge height of 84m AOD which helps tie the development into the existing townscape at Haymarket Terrace.

Although the proposed office will be taller than the neighbouring offices such as the Royal London office (5 storeys), the Council anticipates further densification will take place along Haymarket Yards given its strategic location beside Haymarket station.

The proposal should be understood in the context of the existing and emerging townscape. The application site is part of an existing cluster of taller buildings including the consented student accommodation (76m AOD) and the Apex House (80m AOD). The Rosebery House office redevelopment, if consented, would have a ridge height of 88.5m AOD which is a similar height to proposed office building. The Haymarket scheme under construction has a 95m AOD ridge at its highest point which provides a reference for the Haymarket area as an evolving mixed-use commercial hub.

If consented, this development would be appropriate in its context and would not harm the important views of the historic skyline by virtue of its location within an existing cluster of higher density commercial developments in the Haymarket area.

#### Setting of listed buildings

NPF4 Policy 7 requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. This has been assessed in section a) and the proposals comply with NPF4 Policy 7.

#### Setting of New Town Conservation Area and Outstanding Universal Value of World Heritage Site

Although the site is not located within New Town, the site is just south of the boundary and the proposal would be viewable from Coates Gardens. As such the proposal will form part of the setting of the New Town Conservation Area and World Heritage Site.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the New Town as:

- *grand formal streets lined by fine terraced buildings expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views;*
- *the generally uniform height ensuring that the skyline is distinct and punctuated only by church spires, steeples and monuments; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area.*

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

NPF4 Policy 7 I) only supports development proposals affecting a World Heritage Site or its setting where their Outstanding Universal Value is protected and preserved.

A Heritage Statement has been provided as part of the submission which assesses the potential effects of the proposal in respect of the historic context within the Edinburgh Old and New Towns World Heritage Site and Conservation Areas.

A Townscape and Visual Impact Assessment has also been provided which assesses the modern-day contribution that a development may bring to the existing townscape character.

Due to the slope on Coates Gardens, the proposal would not be visible from the Haymarket Terrace end of the street, however the submitted verified view from the top of Coates Gardens confirms that the hotel and part of the top storey office building frame would be visible to the rear of the tenement block on Haymarket Terrace.

The design response to the upper floors and massing of plant material at roof level has sought to minimise its appearance in views from the EWHS. The height of the hotel has been reduced by a storey and the revised roof expression of the office will allow direct views through the upper building frame which reduces the impact of the overall massing. This reduction in height/mass ensures that the proposal will only display a moderate stepping up to the rear of the existing tenement block. This outcome, when coupled with the use of a sympathetic buff brick on the hotel, renders the proposal an acceptable contribution to the setting of the conservation area.

EWHS does not object to the principle of developing this site on the basis that the existing building does not make a positive contribution to the OUV. However, EWHS suggest that the building heights should be reduced by 2 or more storeys, and the design should respond more to historic local character of the area. Although there may be reasonable townscape grounds for this position, the impact of the upper two storeys is not considered so harmful as to justify a further revision, given the wider commercial setting of Haymarket and the significant economic/sustainability benefits of densifying this strategic site.

#### Coltbridge and Wester Coates Conservation Areas

The Coltbridge and Wester Coates Conservation Area Character Appraisal identifies its key characteristics as having a defined relationship between the edge of the conservation area and the New Town Conservation Area, which is approximately 100m from the application site. This conservation area lies to the north and west of the wider Haymarket Yards area. The proposal's visual impact assessment demonstrates that the proposed height of the office building will not significantly disrupt the skyline and vistas from within the Conservation Area given the location of the proposal within an existing cluster of taller buildings including Apex House. Verified views from Wester Coates Road demonstrate this.

#### Gorgie and Dalry

The verified view from Easter Dalry Road confirms that the proposal will be clearly visible from Caledonian village. Although this is not in a conservation area, Caledonian village has distinct character and material palette including sandstone, render and red brick. The increased height, massing and new building line of the office development will be felt from this viewpoint and the proposed façade detailing will alter the setting of the area. The upper storey and roof level of Haymarket Terrace sandstone tenement

block would no longer be visible if the proposal were built. Because of its location to the south of the railway line, the current view northwards is almost completely unobstructed. In some respects this viewpoint would be one of the most impacted by the proposal compared with other local viewpoints. Yet although the change would not be insignificant, given that the existing view already takes in a cluster of offices including the upper storeys of Apex House - a modern, black, glazed, 7 story block - the change in character is not considered so materially different as to render it unacceptable.

### Protected Skyline Views

The Zone of Theoretical Visibility (ZTV) and Protect Skyline Views map provided demonstrates that the proposal's primary visual impact would be local to the site. There would be limited theoretical visibility beyond a 500m radius of the site. Whilst the proposal does not break the sky space in a Protected Skyline Viewpoint w4b Corstorphine Hill, it contributes to a general increase in scale of and cluster of development to the west of the city centre which is seen set against the backdrop of the Xchange and buildings off Lothian Road, alongside The Haymarket and Rosebery House proposal.

The proposal sits just to the west of the protected sky space and view cone in the view from Wester Craiglockhart Hill to St Mary's Episcopal Cathedral (Protected Skyline View S4a). Taken together with Haymarket and Rosebery House proposals, the area is subject to change that is enclosing the dramatic skyline of the Cathedral's spires rising into the sky space above the western part of the New Town Conservation Area.

The Protected View W5 Castle and St Mary's spires from A8, Corstorphine Road, south of Zoo is shown to be in a slightly different location from the location shown in EDG and this micro-siting is explained in the text. The proposal does not appear to intrude on the sky space however from the location shown.

From Protected View W6c - Castle from Carrick Knowe railway footbridge, the proposal maintains views of the Castle but the backdrop of the National Monument and Nelson Monument on Calton Hill and Balmoral clock tower would be lost, which are nonetheless distinctive features of the skyline. The protected elements of the backdrop of the Castle, the spires of St Mary's and the horizontal line of roofs in west end. In this respect the proposal does appear to rise slightly above the roofline of the Caledonian Hotel as set out in the protected view.

From Protected View C8c/C8d - from Calton Hill, only a narrow horizontal band is visible. It is unclear from visual where the proposal sits. A wireline would help to demonstrate that this proposal will not appear above distinctive profile of roof of Caledonian Hotel - as per the Melville Street view - protected skyline view C15, which is confirmed as a non-view.

Overall, while there will be some impact on Protected Skyline Views, this impact is considered to be fairly minor and therefore the proposal is acceptable and complies with LDP Policy Des 11.

## **Archaeological Remains**

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The submitted archaeological assessment concludes that the site may contain evidence for the early 20th century and 19th century railway goods yard. Accordingly, it is recommended that a programme of archaeological work is undertaken during demolition and development in order to fully excavate and record any significant remains that may survive across the site.

A condition has been attached to ensure that a programme of archaeological work is undertaken during demolition and development in order to fully excavate and record any significant remains that may survive across the site.

The proposed development will have an acceptable impact on the historic assets affected, in accordance with NPF4 Policy 7 c), d), l) and o), LDP Policy Des 1 and Des 4 and will cause no significant harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site or setting of the local area.

The proposal complies with NPF4 Policy 7 and LDP Des 1, Des 4 and Des 11.

## **Coordinated development.**

LDP Policy Des 2 states that developments should not compromise the effective development of adjacent land or the comprehensive regeneration of a wider area as set out in an approved Council brief.

The application site is part of a cluster of modern office developments along Haymarket Yards. Immediately to the north of site is a vacant plot in the centre of a perimeter block, with tenement buildings lining the northern edge of the block along Haymarket Terrace. There is an 8 storey consented purpose built student accommodation (PBSA) planned for this vacant plot. At its closest point, the building line of this consented development would be 1.5m away from the boundary of the application site. This could be seen to compromise the redevelopment of Elgin House. In response to this tight constraint, the proposed office building line has been brought 3m closer to the boundary with the PBSA, but still maintaining a distance of 3m. This is considered a reasonable compromise. The implications of this boundary treatment upon daylighting impacts is discussed in the neighbouring amenity section below.

Although the proposed office building line is close to the rear boundary, the front of the office and hotel respects the existing building line of offices along Haymarket Yard while improving the public realm.

There is a significant level change between the application site and the PBSA site and there is no footway on the south side of the private car park access road which forms the gateway to the student residence. An additional north-south link was not possible. Instead, the proposed 4m shared use path along Haymarket Yards provides an improved pedestrian connection between the new office/hotel and the student housing access road to the east of the application site. An existing controlled crossing allows pedestrians to safely cross the tramline from the station on the south side of Haymarket Yards and join the new shared use path.

The Council's approved Haymarket Urban Design Framework (2009) is a material consideration when assessing this application. The principles of the framework including improving the active travel provision between emerging developments in the area, enhancing the public realm, responding to the character of the area and creating defined urban edges.

In line with the principles of the approved framework, the proposal for a contemporary commercial development at 20 Haymarket Yards takes reference from the changing townscape in the area including the higher density Haymarket Edinburgh mixed use scheme. The choice of materials include glazed facades and granite street paving reflect materials used in the Haymarket Edinburgh scheme under construction.

Although it would be desirable to extend a continuous shared use path of the 20 Haymarket Yards proposal to the junction of Haymarket Terrace in coordination with other proposals, this is not possible due to carriageway width constraints in relation to the tramline and the private ownership of side streets along the Yards.

### **Incorporating and enhancing existing features**

LDP Policy Des 3 states that proposals should demonstrate how existing characteristics worthy of retention have been included in the design.

Although a number of trees will be removed in order to make the development viable, the proposal includes a high quality landscape plan with new public seating areas, café, active travel route and pedestrian-friendly streetscape. This represents a significant improvement on the current conditions and will maximise the south-facing aspect whilst creating an active frontage.

### Layout and Landscape

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle.

LDP Policy Des 8 supports development where all external spaces and features have been designed as an integral part of the scheme as a whole.

The site is in a city centre location within a short distance of local bus stops and within easy walking distance of other modes of public transport, including tram and bus and rail links.

The increased footfall, improved lighting scheme and proposed café will improve public safety and vibrancy.

The proposed 4m shared use path will improve pedestrian access to Haymarket Yards and the redesigned narrowed street layout will create a pedestrian-friendly environment.

The layout affords users with logical access to both buildings from a central plaza which unifies scheme and creates a focal point.

The landscaping scheme includes new timber/concrete seating, 'swale' SUDS and semi-mature tree planting which will deliver a significantly improved amenity space compared with the existing layout.

The material palette includes granite blockwork footways and carriageway, whin stone kerbs and granite slab public plaza. The natural grey tones of the granite will provide a robust yet understated setting for the soft landscape features and will complement the proposed green granite terrazzo and buff brick building façade detailing. The choice of granite in the public realm will be harmonious with the granite used in the Haymarket Edinburgh development under construction. Although Caithness is typically used in the Old Town and sandstone in the New Town, there is more flexibility outside of these designated areas. Quartermile is another example where granite setts (block paving) have been used successfully.

There was an aspiration to include planting along the boundary of the tramline, however the Edinburgh Trams objected to this element on maintenance and safety grounds. The revised proposal includes grass block paving which is a hardstanding permeable surface allowing grass to grow through it. This will be low maintenance while softening the landscape and is acceptable to Edinburgh Trams.

The office will combine a landscaped roof terrace amenity space with two internal 'winter gardens' which is considered an acceptable mitigation measures against the site constraints at ground level and requirement to densify this strategic location next to Haymarket station.

### **Residential Amenity**

LDP Policy Des 5 seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

As this is a proposal for commercial uses, Des 5 only applies to neighbouring residents and does not apply to future occupants of the office or hotel.

### *Daylighting*

A Daylight Assessment has been submitted as part of this application. The assessment identifies two neighbouring properties which will be impacted by the proposal: the consented purpose-built student accommodation (PBSA) (planning reference: 21/04413/FUL) immediately to the north of the application site and the existing Haymarket Terrace tenement block north-east of the site beyond a linear car park.

In line with the Edinburgh Design Guidance, Vertical Sky Component (VSC) and Average Daylight Factor (ADF) calculations have been completed for all potentially affected windows and rooms for both the consented student residential development and the existing tenement using daylight and sunlight modelling.

Edinburgh Design Guidance states that in dense urban locations with limited access to daylight, the Average Daylight Factor (ADF) should be applied as per BRE guidance (2011). BRE guidance states that existing neighbouring bedrooms require an ADF of 1%, living rooms require 1.5% and kitchens require 2%.

Although more recent BRE guidance has been published in 2022 which uses a different methodology for assessing daylight, this has not yet been adopted by the Council and is therefore not a material consideration.

The assessment found that 70 (studio) bedrooms rooms in the PBSA will fail the VSC test as a result of the proposal. Although the proposal is seen to have a negative impact on daylighting with respect to the VSC measure, the assessment found that all windows and bedrooms of the consented student residential building achieve compliance with Policy Des 5a requirements via the ADF method, with the exception of 3 student bedrooms that are directly adjacent to the proposed office building of the 20 Haymarket Yards development. These are studios 2 & 3 on level 3 and studio 4 on level 4.

It should be noted that this is a city centre location with a dense urban grain and it is very common for dwellings in Edinburgh city centre to fail optimum daylighting standards. It should also be stated that many of the rooms in the consented PBSA already failed the VSC standard on the south and north elevation at the time of the planning application.

Regarding the 3 bedrooms which do not meet Edinburgh Design Guidance standards for daylighting, BRE guidance Appendix F states that proposals should not compromise the potential for neighbouring sites to be redeveloped and as such they should share access to natural light in fair manner. At its closest point, the building line of the consented PBSA was proposed 1.5m away from the boundary of the application site. This is considered contrary to guidance and may provide an explanation for the failing rooms.

In response to this, the proposed office building line is 3m closer to the consented PBSA, whilst still retaining a 3m distance from the boundary line and overall distance of 4.5m between buildings. Storeys 6 - 9 in the office have a corner section removed from the north-east floorplan in order to allow more daylight to reach the lower storeys of the PBSA. This is considered a reasonable compromise given the constraints of the site.

Furthermore, as stated in the daylight assessment submitted as part of the PBSA planning application, students are considered to be somewhat more transient occupants who are likely to be absent for considerable periods of the year outside of term time. They will also typically only reside in the dwelling for a single year. The Report of Handling for the PBSA scheme also states that 'the applicant has confirmed that the bedrooms are designed with a desk adjacent to the main window, which means they will receive adequate daylight to this area. (Any shortfall in daylight received) should therefore not be to the detriment of occupier amenity.' For these reasons the anticipated impact on daylighting is considered acceptable.

Regarding the existing Haymarket Terrace tenement block, the proposal would cause 34 rooms to fail the VSC test. As above, this is common in a dense urban location such as this. The assessment found however that all windows and rooms within the block achieve compliance with the ADF method in line with guidance.

### *Sunlight*

A Sunlight Report has been submitted which tests the effect of the proposed development on daylighting levels for neighbouring residential properties.



The consented PBSA has two areas of outdoor amenity. There is a covered entrance area on the ground floor and there is a roof terrace with soft landscaping. The consented covered area will never receive sunshine and the sunlight impact is therefore not applicable. Equally, the proposal will have no impact on the sunlight levels of the PBSA roof terrace by virtue of its location.

The Edinburgh Design Guidance sets out that new amenity areas should receive two hours of sunlight to at least 50% of their area at the Spring Equinox (March 21). The submitted sunlight report demonstrates that the new south-facing public plaza and office roof terrace will receive acceptable levels of sunlight in line with guidance.

#### *Privacy/Overlooking/Outlook*

As above, the closest point between the proposed office and the consented PBSA is 4.5m-6 metres. This section of the office's northern elevation may have an impact on the privacy/overlooking of bedrooms in the PBSA. A privacy screen in the form of opaque glazing has been included in the revised floor plan as a mitigation measure. This will protect the amenity of 20 bedrooms on the south elevation of the PBSA which would have otherwise been impacted.

Although there will be some impact on bedrooms located 8m away from the proposed office, this distance is the same as the relationship between the consented PBSA and the existing Elgin House office at the time of the PBSA planning application. It is therefore considered acceptable without the need for further privacy screening.

The proposed hotel is over 12 metres away from existing residential properties and does not raise concerns given the densely grained city centre location.

#### *Noise*

A Noise Impact Assessment (NIA) has been submitted which looked at noise impacts from transport sources on the proposed development and noise from the air source heat pump roof plant. The NIA has demonstrated that the proposal will have little impact on residential amenity with regard to noise. Some of the hotel plant has been relocated internally which will provide mitigation.

Regarding noise generated from the proposed rooftop, noise can be generated from existing domestic and commercial external amenity spaces at present and planning legislation has no control over the behaviour of future occupiers of the development using these spaces.

#### *Ventilation*

Ventilation extracts would be required to adequately deal with kitchen effluvia from any commercial kitchens. These will need to be terminated at roof level and be capable of achieving 30 air changes per hour in the kitchen area and have a minimum 15m per second efflux velocity at the termination point.

The specification of the café has not yet been determined by the future hotel operator. For this reason, a condition has been added to ensure that if ventilation is required, details are submitted to the Planning Authority for review and approval prior to installation.

### *Ground Contamination*

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

The proposed commercial uses are compatible with the mixed use character of this area and will not lead to an unacceptable loss of amenity for residential properties in the vicinity.

The proposal complies with LDP Policy Des 5.

### Road Safety and Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

### *Access and Traffic Generation*

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal.

The site is in an accessible location within easy walking distance of Haymarket station and a range of city centre amenities. The site is also within walking distance of a tram stop and the City Centre West East Link (CCWEL) cycle route (under construction) which will run along Haymarket Terrace. National Cycle Route 1 and Route 76 currently pass along Haymarket Yards, although NCR1 is being realigned with the forthcoming CCWEL route.

Haymarket Yards is currently a 6 metre wide two lane bi-directional close with access to existing car parks serving a number of businesses. The proposed treatment involves the narrowing of the carriageway to 3 metres with a 6 metre wide two lane 'passing place' to the West of the site. The eastbound traffic signal stop line has been relocated to the Western passing place and a new Toucan crossing will be installed. A condition is recommended to deliver this part of the proposal. This will allow movement either eastbound-only or westbound-only at any one time along the single carriageway section depending on the traffic signalling. The tramline and tram signalling will remain unchanged. This redesign of the street will allow the footway/shared use path to be widened and will also create a pedestrian-friendly environment while maintaining a distinction between the carriageway and public realm by virtue of a 100mm kerb upstand. The existing two-lane street to the west of the application site will remain the same.

The carriageway width between the eastern end of Haymarket Yards and Haymarket Terrace is constrained by the tram line which prevents the introduction of segregated cycling provision.

However, given the width constraints, the proposed shared use path running east-west along Haymarket Yards is considered an acceptable compromise and improvement on the current conditions. Furthermore, it is anticipated that more confident cyclists accessing the proposed development from Haymarket Terrace will remain on the carriageway, while the shared use path can be accessed by the existing controlled crossing for those who require it. This will reduce the number of cyclists using the shared use path. A Stopping Up Order may be required and the necessary authority is sought under Section 207 of the Town and Country Planning (Scotland) Act 1997 to progress this, as necessary.

It is predicted that the proposed office will generate two-way persons trip of 661 during the morning peak (08:00-09:00) and 518 during the evening peak (17:00-18:00) mostly by sustainable transport. The trips resulting from the hotel falls outside the network peak hours (10:00-11:00 and 18:00-11:00). This is considered acceptable and the Roads Authority raises no objection to the proposal.

Network Rail raises no objection subject to condition that a detailed lighting design is submitted and approved in writing by the Planning Authority. Edinburgh Trams had concerns over the loading bay location and junction layout but these issues have since been resolved through a revised design.

An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

### *Car and Cycle Parking*

LDP Policy Tra 2 requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's Parking Standards contain no minimum levels for car parking and the predominantly car free development is a reduction of from 20 to 5 parking spaces. The office proposal includes 4 parking spaces with electric vehicle charging capability, 1 accessible space and 15 motorcycle spaces which is in line with guidance. The hotel will be car free but step-free access is possible from Haymarket station.

LDP Policy Tra 3 requires that cycle parking and storage within the development complies with Council guidance.

The office will have 160 internal, secure, ground-floor cycle parking spaces with storage space for non-standard cycles alongside changing facilities. No more than 50% of this provision will be two-tier.

The hotel will have 20 internal, secure cycle parking spaces with storage space for non-standard cycles.

24 external cycle spaces will be included in the public realm for office and hotel visitors which is in line with guidance.

The proposal complies with LDP Policy Tra 2 and Tra 3.

## *Waste/Servicing*

Waste will be collected via Haymarket Yards and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site with a turning circle at the end car park of Haymarket Yards. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations. The Council's Waste Planning services supports the proposed waste and recycling strategy.

The loading area has been relocated slightly north on Haymarket Yards to facilitate forward visibility to the signal stop line for eastbound traffic. This is to reduce the risk of vehicles trying to pass a service vehicle in the loading area, when there is already a vehicle waiting at the stop line, which would result in blockage of the carriageway for westbound traffic. A minimum 2m footway will be available while the loading area is occupied. The part of the loading area which has been pushed north will be formed as a shared footway, designed to accommodate vehicle loading but will be the same material as the footway, delineated with a kerb - this area will be used by pedestrians when there is no vehicle present.

Although this loading bay is further west than the proposed service entrance to the hotel, this location ensures the central public plaza is not impacted by delivery vehicles. Furthermore, the office has an additional servicing area to the west of the building accessible via new side street.

### **Developer Contribution**

This site falls within the Tram Contribution Zone set out in the Local Development Plan.

The applicant will be required to contribute the sum of £1,901,413 (based on a 197 room hotel and 23,212sqm office in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum is to be indexed as appropriate and the use period is to be 10 years from the date of payment.

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development. They will also be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.

This developer contribution will be secured through a Section 75 legal agreement.

The proposal complies with LDP Policy Del 1.

### **Conclusion in relation to the Development Plan**

The proposed development complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict. The proposals will deliver a sustainable and well-designed office and hotel scheme that will contribute to climate mitigation and adaptation and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place. Although the proposal will increase whole life carbon emissions, the densification of use in a city centre location will lead to significant per capita carbon savings. Although the development will have some adverse impacts on neighbouring amenity, the major

economic and sustainability benefits of the scheme lead to the conclusion that on balance, the proposal is acceptable.

### **c) Other matters to consider**

The following matters have been identified for consideration:

#### **Emerging policy context**

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### **Equalities and human rights**

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The scheme provides accessible access to all uses within the development and there are internal lifts to access all floors. Three accessible parking spaces are provided within the basement car park. Improved lighting design will support prioritisation of women's safety and the proposals are supported by Police Scotland.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### **Public representations**

A summary of the representations is provided below.

#### **West End Community Council**

##### *material objections*

- Impact on World Heritage Site and Conservation Areas
- The absence of a buffer zone makes it difficult to ensure that due deference is paid to the World Heritage site.
- Despite the findings of the Townscape and Visual Appraisal, WECC feel another storey should be removed.
- The material palette including glazed elements do not respond to the heritage character of the area.
- The concrete retaining wall does not reflect the historic materials of the area. The concrete seating is not user friendly. 5G masts should be integrated into the office building. Public safety and anti-social behaviour black spots need consideration.
- Daylight -3 rooms in the recently approved Student Accommodation will be adversely affected (in addition to those already known by the development.

- WECC sees this as an opportunity to promote climate adaptation. The creation of a new District Heat Network would use the waste heat from the offices and hotel. As a bonus, roof level plant could be reduced.
- Noise There is concern that the nearby Student Accommodation and residences on Haymarket Terrace could be adversely affected.
- Sustainability
- Demolition is not justified and would be a waste of embodied carbon

## **Material Comments**

- Design
- Impact on Conservation Area and World Heritage Site
- Inappropriate height, scale, and material palette.
- The scale and form of the development would impact the appearance and setting of Caledonian Village.
- Negative impact on daylighting, privacy and outlook of adjacent residences. Noise and disturbance from the proposed communal gardens and roof terraces
- Road layout prevents access to existing office car parks.

### *non-material comments*

- noise and disruption during construction works.
- impact on daylight and views from neighbouring office blocks.
- Public art developer contribution

Whilst the issues raised regarding the effects of the associated construction works are non-material in planning terms, an informative has been added recommending that the proposed demolition/construction management plan is discussed with adjacent residents to identify possible impacts and mitigation measures.

### ***Conclusion in relation to other matters considered.***

The proposals do not raise any issues in relation to other material considerations identified.

### **Overall conclusion**

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict. The proposals will deliver a sustainable and well-designed office and hotel scheme that will contribute to climate mitigation and adaptation and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place. Although the proposal will increase whole life carbon emissions, the densification of use in a city centre location will lead to significant per capita carbon savings. Although the development will have some adverse impacts on neighbouring amenity, the major economic and sustainability benefits of the scheme lead to the conclusion that on balance, the proposal is acceptable.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. The development to which this permission relates must begin no later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Detailed specification of commercial ventilation extracts shall be submitted to the Planning Authority prior to installation. These should achieve 30 air changes per hour and be ventilated at ridge level and be installed and operational before any use requiring the ventilation is taken up.
3. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. No development shall take place on site until such time as a lighting scheme has been submitted to and approved in writing by the Planning Authority. Any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The lighting scheme shall be carried out only in full accordance with such approved details.
6. Prior to the occupation of Floors 01-05 a screen to prevent overlooking of neighbours shall be implemented in the area indicated by a green dotted line on the floor plan. All privacy screening shall be retained for as long as the building is in use as an office which would include any replacement glazing that may be required during this time.

7. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials shall be submitted by the applicant to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
8. The applicant is to design and upgrade existing traffic signals including provision of toucan crossing on Haymarket Yards on the south side of the proposed development, details of which are to be agreed with the Council, as planning authority. Prior to occupation of either the office/commercial element or the hotel element, whichever is occupied first, the aforementioned works shall be implemented.

### **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect residential amenity.
3. In order to safeguard the interests of archaeological heritage.
4. In order to protect residential amenity.
5. To ensure any lighting associated with the development does not interfere with the safe operation of the rail network.
6. In order to protect residential amenity.
7. In order to enable the planning authority to consider these matters in detail, in the interests of visual amenity.
8. In order to safeguard the interests of road safety.

### **Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

#### Transport

- the sum of £1,901,413 to the Edinburgh Tram.
  - the sum of £2,000 to progress a suitable Redetermination Order.
  - the sum of £2,000 to progress Waiting and Loading Restrictions.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.



3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
5. Three Rapid 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdEMO/Type 2) chargers shall be installed at the commercial parking areas.
6. 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.
7. The proposed demolition/construction management plan should be discussed with adjacent properties to identify possible impacts and mitigation measures.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 23 September 2022**

**Drawing Numbers/Scheme**

01-07,08A-13A, 14-22, 23A, 24-33, 34A, 35-40

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Simon Wasser, Assistant Planning Officer  
E-mail: [simon.wasser@edinburgh.gov.uk](mailto:simon.wasser@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: Historic Environment Scotland do not object to the proposal and do not consider it to adversely harm the setting of listed buildings or the World Heritage Site.

DATE:

NAME: Flood Prevention Service

COMMENT: Flood Prevention Service have reviewed the submitted Surface Water Management Plan and raise no objection to the proposal. A further flood risk assessment was requested, and the subsequent findings were satisfactory.

DATE:

NAME: Environmental Protection

COMMENT: Environmental Protection are satisfied with the findings of the Noise Impact Assessment and supportive of the low operational carbon credentials of the scheme. A condition requesting details of ventilation measures has been included in the event of commercial kitchen ducting being required.

DATE:

NAME: Network Rail

COMMENT: No objections were raised.

DATE:

NAME: Archaeologist

COMMENT: As this is a site of potential archaeological importance, a programme of investigations has been conditioned.

DATE:

NAME: Economic Development

COMMENT: It is estimated that the existing office could support 422 FTE jobs and £35.587 million of gross value added (GVA) per annum (2020 prices) if fully occupied.

By comparison, it is estimated that the proposed redevelopment could support 1,710 FTE jobs and £139.866 million of GVA per annum (2020 prices) if fully occupied.

This represents a net increase of 1,288 FTE jobs and £104.279 million of GVA per annum (2020 prices).

DATE:

NAME: Scottish Water

COMMENT: No objections to the proposals for surface water and foul water treatment. It should be noted that the applicant must apply to Scottish Water in order to connect this development to the existing drainage and sewage network.

DATE: 12 December 2022

NAME: Scottish Power

COMMENT: No objections to the proposal to relocate the electricity substation and install a network of air source heat pumps.

DATE:

NAME: Roads Authority

COMMENT: No objections to proposal subject to revisions which have since been confirmed. These include relocating the loading bay and removing misleading road signage. A tram and transport contribution has been included.

DATE: 1 March 2023

NAME: West End Community Council

COMMENT: The community council objects to the proposed height and massing, air source heat pumps and parking proposals.

DATE:

NAME: Edinburgh World Heritage

COMMENT: EWH does not object to the principle however they think the height of the buildings could be reduced by two storeys or more and the material detailing could be more responsive to the character of the area.

DATE:

NAME: Edinburgh Trams

COMMENT: Do not object to the proposal subject to the loading bay location and junction layout which has since been revised.

DATE:

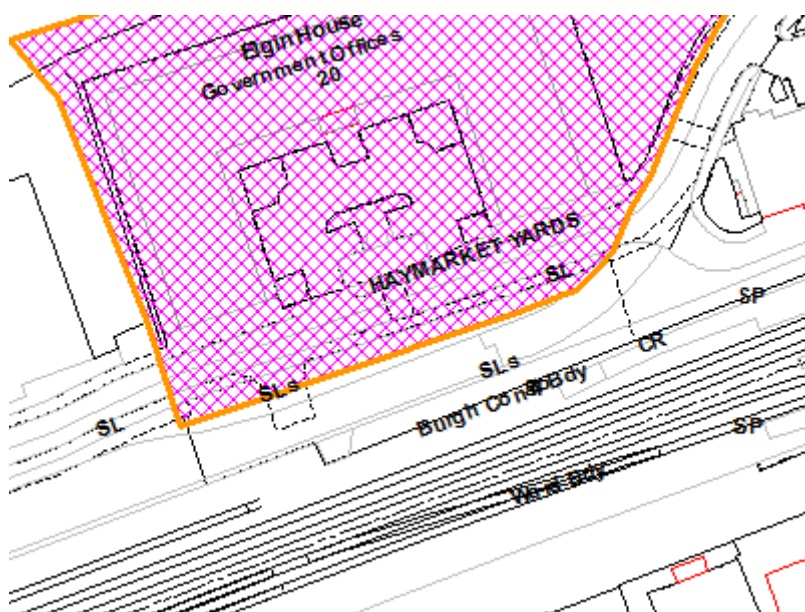
NAME: Police Scotland

COMMENT: Police Scotland do not object to the proposal however they have provided detailed advice on CCTV camera, secure cycle storage and lighting design.

DATE:

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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## Development Management Sub-Committee Report

**Friday 17 March 2023**

**Application for Planning Permission  
36 - 44 Westfield Road, Edinburgh, EH11 2QB**

**Proposal: Demolition of existing office and erection of student accommodation including communal amenity space, conversion of existing cottages to energy centre and associated landscaping, car parking, cycle parking and ancillary facilities (as amended).**

**Item – Committee Decision  
Application Number – 22/02539/FUL  
Ward – B07 - Sighthill/Gorgie**

### **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as 101 objections and 2 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation which will create a positive setting at the site's frontage.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is located west of the city centre at Westfield Road. The site is currently occupied by vacant office buildings which are two storey and face Westfield Road. Two residential cottages with associated outbuildings are located in the southern part of the site. Vehicular and pedestrian access is taken from Westfield Road. An area of parking and hard standing is located to the rear of the existing office buildings at the site.

The site is bounded to the north by an existing railway line and its associated embankment which includes a line of trees and vegetation. The embankment marks a noticeable difference in land levels at this location. A three-storey office and industrial warehouse building is located immediately to the south of the site. An area of hard standing associated with neighbouring buildings is located to the west of the site beyond which lies the Water of Leith approximately 250 metres away. Westfield Road and the existing pavement forms the eastern boundary. Other features in the area include a large supermarket with associated petrol station, a railway bridge crossing over Westfield Road and various business, industry and retail land uses.

Part of the site is affected by the Health and Safety Executive (HSE) Consultation Zone to the east due to the presence of the McFarlane Smith site across Westfield Road.

### **Description of the Proposal**

#### Scheme 2

The applicant proposes the demolition of existing office and erection of student accommodation including communal amenity space, conversion of existing cottages to energy centre and associated landscaping, car parking, cycle parking and ancillary facilities.

#### *Accommodation*

The student accommodation provides 289 rooms in total. Accommodation is comprised of 4, 5, 6, 7, and 8 bedroom clusters, 14 accessible studio rooms, and a further 16 studio rooms. Accessible rooms are located beside lift locations, where located at upper levels. Cluster rooms measure approximately, 13.5 sqm., studios measure approximately 18.5 sqm, and accessible studios measure approximately 24.5 sqm. At the ground floor, ancillary facilities include a gym area (45 sqm.), communal lounge (195 sqm.) and laundry room (45 sqm.). Other ancillary functions at the ground level of the building include a bin store for different refuse streams, a lobby and office area, a parcel storage room, bicycle storage, and plant.

### *Building design*

The new building will reach eight storeys in height at its highest point, taking a stepped approach with storeys increasing in height at the sixth, seventh and eighth stories. The tallest elements are set-back from Westfield Road and the railway line to the north of the site. Proposed materials include a mixture of brick and glazing, glass re-enforced concrete, aligned vertical windows with perforated metal screen, and metal cladding to the top floor(s). Proposed glazing at all elevations is to be of a standard to ensure appropriate noise and ventilation standards are in place. The flat roof levels include green roofs which would be planted with a mixture of seeds tailored for local pollinators. The top floor roof level would provide space for solar panels. Flat roof areas are accessible only for maintenance.

### *Landscape design*

The proposal includes an area of blue-green landscape at its interface with Westfield Road incorporating a swale, SUDS, landscape planting and a pergola feature. A planting scheme including plants tailored to wet soil, seasonal shrubs and meadow seeding mix is proposed in this space. The landscaping scheme includes two main spaces including an arrival space at the front elevation, and a further amenity courtyard space providing a more secluded external amenity for future residents to the rear of the building. Hard landscape features include four different types of paving, two different types of precast concrete kerbs, and at the site's frontage two areas of grasscrete for car parking and around the existing cottage. A variety of street furniture is proposed comprising of bench seating, balance balls, balancing slackline, and stepping stones within the SUDS area.

Hedge removal is proposed at the northern site boundary and interface with the railway embankment, and tree protection measures are proposed for trees north of the site boundary. Tree planting at the site is proposed in the form of 46 new trees including common whitebeam, Antarctic beech, white oak, and apple. Mixed hedge planting features to the north of the site and includes species such as field maple and common holly.

Boundary types include 1.1 metre-high steel fencing at the site's frontage to Westfield Road, flat mesh panel security fencing at the site's southern boundary measuring two metres in height, and a retaining wall to the north of the site at its interface with the adjacent railway embankment.

### *Access and parking*

The proposal is to be accessed from Westfield Road, with a main entrance for pedestrians, active travel, vehicles and servicing. A secondary access path is located to the north eastern corner of the site where it interfaces with Westfield Road. Bicycle parking is included in the main building at the ground floor level and in an external store to the rear of the building. In total, 289 bicycle parking spaces are proposed. These are comprised of 116 two tier racks with standard storage below, 115 single tier racks, and an area capable of storing 58 non-standard bicycles. The internal bicycle store at the ground floor of the building can be accessed through the main corridor or to the rear of the building via an access path. The external store will be accessed from the communal courtyard. No visitor cycle parking is included.

Two disabled car parking spaces are provided near the front of the building, and these are to be fitted with charging points for electric vehicles. No other car parking is proposed.

The bicycle store structure to the building's rear includes an adjacent small bin store and plant at the upper level which will be screened. This external structure is to be timber clad, with access doors opening to the communal courtyard space.

### *Sustainability*

The applicant proposes sustainable energy generation at the development in the form of air source heat pumps for domestic hot water, and photovoltaic panels at roof level. The existing cottage within the application site is to be retained and re-purposed to house plant and a sub-station. No amendments to the built form of the cottage are proposed, with the exception of removing a shed structure protruding from its northern elevation which is a later addition.

### Scheme 1

During the assessment of the application the applicant reduced the red line boundary, pulling-in the red line at the site's southwest corner to follow the building line of the existing cottages within the site boundary. A further amendment was made to the floorplan and roof design of the top floor, with a set-back design introduced and a corresponding change to the floor plan from 16 cluster flats to 16 studios at this level.

### **Supporting Information**

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Planning Statement;
- Planning Statement update inclusive of NPF 4;
- Key view assessment information;
- Landscape strategy, plans, and planting scheme;
- Flood Risk Assessment and Surface Water Management Plan (SWMP);
- Drainage planning note;
- Geo-technical and Geo-environmental desk study;
- Air quality assessment;
- Noise impact assessment;
- Archaeology desk based assessment;
- Daylighting Study;
- Transport Statement;
- Sustainability Statement and S1 form;
- Preliminary ecology survey and bat survey.



## **Relevant Site History**

21/06684/PAN

36 - 44 Westfield Road

Edinburgh

EH11 2QB

Student accommodation (up to 303 bedrooms) including communal amenity space and allotments /green space along with ancillary facilities.

Pre-application Consultation approved.

10 January 2022

## **Other Relevant Site History**

10 May 1991 - Planning permission was granted for 'change of use from garage and workshops to offices' at 44 Westfield Road (application reference 91/01107/FUL).

23 September 1996 - Planning permission was refused for 'change of use from vehicle showroom / workshop to class 2 office use' at 44 Westfield Road (application reference 96/02310/FUL).

23 March 1998 - Planning permission was granted to 'demolish existing house to form car park for adjacent car showroom' at 40A Westfield Road (application reference 98/00809/FUL).

25 October 2004 - Planning permission was granted for 'change of use from car showroom to office' at 44 Westfield Road (application reference 04/03925/FUL).

26 January 2015 - Planning permission was granted for 'Change of use from vacant land to car park to form an extension to existing car park' on land north of 44 Westfield Road (application reference 15/00264/FUL).

08 January 2016 - An application for planning permission in principle was withdrawn for the proposed 'erection of hotel comprising a rough volume massing of 6 floors above a single storey base which will be the optimal scale for the complex and which relates to land in single ownership' at 44 Westfield Road (application reference 16/00073/PPP).

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Roads Authority

Police Scotland

Gorgie Dalry Community Council

Archaeology Service

Environmental Protection Service

Flood Planning Service

Scottish Water

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 30 November 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 10 June 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 103

## Section B - Assessment

### Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF 4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 4, 9, 12, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 19, 20, 22, 23.
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 7, Des 8, Des 11.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou1, Hou 8.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.
- LDP Resources and Services policy RS 6.

The Scottish Government's Planning Minister and Chief Planning Officer wrote to stakeholders on 03 February 2023 in a letter that sets out guidance on the interpretation of NPF 4 policies 1, 2, 3, 16, 23 and 27(d) and this guidance is a material consideration where applicable to development proposals.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

#### Acceptability of the development in principle

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations.

Policy 16 of NPF 4, in criterion c, lends support to development proposals for new homes that improve affordability and choice, by being adaptable to changing and diverse needs, and which address identified gaps in provision. Housing types for homes for people undertaking further and higher education are one of the categories of homes which are supported, subject to compliance with other categories of NPF 4.

The applicant's supporting planning statement highlights demand for student accommodation in Edinburgh due to the presence of five higher education institutions. A ten-year trend of growth of full-time students, an increase of 24%, is set out in the planning statement and the applicant is of the view that this shows there is a requirement in Edinburgh for purpose-built student accommodation in response to the growing full-time student population.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, is previously developed with a vacant office and existing cottage building, it is in close proximity local retail and other services, as well as public transport links. The proposal would improve local placemaking by bringing this site back in to use.

Policy 9 of NPF 4 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places. The proposal would bring a vacant office site back in to use, as the existing office has been vacant since 2016. The presence of the health and safety consultation zone at this site means any proposal that would include a place of residence, must be located outwith the site's frontage where the existing office is currently positioned. The demolition of the existing office facilitates the proposed landscape and blue-green infrastructure at the site's frontage, whilst the remainder of the brownfield site would be productively used to deliver accommodation for those studying in higher education. Retention and re-use of the cottage building is consistent with the policy. Whilst criterion d) of the policy notes that demolition will be the least preferred option, the proposal complies with Criterion a) and retains one of the existing buildings. The cottage building was occupied at the time the application was submitted and this existing residential use would be lost, however the loss of existing residential use is not protected in NPF 4 or the Edinburgh LDP. Public comments object to the loss of a residential use at the cottages and the end of the current occupant's tenancy, however this is a private matter outwith the control of planning legislation.

On balance the proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposal complies with the intentions of NPF 4 policy 9.

### **Housing land and student accommodation**

Within the urban area, LDP Policy Hou 1 part d) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The proposal for residential student flats at this site complies in principle with the requirements of Hou 1 (subject to other policy considerations, notably policy Hou 8).

LDP Policy Hou 8 has two requirements for assessing student accommodation. Part a) specifies that proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Part b) states that development must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

### **Location of student housing**

With reference to Hou 8 part a), Westfield Road has a number of high frequency bus services (Lothian Bus routes 22, 30, X28, X27) which have stops approximately 30 metres from the proposal, and the site is located 400 metres away from the tram network (Murrayfield Stadium stop). The proposed site is within a 30-minute bus or cycle journey to Edinburgh Napier University, The University of Edinburgh, and Heriot Watt University and all of the universities can be accessed by walking routes.

Although the site is not within or immediately adjacent to a main campus the site is within an appropriate and accessible location to access universities.

### **Concentration of student population**

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Council's Student Housing Guidance clarifies that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. The Council has typically used the data zones that fall within an 800m radius, an approximate 10-minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

The nearest student operational student accommodation in the area is located at 24 Westfield Road with a capacity for 394 students, with the other operational developments located at The Mill House, Napier University Student Accommodation at Slateford Road which has capacity for 256 students. An application for student accommodation at the former Tynecastle High School for 468 student beds was recently granted on appeal (PPA-230-2393).

The census data for 2011 shows that the population for the local area was 9,947 people, and this consisted of 1271 students. In 2011 the student population in this area was 13%. When the census data is adjusted to include population figures inclusive of consented development in the area up to the year 2021, the population in the local area was 12,154 which consisted of 2210 students, or 18%. The addition of a further 289 students to the local area as a result of the development proposal would bring student numbers to 2499, or 21%. This proportion would not lead to an over-concentrated student population in the area and satisfies part b) of the policy.

The Tynecastle High School appeal decision would increase the local student population to 2967, representing a student population of 24%. This would still not lead to an unacceptable level of student accommodation.

Gorgie Dalry Community Council (GDCC) submitted calculations for levels of student concentration using the Community Council boundary area and contend that the level of student concentration would reach 29% for the GDCC area, and up to 45% of the 'Gorgie West - 03' census data zone. This would still be below the 50% threshold outlined in the Council's guidance.

In relation to recent appeal decisions, notably the nearby Tynecastle High School appeal, Scottish Ministers have accepted as appropriate the methodology used by the Council to calculate concentration levels and establish locality when considering proposals for student accommodation. In this context, the proposal would comply with policy and guidance requirements for student concentration levels.

The proposal complies with parts a) and b) of LDP policy Hou 8.

### **Student Housing Guidance**

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal has a developable area of 0.22ha and is supported by this part of the guidance. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold. Criterion d) of the guidance states that student accommodation should comprise a mixture of accommodation types including clusters. The application accords with this requirement. The guidance also prefers new developments to include a mix of accommodation, and in response the proposal includes a mixture of cluster and studio rooms which is acceptable. Finally, the guidance discourages large mono-use developments on sites above 0.25 hectares; in this case the developable area falls below the threshold.

The proposal complies with the Council's guidance for student housing.

### **Employment land**

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless there will be a small element of employment uses maintained by way of the running and maintenance of the student housing block.

The proposal complies with LDP policy Emp 9.

### **Principle conclusion**

The proposal is acceptable in principle with reference to NPF policies 9, 14 and 16 as well as LDP objectives set out in policies Hou1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

### **Climate change, biodiversity, and sustainability**

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

## **Drainage**

The landscape and drainage proposals would bring-in to use the site's frontage to include a multi-functional landscaped SUDS area, with planting and hard landscape features contributing to both biodiversity and the streetscape. Green roofs will add further areas of planting with seed mixes for pollinators proposed. Landscape planting includes fruit trees and bushes, which will create seasonal interest while supporting local wildlife. Above ground water attenuation is proposed within the site's landscaped area before it would discharge to the combined sewer in Westfield Road. The supporting Flood Risk Assessment confirms a 40% allowance for increased surface water due to climate change in a 1 in 200-year event is proposed, and the Council's Flood Planning service confirms in comments that it is satisfied with the proposed drainage strategy. The proposal causes no flood risk to the surrounding area, and Scottish Water comments offer no objection to the proposal. In addition to the above noted NPF 4 policies, the proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

## **Biodiversity**

A supporting ecology and bat survey was submitted and confirms no protected species are present at the application site. A low number of bats were recorded along the adjacent railway corridor, most likely for foraging purposes. Existing habitat is described as being mostly hard landscaping with a small area of amenity grassland, a small area of dense scrub and a single line of cypress hedge.

The applicant proposes to remove the isolated cypress hedge at the north of the site. These are described in the ecology survey as being of negligible ecological value by species or extent, and they lack good trunk size and lack good flight paths in and out for bats despite offering some potential for nesting birds. Mitigation tree planting as part of the landscaping scheme for the proposal is noted to include an improved mixture of species to support biodiversity and habitat creation. The ecology report notes that the proposed mixture of planting will attract pollinator species, like butterflies, moths, bees, and in turn will provide a forage resource for birds and bats. Green roofs with a diverse mix of seeding are also noted to create new habitat encouraging invertebrates and bird and bat species.

In addition to supporting the proposed landscape scheme, the applicant's supporting ecology survey makes a number of recommendations, and these are not included in the proposal. Recommendations include the provision of bat boxes due to the proximity of foraging bats, bird boxes including for swift, addition of invertebrate boxes where possible, and fence designs that allow the movement of hedgehogs. It is recommended that these details can be secured by condition to ensure the recommendations of the ecology assessment are included at the development.

Whilst the loss of cypress hedge and an area of scrub represents tree and habitat loss which is not supported by LDP policy Env 12 (Trees), the replacement tree planting, combined with an enhanced landscape environment for biodiversity at the site is a good design solution at this application site and the proposal complies with the objectives of NPF 4 policy 3 and LDP policy Env 16 (Species Protection).

## **Energy and sustainability**

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale. The proposal includes an energy centre, substation, photovoltaic panels, and air source heat pumps. The supporting sustainability information and air quality assessment note that passive gain has been designed-in to the proposal where feasible, the use of sustainable materials, inclusion of sustainable energy generation and water heating, and the sustainable location of the site within the urban area will contribute to an energy efficient building and development. Other features such as use of low energy LED lighting, heat recovery on ventilation systems will contribute to sustainable energy use at the proposal. The proposal complies with the aims of NPF 4 and will be subject to detailed building design methods will be subject to Scottish Building Standards.

## **Zero waste**

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with refuse stores at the ground floor and in an external store, and these will be capable of providing bins for future residents for mixed, food and glass recycling. Waste collection would be privately managed for a development of this type, however swept path plans show collection would be possible for refuse vehicles. This policy lends further support to development proposals where they re-use buildings and infrastructure, minimise demolition and salvage materials for re-use, minimise waste, use materials with low embodied emissions, and use materials that are suitable for re-use. The supporting sustainability information for this proposal notes that despite an element of demolition there will be some re-use of existing buildings on the site, and proposed materials will have high recycled-content to minimise the use of virgin material. For example, aluminium, glass, plasterboard, metal studwork, insulation, and sheet floor covering will all include recycled material ranging from 30% to 95%. Those materials are also capable of being recycled in future, for example aluminium and glass. The proposal is consistent with the waste hierarchy and complies with NPF policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

## **Transport**

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. With reference to vehicles, the proposal includes two accessible car parking spaces which would both be capable of accommodating electric vehicles. No other car parking is proposed. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys, and the Roads Authority is satisfied with the level of proposed car parking.



Two hundred and eighty-nine bicycle parking spaces are proposed. The location, design and variety of bicycles that can be accommodated comply with the Council's parking standards and cycle parking fact sheet C7. Guidance requires that no more than 80% of cycle parking spaces should be of one type and the applicant complies with this part of the guidance as the proposal includes 116 two-tier racks with standard storage below, 115 single tier racks, and an area capable of storing 58 non-standard bicycles. Cycle spaces will be secure and easily accessible to students, with access to/from Westfield Road at the site's frontage to allow access to the road and path network in the City. No visitor parking is proposed which is required by cycle parking fact sheet C7, and it is recommended these details be secured by condition to allow full compliance with Council guidance.

A swept-path analysis has demonstrated that the proposed development can be safely accessed and serviced by a refuse vehicle via the main site access from Westfield Road.

The proposal accords with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

### Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City, and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

### **Liveable places**

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in the Westfield Road, Gorgie and Roseburn areas to allow sustainable living, the proposal facilitates active travel and is well-located for public transport to other parts of the City without the need to use a car, and it introduces a distinctive building at a vacant site. With reference to safety, the proposal will be managed by the applicant and entrances to and from the site would be well-overlooked from the public footway and road. It is conceivable that the proposal could be adaptable in future to accommodate a different use if necessary, however specific alternative uses are not identified by the applicant in the submission. With reference to distinctive design, this matter is considered further below within this report.

Community Council comments raise concern over the safety of students, particularly women, who may choose to use surrounding path network along Water of Leith, Roseburn, Gorgie (through Westfield Road) and down Westfield Road as they can be 'dark, lonely, quiet at night, not overlooked, lack suitable and well-maintained pavements, contain narrow pinch points and require long waits at crossings on a fast and busy road'. The Community Council requests developer contributions to improve the standard of these routes. This matter is not within the applicant's control; however, the site is in the urban area with direct access to public paths, lit footways, public transport options, and surrounding buildings and a safe environment exists for future residents. Any request for contributions to improve the adopted path network in this area would not be consistent with Planning Circular 4/1998 which establishes the tests for use of conditions in planning permissions. Police Scotland's Architectural Liaison Officer raises no objection or concerns in relation to safety in comments.

## **Design considerations**

In the surrounding area there are a mixture of building forms and a wide range of heights with no prevailing height in this part of the City. The area's-built pattern shows surrounding buildings are set back from the main road and located along the railway alignment, in many cases with strong gable features evident.

Due to the presence of a Health and Safety consultation zone, it is not possible to build any new development that would provide living accommodation or a space where people can congregate at the site's frontage. The consequence of this site constraint means the proposal must be set-back from Westfield Road. In this context, the set-back position of the building at the application site is acceptable and allows for a well-designed multi-functional landscape frontage to the street. The Health and Safety Executive offers no objection to the proposal's layout as it avoids the consultation zone. With reference to height, the proposal's set-back top floor is one storey higher than immediate surrounding buildings, such as other student accommodation approved at Westfield Road, and residential flats located at Westfield Avenue, although it would be similar in height to nearby flatted development at Westfield Court which is eight storeys. Whilst the proposal will introduce a significant building on the site, the approach to site layout, combined with the use of materials to articulate the storeys is successful in reducing the overall massing of the building. The proposal's massing, form and position on the application site is appropriate and will contribute to local placemaking.

LDP policy Des 11 (Tall Buildings) states that development which rises above the prevailing building height will only be granted in specific circumstances. Criterion a) states that where a landmark is to be created it should enhance the surrounding townscape and be justified by the proposed use. Criterion b) requires the proposal's scale to be appropriate in its context, while criterion c) supports proposals that have no adverse impact on important views of landmark buildings, the historic skyline, or landscape features and setting. The proposal would not be of a scale that creates a landmark in the City, however its design is appropriate in the context of the local townscape and introduces a new use to a vacant site. A supporting analysis of protected view W06C from (Carrick Knowe to Castle) shows no adverse effect on views to the Castle or Castle Rock, while further analysis of protected view S2f (Blackford Hill Crest to Corstorphine) show that while the proposal will be visible, it will comfortably sit in the middle ground at a similar level to Westfield Court and more contemporary apartments on Westfield Avenue.

In a local context, sections and visualisations show how the proposal would sit within the local landscape and the proposal would make a positive contribution to the local area which has experienced gradual change in recent years.

Materials and boundary treatments for the proposal show a clear design concept for the building, with a ground floor and mid-level floors material palette including a mixture of glazing and brick deployed to varying degrees, and upper levels see the introduction of green roofs with glazing and cladding at set-back levels. Product specifications are not identified in elevations at this time and a condition is recommended to secure details of all materials. The HSE consultation zone prevents the normal establishment of a street frontage to Westfield Road, in this respect, the use of the area for above ground SUDS is positive in providing both a functional use, that also provides for amenity and biodiversity, without necessarily creating a space in which people would congregate. A low, 1.1 metre metal balustrade would run along the landscape frontage to provide a legible boundary treatment that allows for natural surveillance and pedestrian safety along Westfield Road. The inclusion of a pergola frame up to two metres in height at the site's frontage brings further interest to the streetscape. A proposed two-metre boundary security fence is acceptable at the site's interface with neighbouring land to the south, whilst a retaining wall is proposed with part of the railway interface. Details of the retaining wall are recommended to be secured by the attached condition as these were not available until further analysis is undertaken.

The proposal introduces a well-designed and distinctive proposal that accords with NPF 4 policy 14 and LDP policies Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design), and Des 11.

## **Amenity**

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

The proposal is over 160 metres from the nearest residential property and would not adversely affect neighbouring amenity in terms of noise, air quality, daylight, sunlight, privacy or immediate outlook.

For future residents, the proposal provides a suitable level of external amenity space with play equipment such as a slackline rack, steppingstones, and balance balls, as well as internal common areas which include a gym room. There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes are in line with other student accommodation developments in the city. The applicant submitted assessments with regard to noise impact, and daylight and sunlight. Due to the proximity of the proposal to the railway and Westfield Road which are both noise sources, the applicant proposes a combination of acoustic glazing and trickle vents for all habitable rooms. Windows could be opened should occupants wish at quieter times of the day when noise is reduced from sources. Environmental Protection is satisfied with this approach, and a condition is recommended to ensure the required mitigation is implemented.

The ground floor of the proposal includes a gym for use of students only, and plant rooms for the building. Environmental Protection also note in comments that further details of wall, floor, and ceiling specifications should be provided to ensure appropriate amenity in terms of noise is achieved for adjacent and upstairs bedrooms to these ground floor uses. A further condition is attached and recommended to secure this information.

With reference to daylight to rooms, the applicant's daylight assessment opts to use a 'climate-based daylight model' (CBDMM) rather than the vertical sky component or average daylight factor as set out in the EDG. The methodology that has been used is referenced in the Building Research Establishment (BRE) Guidelines: Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice, Third Edition - BR 209 ('2022 BRE Guidelines') and is appropriate to inform the assessment of this proposal.

The assessment reviews the proposal against BRE recommended levels of illuminance for bedrooms, living rooms and kitchen areas; in this case of this proposal bedrooms and common rooms are assessed. Of the 336 rooms assessed, 320 (95.2%) would meet minimum targets specified in BRE. Sixteen rooms (4.8%) would not comply with the standards. Of the 16 rooms that fall below the target criteria, three are communal rooms located on the ground floor, with the remaining 13 study/bedrooms located between the ground and 7th floor. Of these 13 affected bedrooms, six are located between the ground and third floors which face the railway embankment where it is difficult to overcome the difference in site levels. The other seven are at corners of the building where window aperture reduces the penetration of light into rooms. In all of the 13 cases, the front portion of these rooms where desks are to be located will receive good light levels in most cases, with the rear of the rooms where beds are located receiving less light. These rooms will have access to communal areas and common areas and external areas to compensate for the lower levels of light.

Future residents are provided with good quality accommodation overall despite a deviation from daylighting standards to low number of bedrooms. In respect of amenity the proposal provides an acceptable standard in the context of LDP policy Des 5, NPF 4 policy aspirations for liveable places and health and safety, and the EDG.

### **Ground conditions**

Due to the previously developed nature of the site, a condition is attached requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

### **Built heritage and archaeology**

National Planning Framework 4 Policy 7 intends to protect the historic environment, and criterion o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. The applicant submitted a desk-based archaeology assessment in support of the proposal. There are no listed buildings that would be affected by the proposal, nor are there identified heritage assets at the site although it is noted that evidence of activity pre-dating the post medieval period may be limited by the lack of previous opportunities for investigations in this urban area.

In consultation comments, the City's Archaeological service supports the retention and repurposing of the cottage building at the site and recommends that a historic building survey be carried out prior to and during development to provide a record of this historic structure. Comments also advise that there is potential buried archaeology at the site and recommend that a suitable programme of works is undertaken. Further recommendation for a programme of public/community engagement is undertaken during the development is noted in comments.

Subject to the recommended condition, the proposal complies with the aims and intentions of NPF 4 policy 7.

### Infrastructure first

#### **Tram**

Policy 18 of NPF4 encourages an infrastructure first approach to planning and placemaking. The Edinburgh LDP, through policy Del 1 (Developer Contributions) part 1a) and associated Action Programme items, promote sustainable travel and continuing development of Edinburgh's tram network. The application site is within the Tram Contribution Zone as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The Roads Authority has requested that the applicant contributes the sum of £ 202,874 towards the Edinburgh Tram and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards sustainable transport infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

#### **Health services**

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. The proposal is not located in a contribution zone for health care as shown in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). There is no necessity to apply a planning contribution for this proposal in the context of NPF 4 policy 18. LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

#### **Conclusion in relation to the Development Plan**

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

**b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

Consultee comments - Network Rail

Network Rail has no objection to the proposal, subject to recommended conditions as outlined in its consultation comments being attached to any planning permission. One of the Network Rail conditions requests details of landscaping to be provided so the risk of leaf fall on the line can be considered in detail; the landscaping scheme submitted by the developer already includes planting details and in subsequent correspondence Network Rail is satisfied the landscape details condition outlined in the consultation response is not required. The four recommended Network Rail conditions relate to securing the safe operation of the railway and these are attached should the Committee be minded to grant planning permission.

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The proposal provides 16 accessible rooms within the development and there are internal lifts to access all floors. Two accessible parking spaces are provided within the curtilage of the main building and in close proximity to the main building entrance.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

One hundred and three representations were received. Representations include 101 objections, two support comments, and no neutral comments. A summary of the representations is provided below:

*Material objections*

- Opposition to principle of student accommodation at this site. Addressed in Section B.
- Over concentration of student accommodation in the local area and impact of transient population on community. Addressed in Section B.
- Adverse impact on local health services. Addressed in Section B.
- Non-compliance with student housing guidance. Addressed in Section B.
- Inappropriate design for the area and poor public realm contribution. Addressed in Section B.

- Oppose loss of residential cottage. Addressed in Section B.
- Request a dedicated cycle path to the proposal from existing unnamed path rather than bicycle parking at the development. This is not a requirement for the development.
- No engagement by the developer with local residents or community groups. The applicant completed pre-application engagement in line with statutory requirements, and met with Gorgie Dalry Community Council during the application stage.
- Adverse effect on amenity. Addressed in Section B.

#### *Non-material objections*

- Preference for social or affordable housing at this site - the applicant has not proposed this form of development.
- Alleged tax arrangements and residency of the applicant. This is not a material planning matter.
- Cost of student accommodation. This is not a material planning matter.
- Impact of student accommodation on affordability for first time buyers. This is not a planning matter.
- Non-payment of council tax by students which deprives the Council of investment in public infrastructure. This is not a planning matter.
- Alleged councillor involvement in profiting from the development. This is not a planning matter. Evidence of any conflict of interest should be highlighted through appropriate procedures.
- Perceived Council support for student accommodation at expense of social and affordable housing. Each application is assessed on its own merits against the development plan and any material considerations.
- Alleged adverse impact students will have on the local area related to noise, alcohol, illegal substances and public transport crush.

#### *Material support comments*

- Student accommodation provides a wider mix of accommodation in the City. Addressed in Section B.
- Alternative uses possible during summer months to relieve pressure on existing housing. Alternative uses addressed in Section B.
- Good location for shops and transport links. Addressed in Section B.

#### *Non-material support comments*

- Opportunity for positive impact for local business and community.

#### *Community Council comments*

- Gorgie Dalry Council submitted comments objecting to the proposal, with updated comments submitted following re-notification of the application and replacing earlier comments. The objection raised the following matters:
- Desire for alternative use for this site rather than student accommodation, such as residential housing. Principle of development is addressed in Section B.

- Object to levels of student population and development viability in case of abandonment of the use. Demand, student concentration level and adaptability are addressed in Section B.
- Costs of student accommodation concerns. This is not a material planning matter.
- Non-compliance with LDP policy Hou 8 and student housing guidance. Addressed in Section B.
- Welfare concerns due to the site location. Addressed in Section B.
- Objection to the proposal's scale, design and contribution to the streetscape. Addressed in Section B.
- Request a condition or design change for City Car Club space. This is not a requirement for the proposal and a condition would not meet statutory tests for conditions.
- Impact on the cottage including its historic value and residential use. Addressed in Section B.
- Non-compliance with aspirations of City Plan 2030. Addressed in Section B.

The Community Council noted some aspects of the proposal that are welcome, despite its overall opposition. These include low car parking and a focus on bicycle storage and sustainable travel. Support is also identified for use of SUDS and grass to drain development along with trees.

### **Conclusion in relation to identified material considerations**

There are no equalities or human rights issues and subject to conditions recommended by Network Rail there would be no adverse impact on the operation of the railway. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

### **Overall conclusion**

Overall, the proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation which will create a positive setting at the site's frontage.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.



## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials, walls and boundary treatments, shall be submitted to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
3. Details of visitor bicycle parking spaces shall be provided by the applicant for the consideration of the planning authority. Thereafter the approved spaces shall be available for use at the development prior to its first occupation.
4. The approved landscaping scheme including boundary treatments, as shown in planning drawing references 18, 19A, 20B, 21B, 24A, 25, 26A, 27, 28, 29, 30, and as set out in Harrison Stevens Planting Schedule dated 22.06.2022 and Harrison Stevens Maintenance Schedule reference 21059\_SP\_600\_(D00) OUTLINE MAINTENANCE SCHEDULE dated 18.01.2023 shall be implemented within six months of the completion of the development.
5. An arboricultural method statement shall be submitted to the planning authority for approval prior to the start of any development at the site and the root protection area within the site shall be protected as identified in planning drawing reference 22 during construction and site clearance period by the erection of fencing, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction'.
6. A plan identifying the location within the development of recommendations of Section 7.0 of JDC Ecology Ltd Preliminary Ecological Assessment & Bat Survey, dated September 2022, shall be submitted by the applicant to and approved in writing by the planning authority before work is commenced on site. Thereafter the approved measures shall be completed by the applicant prior to the first occupation of the development.
7. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation public engagement, interpretation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

8. The road and rail traffic noise mitigation measures and maximum plant noise specifications as recommended within MZA Acoustics Noise Impact Assessment Report "36-44 WESTFIELD ROAD, EDINBURGH, EH11 2QB - STUDENT RESIDENTIAL DEVELOPMENT" dated May 2022 and shown on drawing WES-JMA-01-ZZ-DR-A-PL-0020 S4 Rev P02 and dated 2022.05.09 should be implemented in full prior to occupation of the development.
9. The applicant shall submit details of wall, floor, and ceiling specifications to ensure that noise from proposed plant and the proposed gym as shown on planning drawing reference 05A is inaudible (Noise Rating 15) within the adjacent and upstairs student residences, for the consideration and written approval of the Council as planning authority. Thereafter the approved specification(s) shall be implemented by the applicant prior to the occupation of the development.
10. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and
  - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

11. No development shall take place on site until such time as a lighting scheme has been submitted to and approved in writing by the Planning Authority. Any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. The lighting scheme shall be carried out only in full accordance with such approved details.
12. No development shall take place on site until such time as a construction method statement, including plant movement and machinery positioning, has been agreed by Network Rail and approved by the Local Planning Authority. Details of all changes in ground levels, laying of foundations, piling works, operation of mechanical plant and compounds in proximity to the rail line must be included.

13. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.
14. Buildings/structures will not be situated less than 3 meters from Network Rail's boundary unless agreed with Network Rail, and the planning authority, in writing prior to commencement.

**Reasons :-**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider these matters in detail, in the interests of visual amenity.
3. In order for the development to comply with the Council's bicycle parking standards and to provide appropriate sustainable travel facilities.
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to protect trees at the site and its neighbouring land.
6. In order to support biodiversity and habitat at the site.
7. In order to safeguard the archaeological heritage of the site.
8. In order to protect the health of the building's occupants.
9. In order to protect the health of the building's occupants.
10. In order to protect the health of the building's occupants.
11. To ensure any lighting associated with the development does not interfere with the safe operation of the rail network
12. To protect the stability of the adjacent railway embankment, the adjacent railway lines and the safety of the rail network.
13. In the interests of public safety and the protection of Network Rail infrastructure.
14. For the applicant to undertake future maintenance of their proposal without encroachment onto Network Rail's land.

## **Informatives**

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

### Transport

The applicant will be required to contribute the sum of £202,874 (based on 8,857m<sup>2</sup> GFA in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The 2 parking spaces as shown on drawing WES-JMA-ZZ 00-DR-A-PL 0003 S4 Rev P04 and dated 31/10/22 shall be served by at least a 13- amp 3Kw (external three pinplug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 30 May 2022**

### **Drawing Numbers/Scheme**

01A-03A,04B,05A,06A,07,08A-11A,12B,13A-15A,16-18,19A,20B,21B,22,23,24A,25,26A,27-30,

**David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council**

Contact: Sean Fallon, Planning Officer  
E-mail:sean.fallon@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: No objections to the proposal subject to details in full comment which relate to a tram contribution requirement.

DATE: 21 February 2023

NAME: Police Scotland

COMMENT: No objections.

DATE: 10 August 2022

NAME: Gorgie Dalry Community Council

COMMENT: Object to the proposal on grounds of concentration of students in the area and viability, welfare concerns, scale and design, and impact on the cottage.

DATE: 6 January 2023

NAME: Archaeology Service

COMMENT: No objection subject to recommended condition in full response.

DATE: 31 May 2022

NAME: Environmental Protection service

COMMENT: No objection subject to recommended conditions detailed in full response.

DATE: 15 February 2023

NAME: Flood Planning Service

COMMENT: No objections.

DATE: 12 July 2022

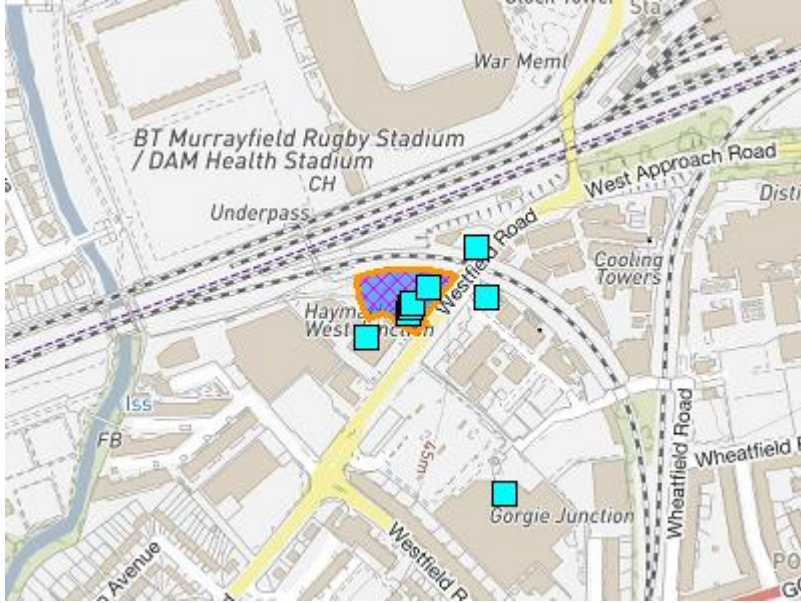
NAME: Scottish Water

COMMENT: No objections subject to information in full comments.

DATE: 7 June 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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