

# Development Management Sub Committee

Wednesday 12 January 2022

**Application for Planning Permission 21/03756/FUL  
at 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.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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### Compliance with the Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

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 public realm around the building would be improved as a result of the widened footway adjacent to the tram stop. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

However, 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.

As a result of its height and form, the building does harm the setting of the listed station building, particularly when seen in views from around the Haymarket road junction. The considerable economic and sustainability benefits do not outweigh the harm that is caused to the listed building.

The applicant has indicated that if the proposed height cannot be achieved, they will be unable to deliver the development. Therefore, it has not been possible to reduce the height of the proposal through the application process.

The proposals are therefore not in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and because the presumption against granting planning permission has not been overcome, on this basis, planning permission should be refused.

#### Compliance with 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. In its net zero operation, it goes beyond the requirements of policy Des 6 - Sustainable Buildings. In comparison with Rosebery House, 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.

However, because of the harm set out above, the proposal does not meet the requirements of policy Env 3 - Listed Buildings - Setting. It would have an adverse impact on the setting adjacent New Town Conservation Area contrary to Policy Env 6 of the LDP. Additionally, the proposed height fails to have a positive impact on the surroundings and character of the wider area contrary to Policy Des 4 - Development Design - Impact on setting, parts a) and b) as the proposed scale and massing of the building has an over bearing impact on the character of the wider townscape. The proposal has failed to demonstrate compliance with Policy Des 11 - Tall Buildings - Skyline and Key Views- part b) in that the scale of the building is inappropriate within its context. As a result of these design impacts, the proposal does not contribute towards the sense of place and would be damaging the appearance of the area around it in contravention of Policy Des 1 - Design Quality and Context.

So, while the proposal meets the economic and sustainability objectives of the development plan, overall, due to its height it is not in accordance with the LDP.

#### Other material considerations

As the LDP is more than 5 years old, it is necessary to consider it against the Scottish Planning Policy (SPP). SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. In relation to these principles the development proposes an appropriate and sustainable land use which will support the local economy. However, whilst the proposals are predicated on delivering a sustainable new office there is an adverse impact on the setting of the A Listed Haymarket Station and therefore it fails to protect cultural heritage. As a result, the proposal does not comply with these sustainable development principles.

There are no material considerations which outweigh this conclusion.

In summary, while there are both economic and sustainability benefits to this proposal, these do not outweigh the harm that is caused to its surroundings as a result of its height. The proposal fails to meet the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it is not in accordance with the development plan or Scottish Planning Policy. It is therefore recommended that planning permission is refused.

## Links

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### [Policies and guidance for this application](#)

LDEL01, LDEL02, LEMP01, LEMP09, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN01, LEN03, LEN06, LEN07, LEN08, LEN09, LEN12, LEN21, LEN22, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, LTRA09,

# Report

## **Application for Planning Permission 21/03756/FUL at 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.**

### **Recommendations**

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1.1 It is recommended that this application be Refused for the reasons below.

### **Background**

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#### **2.1 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.

## 2.2 Site History

There is no relevant planning history for this site.

## Main report

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### 3.1 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 20242m<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 storeys 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 40.6 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 and would widen the footway around it by 3.2 metres.

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;
- Breeam 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.

### **3.2 Determining Issues**

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

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

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:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

### **3.3 Assessment**

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

- a) the proposals preserve the setting of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the proposals are of an acceptable design and are sustainable;
- e) the proposals have an adverse impact on heritage assets;
- f) the proposals have a detrimental impact on the amenity of nearby residents and future residents;
- g) the proposals have a detrimental impact on road safety or infrastructure;

- h) the proposals comply with the 13 principles of the Scottish Planning Policy (SPP);
- i) any impacts on equalities or human rights are acceptable and
- j) public comments have been addressed.

### **a) Setting of Listed Buildings**

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

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

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

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

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

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

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

#### 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. It's 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 considerably 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. In certain views the new building would dominate and adversely alter the setting of the category A listed station.

The proposed form and massing of the new building would have a negative impact on the setting of the A listed Haymarket station. It is recognised that this building can be viewed from a number of different roads/ pedestrian areas and the experience alters on different approaches.

However, the impact of the proposed new building on the setting of Haymarket Station is considered to be negative in a number of viewpoints. 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 would become a dominant feature which would significantly detract from the station building's setting.

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. They have requested additional views and analysis to further explore this. These have not been requested. Following discussion with the applicant it was agreed to progress to committee on the information submitted.

#### 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 harm to the setting of the A listed Haymarket Station, in terms of the above legal test's 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.

However, a smaller building at this location could deliver a proportion of these same benefits and while there might be some negative impacts upon the setting of the listed building in such a scenario, these impacts may be outweighed by what may still be a significant economic benefit.

In further information submitted during the course of the application the applicant advises that any reduction to the height of the proposals would render the proposals unviable on the basis of proportionately higher build costs and reduction of projected profit (to 2%). 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.

In considering the weight to be applied to the material considerations in terms of the Planning (Listed Building and Conservation areas) (Scotland) Act 1997 it is not considered that these aspects outweigh the specific harm to the setting of the Category A Listed Haymarket Station. On this basis the application is not supported.

## **b) Character and Appearance of Conservation Area**

LDP Policy Env 6 (Conservation Areas - Development) supports development within a conservation area or affecting its setting which preserves or enhances the special character and appearance of the conservation area and is consistent with the relevant character appraisal, preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character and demonstrates high standards of design and utilises materials appropriate to the historic environment.

The site lies outwith 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 19.4 metres 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. This has been assessed and raises issues in terms of the method used to underpin the assessment and the conclusions in terms of the impact on the heritage receptors as limited reference is made to the impact of the proposals on the setting of the New Town Conservation Area within the assessment of the TVIA.

While the TVIA indicates there is a positive impact on the setting of the area, this conclusion is not accepted. Because of its height, the building will dominate buildings in the surrounding area, including the New Town Conservation Area. This can be seen in viewpoints 3 and 4.

The local viewpoints demonstrate that the proposed height dominates the setting of the New Town Conservation area particularly in views from on the approach to Haymarket Station and the relationship of uniform heights across the conservation area.

The proposals fail to preserve the character and appearance of the conservation area, with particular regard to the setting of the New Town Conservation Area, contrary to Policy Env 6 of the LDP.

### **c) Principle of Development**

LDP Policy Emp 1 (Office Development) 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 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.

#### **d) 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 fails to have a positive impact on the surroundings and character of the wider area contrary to LDP Policy Des 4, Development Design - Impact on Setting, parts a). In addition the proposed scale and massing of the building has an over bearing impact on the character of the wider townscape which is contrary to LDP Policy Des 4 part a) and b). This is particularly evident in the view analysis submitted of the proposals. An assessment of the local viewpoints submitted confirms the analysis that the height and form of the building has an adverse impact on the character of the area. Viewpoints 7, 8 and 9 illustrate the dominant form of the development and the prominence within these views. In particular when viewed from Distillery Lane there is a continuous solid mass of development. The repetitive window pattern of the southern elevation only emphasises the scale and dominance of the building.

While it would be possible to alter the design of this elevation to mitigate the adverse impacts of the design, such redesign would not overcome the adverse impacts of the height. The proposal creates a new visual focus in outward views to the west from the city centre. Viewpoints 1 and 2 illustrate the dominance over Haymarket station and the stepped form and narrowness of the building gives the appearance of two distinct elements. As discussed above there is an adverse impact on the setting of Haymarket Station.

LDP Policy Des 4 part d) also considers whether the materials and detailing are appropriate to the context. Whilst the southern elevation as outlined above fails to respect the surrounding context the northern, the lower section of the Haymarket Terrace elevation seeks to introduce a more articulate and refined response to the street. The proportions and detailing of this elevation respond 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 tabular appraisal does not assess impact on townscape character and visual amenity separately as per Guidelines on Landscape and Visual Impact Assessment (Landscape Institute and IEMA) and Edinburgh Design Guidance. Baseline descriptions of the existing townscape character and views are minimal and would provide greater understanding of the contribution the current building makes to the townscape. The method used to underpin the assessment and its conclusions is unclear and its uncertain how heritage receptors in terms of the setting of Listed Buildings and elements of OUV have been assessed. Notwithstanding the uncertainty over the appraisal, it is clear that there would be adverse impacts of height within the immediate context of the site. As such, the proposal does not meet criterion b) of policy Des 11.

### 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 in section h) below.

## Conclusion

While there is an improvement layout in comparison with the existing situation, and the Haymarket Terrace frontage is attractively designed, the proposed height fails to have a positive impact on the surroundings and character of the wider area contrary to Policy Des 4 - Development Design - Impact on setting, parts a) and b) as the proposed scale and massing of the building has an over bearing impact on the character of the wider townscape.

The proposal has failed to demonstrate compliance with Policy Des 11 - Tall Buildings - Skyline and Key Views- part b) in that the scale of the building is inappropriate within its context. As a result of these design impacts, the proposal does not contribute towards the sense of place and would be damaging the appearance of the area around it in contravention of Policy Des 1 - Design Quality and Context.

## Sustainability

LDP Policy Des 6 - Sustainable Buildings - supports new development that meets the current carbon dioxide emissions reduction target, with at least half of this target met through the use of low and zero carbon generating technologies and incorporates other features that will reduce or minimise environmental resource use and impact.

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 Councils 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. 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.

In operation, the building will be highly sustainable and exceeds the requirements of LDP Policy Des 6.

## **e) Heritage Assets**

### World Heritage Site

The site lies outwith 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. Any updated verified views have not been sought from the applicant. 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.

### **f) 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. 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. It is unclear from the report if the EDG criteria set out for ADF calculations have been used and floor plans and sections have not been submitted in support of the ADF calculations in the report. It is therefore not possible to fully confirm that there is no adverse impact on daylight from the proposed development. The building is set back from the traditional building line along Haymarket Terrace, and it is the height of the proposal that raises the daylighting issue.

#### Sunlight

There are no impacts on private amenity space from the proposed development. However, public open space requires to be considered. The information submitted has not fully considered the potential impact on the open space surrounding the tram stop and adjacent public realm. This is an important public space and the impact of the development with respect to sunlight to this space needs to be fully understood.

However, the existing Rosebery House does overshadow the space as it is directly to the south of it. Therefore, while the impact from the new building may be greater the existing it is unlikely to be significantly different in respect of the west bound tram stop immediately next to the building.

#### 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 resident's 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 £800,746 to the Edinburgh Tram in accordance with the Developer Contributions Guidance. A legal agreement would be required to secure this contribution.

### Network Rail

Network Rail are a statutory 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.

Whilst this is an operational matter for the station to resolve with the applicants and current owners of the site as Network Rail are a Statutory Consultee to the planning application any intention to approve the application would require a referral to Scottish Ministers who would decide whether to call in the application for determination.

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

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development proposes an appropriate and sustainable land use which will support the local economy. However, whilst the proposals are predicated on delivering a sustainable new office there is considered to be an adverse impact on the setting of the A Listed Haymarket Station and therefore it fails to protect cultural heritage.

The proposed development therefore does not comply with the 13 SPP principles.

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

The proposed redeveloped building will have good accessibility throughout and will remove an existing awkward street entrance. The site is also in a very sustainable location with excellent access to public transport options. Provision is provided within the site for disability parking as required.

### **l) Letters of Representation**

#### **Material Objections**

Addressed in parts a), b) c), d) and e) of the assessment:

- Design inappropriate through scale and massing and visual appearance;
- Impact on historic skyline;
- Height inappropriate and not appropriate within the context of the surrounding area;
- Design not in keeping with the surrounding area;
- Out dated 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

- Impact on city skyline key views - additional viewpoints of W1B, W5 and S3 should be considered
- 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

Addressed in parts f) of the assessment:

- Impact on privacy
- Loss of sunlight and daylight to neighbouring properties

Addressed in parts c) of the assessment:

- 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

Addressed in parts h) of the assessment:

- 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

### **Support**

- Reduced parking
- Electric charging
- Any replacement should be of the same height

Gorgie 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

### Compliance with the Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

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 public realm around the building would be improved as a result of the widened footway adjacent to the tram stop. The unattractive Rosebery House, which does not contribute positively to the area in its layout and appearance, would be removed.

However, 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.

As a result of its height and form, the building does harm the setting of the listed station building, particularly when seen in views from around the Haymarket road junction. The considerable economic and sustainability benefits do not outweigh the harm that is caused to the listed building.

The applicant has indicated that if the proposed height cannot be achieved, they will be unable to deliver the development. Therefore, it has not been possible to reduce the height of the proposal through the application process.

The proposals are therefore not in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and because the presumption against granting planning permission has not been overcome, on this basis, planning permission should be refused.

### Compliance with 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. In its net zero operation, it goes beyond the requirements of policy Des 6 - Sustainable Buildings. In comparison with Rosebery House, 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.

However, because of the harm set out above, the proposal does not meet the requirements of policy Env 3 - Listed Buildings - Setting. It would have an adverse impact on the setting adjacent New Town Conservation Area contrary to Policy Env 6 of the LDP.

Additionally, the proposed height fails to have a positive impact on the surroundings and character of the wider area contrary to Policy Des 4 - Development Design - Impact on setting, parts a) and b) as the proposed scale and massing of the building has an over bearing impact on the character of the wider townscape. The proposal has failed to demonstrate compliance with Policy Des 11 - Tall Buildings - Skyline and Key Views- part b) in that the scale of the building is inappropriate within its context. As a result of these design impacts, the proposal does not contribute towards the sense of place and would be damaging the appearance of the area around it in contravention of Policy Des 1 - Design Quality and Context.

So, while the proposal meets the economic and sustainability objectives of the development plan, overall, due to its height it is not in accordance with the LDP.

#### Other material considerations

As the LDP is more than 5 years old, it is necessary to consider it against the Scottish Planning Policy (SPP). SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions. In relation to these principles the development proposes an appropriate and sustainable land use which will support the local economy. However, whilst the proposals are predicated on delivering a sustainable new office there is an adverse impact on the setting of the A Listed Haymarket Station and therefore it fails to protect cultural heritage. As a result, the proposal does not comply with these sustainable development principles.

There are no material considerations which outweigh this conclusion.

In summary, while there are both economic and sustainability benefits to this proposal, these do not outweigh the harm that is caused to its surroundings as a result of its height. The proposal fails to meet the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and it is not in accordance with the development plan or Scottish Planning Policy. It is therefore recommended that planning permission is refused.

It is recommended that this application be Refused for the reasons below.

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

#### **Reasons: -**

1. The proposed development would be contrary to Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 as the proposal fails to have special regard to preserving the setting of the Category A listed Haymarket Station. The proposals result in harm to the setting of the listed building due to their scale, massing and form.

2. The proposal is contrary to Policy Env 3 of the Edinburgh Local Development Plan as the development will have an adverse impact on the setting of a category A Listed Building.
3. The proposals fail to preserve the character and appearance of the conservation area, with particular regard to the setting of the New Town Conservation Area, contrary to Policy ENV 6 of the Edinburgh Local Development Plan.
4. The proposed development through its scale, massing and overall height will have an adverse impact on the site surroundings including the character of the wider townscape contrary to Policies Des 1, Des 4 and Des 11 (b) of the Edinburgh Local Development Plan.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 6 August 2021. A total of 172 letters of representation have been received. Of these, 169 were in objection, one was neutral and two were in support.

## Background reading/external references

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

|   |  |
|---|--|
| <b>Statutory Development Plan Provision</b> | The site is located within the urban area. |
| <b>Date registered</b>                      | 22 July 2021                               |
| <b>Drawing numbers/Scheme</b>               | 1 -21,                                     |

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

Contact: Elaine Campbell, Team manager  
 E-mail: elaine.campbell@edinburgh.gov.uk

## **Links - Policies**

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### **Relevant Policies:**

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

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

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

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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

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

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

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

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

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

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

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

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

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

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

# Appendix 1

## **Application for Planning Permission 21/03756/FUL At 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.**

### **Consultations**

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#### **Edinburgh Urban Design Panel**

##### *1 Recommendations*

*The Panel welcomes the opportunity to comment on a proposal at one of the city's most important transport hubs, which could play a useful role in promoting a carbon neutral city. The Panel is grateful to the development team for their comprehensive presentation. In taking forward the design, the Panel recommends that the following issues should be addressed:*

- o Analyse impact on key views, streetscape and built heritage to identify appropriate scale, height and building mass.*
- o Work collectively with neighbouring landowners and developers to improve the visual and spatial character of the area.*
- o Use design to achieve a more cohesive townscape on Haymarket Terrace.*
- o Ensure public realm design is central to the project from the outset and underpinned by relevant analysis.*
- o Create an active ground floor to improve street quality.*
- o Maintain commitment to carbon neutral design but factor in adaptability.*
- o Test options for elevational treatment*
- o Consult Police Scotland on carpark and ground floor security.*

##### *2 Planning Context*

*The application will be for the demolition of Rosebery House and redevelopment of the site to include approximately 20,000m<sup>2</sup> Grade 'A' office space and associated uses. The proposals include associated changes to the public realm, access and parking on the site.*

##### *Site description*

*The existing Rosebery House occupies an area of around 0.33ha and comprises a 'Z' layout with public realm to the north-western corner of the site and external car parking to the south. The development site is roughly rectangular and bound to the north-east by a vehicular access ramp which runs along the buildings northern and eastern frontage. To the north of the site is Haymarket Tram Stop with the tram line running continuing*

onto Haymarket Yards. To the east of the site is Haymarket Train Station. The surrounding area is predominantly commercial in nature.

The wider Haymarket Yards area includes land south of Haymarket Terrace and the existing tram/train lines and west from Haymarket Train Station to Devon/Balburnie Place. The site is accessed from Haymarket Terrace with cul-de-sac layout that terminates to the west of the site providing access to car parks in the area. The building height in the area is between 3 - 5 storeys and the predominant building material is sandstone, render and curtain glazing.

The north of the area is the Coltbridge and Wester Coates Conservation Area, the New Town Conservation Area and to the south is the Dalry Colonies Conservation Area. Haymarket Train Station is a Category A listed building and the Category B listed Distillery Lane buildings lie to the south.

### *Planning Policy*

The site is located in the City Centre as defined in the Local Development Plan (LDP). Policy Emp 1 Office Development supports office development in this location. Del 2 City Centre supports uses or mix of uses appropriate to the location and character of the area are supported provided they accord with other relevant LDP policies.

Proposals in the area will be required to demonstrate a co-ordinated approach to development in accordance with policy Des 2 Coordinated Development to facilitate the effective development of the adjacent land and deliver the comprehensive regeneration of the wider area.

The site sits within the Haymarket Urban Design Framework that was approved in 2010. Views across the site to landmark features are also protected, with the site included in Skyline Key Views W1, W5, W6C, S3, S4, N3, N4.

### *General*

It was agreed to record a declaration of interest by Alastair Cook who was a Director at 3dReid for a brief period during which this project was on hold, and he had no involvement in it. It was also agreed that this declaration did not represent a conflict of interest and should not preclude Alistair Cook from contributing to this review.

This report should be read in conjunction with the pre-meeting papers. This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations represented at the Panel forming a differing view of proposals at a later stage.

### *3 Panel Comments*

The Panel's detailed comments are as follows:

#### *Development context*

The Panel regards this proposal as an important opportunity to increase employment density at a highly accessible location, which could play a useful role in promoting a carbon neutral city. The Panel also recognises a pressing need to improve the quality

*and character of the pedestrian environment in this part of the city, not least along this stretch of Haymarket Terrace.*

*The Panel emphasises the prominence and significance of the site's location at the entrance to the World Heritage Site and facing the edge of the New Town Conservation Area.*

*The Panel also notes a lack of coordination in the way development at Haymarket Yards has evolved over time and strongly encourages the developer to work collectively with neighbouring landowners and developers to improve the visual and spatial character of the area. The Panel is therefore pleased to note ongoing dialogue between this development team and the developer working on current proposals for redevelopment at Elgin House.*

### *Scale, height and massing*

*The Panel notes that the proposal for office space, as tabled, is significantly larger in height and floor area than the existing Rosebery House. The Panel holds mixed views on appropriate height. While many successful cities use tall buildings to increase density, in this context height is likely to have a detrimental impact on the city skyline and key views from within the World Heritage Site, including views from Princes Street. The proposed height and massing will also affect the setting of Haymarket's A-listed rail station. The Panel considers that analysis of the impact on key views, streetscape and built heritage should be a significant consideration in setting an appropriate scale, height and building mass for this location.*

*The Panel wishes to draw a distinction between this location and the Haymarket Edinburgh site. Haymarket Terrace displays many characteristics of good urban space whose tenements are amongst the tallest in the city. In the Panel's view, re-development of Rosebery House represents an important opportunity to address a lack of cohesion in the townscape of Haymarket Terrace in a way that respects the built heritage and reinforces positive characteristics of the historic street. It is therefore not appropriate for this development to be regarded as a companion to Haymarket Edinburgh.*

### *Public realm*

*At present the public realm surrounding Rosebery House is of poor quality and challenging for both pedestrians and cyclists. The Panel strongly welcomes the developer's commitment to improving the pedestrian environment by removing the existing ramp and setting the building line back to widen the pavement.*

*In the Panel's view, public realm design is central to the success of this project and should be prioritised from the outset, underpinned by appropriate analysis including pedestrian modelling. As a primary route, the frontage to Haymarket Terrace needs to be free of clutter and visibly 'cleaned up' to allow pedestrian flows to work well. This pavement should maintain a constant width for its entire length. Landscaping options should be carefully assessed and weighed against the priority to avoid street clutter.*

*As far as possible public realm design should mitigate obstructions to walking and cycling caused by tram infrastructure, including eliminating the pinch point at the junction between Haymarket Terrace and Haymarket Yards (where the cycle lane sits close to the tramline) and improving the pedestrian route to the Yards.*

*Public realm design should also include improvements to the southern boundary of the site to enhance views from the trainline.*

#### *Active frontage*

*In the Panel's view, improving street quality by providing an active ground floor is also critical to the success of this project. The Panel welcomes the proposal to create an active lobby with high levels of transparency and active uses because this could create the perception of a wider public realm. Increasing the floor to ceiling height to distinguish the ground floor would enhance this effect.*

*For security reasons, if the lobby is to remain open and active the ground floor layout needs to ensure that access is monitored and managed.*

#### *Sustainability and adaptability*

*The Panel strongly supports the focus on energy efficient, carbon neutral design, including the integration of blue and green roofs and spaces, renewable energy, and biodiversity measures. It encourages integration of further measures addressing, for example, city cooling, climate change adaptation, living walls, and integration of renewables into the design of façades and blue/green spaces.*

*The proposed approach to car and cycle parking is also supported, although the Panel anticipates that car parking provision may need to increase slightly in terms of special needs accessibility provision. It is also important to make adequate provision for electric car charging.*

*The Panel cautions against increasing the energy load by introducing too much glass and/or daylight into the design of the external envelope. It also queries the usability and attractiveness of north facing outdoor space, which is not conducive to growing or promoting biodiversity.*

*In the Panel's view, the recent, rapid switch to remote/home-working in response to COVID-19 raises questions about the future of centralised working and whether there will be sufficient demand for office space on this scale in the longer term. The developer is therefore encouraged to factor adaptability into design of elevations and floorplates to enable future conversion to a use such as residential.*

#### *Elevational treatment*

*The Panel considers that façade design will have a significant impact the perceived character of the streetscape and notes the monolithic appearance of the proposed design.*

*The Panel holds mixed views on this design approach. Whilst a monolithic building on this scale may be appropriate for office development, it may not be in keeping with surrounding built heritage.*

*The need to consider train noise reverberating off a tall façade is also necessary to ensure this development will not detract from surrounding residential amenity. (Precedent: Hammersmith development by Ralph Erskine.)*

*More work is needed to test options for elevational treatment including:*

- o Materials better suited to the historic environment*
- o Improve the proposed backdrop to Haymarket Station*
- o More varied proportions (e.g. with height; to be more playful; to form a traditional base/middle/top)*
- o Achieve a good view from the train line on the south elevation;*
- o Avoid stairwells dominating the east and west facades*
- o Use of photovoltaic panels and/or planting that creates a living wall.*

### *Security*

*The developer is encouraged to obtain Police Scotland advice on carpark and ground floor security as part of the BREEAM accreditation process.*

*The subterranean carpark and cycle storage need adequate security to discourage bicycle theft.*

### **Roads Authority Issues**

#### Summary Response

The application should be continued.

#### Full Response Reasons:

a) The applicant has not demonstrated by design improvement of active travel route on east side of Haymarket Yards to the proposed development and connection to the wider path network. The development presents opportunity to create improved and integrated active travel route along Haymarket Yards.

b) The proposed 2-tier cycle spaces should be diversified to take care of different bicycle user needs.

c) The applicant is expected to design the site access junction from Haymarket Yards as raised continuous footway crossing. Should you be minded to grant the application the following should be included as conditions or informatives as appropriate;

1. The applicant will be required to contribute the net sum of £800,746 (based on proposed 20,242sqm office and existing 8,000sqm office in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

2. The proposed widening of southern footway/public realm on Haymarket Terrace is subject to Structural approval;

3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The

extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site.

4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

5. The applicant should be aware of the potential impact of the proposed development on Edinburgh Tram infrastructure and Building fixing arrangement for the necessary permits and authority to work. Liaison with Edinburgh tram will be required (see website <http://edinburghtrams.com/information/atw>).

Please refer to detailed comment from Edinburgh Trams Ltd;

6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

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

8. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address. 9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation.

A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved; Note: A transport statement has been submitted in support of the application. This has been assessed by transport officer and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments.

The development is predicted to generate 138 and 126 walking trips respectively for the morning and evening peak hours. Trips by buses are predicted as 293 and 268 respectively for the morning and evening peak hours

a) Tram contribution for proposed 20,242sqm office in Zone 1 = £1,400,746; existing 8,000sqm office =£600,000; net tram contribution in Zone 1=£800,746

b) The applicant by means of swept path demonstrated that refuse collection and servicing can be undertaken from existing access off Haymarket Yards. Egress of all vehicles via Network Rail owned land to the south of the site, joining the public network at the signal controlled junction at Haymarket Yards

c) 5 EV car parking spaces including 2 disabled bays to be provided on site; a reduction of 23 spaces from the existing 28 car parking spaces;

d) Main pedestrian access to the building from Haymarket Terrace

e) 156 secure cycle spaces proposed in a form of 2-tier cycle spaces for the proposed 20,242sqm office and complies with the minimum requirement of 155 secure cycle spaces. Bicycle parking spaces to be provided at the lower ground floor level of the building accessible via the car park.

f) The site is highly accessible by sustainable transport - rail, tram, bus, walking and cycling (City Centre West to East Link CCWEL to the north of the proposed site). TRAMS The proposed site is on or adjacent to the operational Edinburgh Tram. An advisory note should be added to the decision notice,

if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;

- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;

- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;

- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>.

## **Edinburgh Trams response**

*Edinburgh Trams welcomes the development and will assist the Council and the developer wherever possible. I have noted below our detailed comments:*

## 1. Compliance with ROGS

*The changes to the tramstop and tram infrastructure will need to be undertaken in accordance with The Railways and Other Guided Transport Systems (Safety) Regulations 2006 (ROGS) and Edinburgh Trams Safety Management Systems.*

## 2. Tram Infrastructure

*Consideration needs to be given around the positioning of the tram shelter and its modification when the rear wall is removed (assuming the City of Edinburgh Council gives consent as asset owner and Technical Approval Authority in terms of changes to their structure). Further consideration should also be given to the position of other tram associated equipment to maximise the public realm and tram stop space.*

*The mounting height of the existing tram tech cabinet does not specifically align with the pavement levels. The development team have suggested that to avoid it being moved or adjusted in height (which would be very expensive and disruptive) that it could remain, but the surrounding area landscaped instead to deal with the level challenges. We do have concerns about this approach as it will create a low point and increase the risk of localised flooding. Tech cabinets contain safety critical equipment and cost approximately £1m to replace when damaged by floodwater (this has already occurred on our system at Edinburgh Gateway).*

*We have also had flooding instances at Haymarket tramstop, and consideration should be given to improve the drainage of that area as part of their works as they will be adding to the total surface area run off.*

## 3. Asset Protection

*It is recommended that the Council, as asset owner of the tram system, and Edinburgh Trams as Operator and Maintainer enter into an asset protection agreement with the developer to ensure the planning, construction, future maintenance, and indemnification is adequately addressed.*

*Authority to Work permits will be required to complete the infrastructure and this will likely also require overnight overhead power line isolations to complete this work safely. These will all need to be undertaken at the developers cost.*

## 4. Earthing arrangements

*Detailed consideration will need to be given to the earthing arrangements for this development and also during the construction.*

## 5. Event Management

*We have been in discussion with the development team around our concerns about event management in relation to queuing Scotrail customers and the risk associated with that during Murrayfield event days at the rear of the tramstop. We do not support a removable barriered solution at the rear of the tramstop with steps into the Haymarket railway station as we do not believe this will be managed correctly from an operational perspective and*

*that will import additional risk into our business. A site visit is being arranged with the City of Edinburgh Council Public*

*Safety and the development team to discuss this further, but our preference is to develop an alternative route that takes pedestrians under or around the development via Haymarket Yards (nothing that the footway may need to be widened to accommodate that).*

## **6. Building Fixings**

*It is recommended that consideration be given to future proof the new building to accommodate building fixings for overhead span wires. If done at an early planning stage, it may allow the overhead line poles to be removed from the footways on Haymarket Yards at a future date, which would improve the public realm space there.*

*It should be noted that building fixing agreements would be required for adjacent buildings etc. Street lighting implications should also be considered at this stage too.*

## **Commercial Development and Investment Service response**

*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.*

*The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 21/03756/FUL for an office development at 9 Haymarket Terrace, Edinburgh.*

### *Commentary on existing uses*

*9 Haymarket Terrace is currently occupied by Rosebery House, a 6,043 sqm office building dating from the mid-1970s. The building is currently let to a mix of tenants, primarily public sector and third sector bodies.*

*The economic impact of the existing building at 9 Haymarket Terrace can be estimated. If fully-let as office space, the building could, based on a median employment density for offices occupied by the public/third sector (based on the most recent usage of the building and the tenants of the surrounding offices) of one employee per 12 sqm (net), be expected to directly support approximately 504 full-time equivalent (FTE) jobs (6,043 ÷ 12). Based on a median GVA per worker for employees in the "public administration and defence" sector in Edinburgh of £71,316 (2019 prices) per annum, this could be expected to directly add approximately £35.9 million of GVA (2018 prices) to the economy of Edinburgh per annum (504 × £71,316) if fully occupied for this purpose.*

*9 Haymarket Terrace is strategically located close by to Haymarket rail station and the adjacent tram halt. It lies at the western edge of the cluster of modern office buildings in Edinburgh's central business district. Recent developments such as Capital Square and*

*Haymarket Edinburgh on Morrison Street have reinforced the role of this area of the city as an office hub.*

*Despite its strategic location, Rosebery House (and the surrounding office buildings) do not currently command prime rents. Many of the occupiers are government bodies, charities, and early-stage technology companies, who will typically pay lower rents than large private sector occupier. This may to some degree reflect the design and advanced age of Rosebery House and other buildings.*

*It is recognised that the COVID-10 pandemic may drive some long-term changes in working patterns resulting in greater home/remote working and, accordingly reduced demand for office space. However, this must be balanced against the pre-existing shortage of prime office space in Edinburgh and the ongoing loss of office space to alternative uses. Overall, it is considered that the impacts of the pandemic may drive a consolidation of office demand in prime locations (such as Haymarket) at the expense of peripheral and unestablished locations.*

#### *Commentary on proposed uses*

##### *Class 4 - Business*

*The applicant proposes to replace Rosebery House with a new office building. The replacement building would have a gross internal area of 20,242 sqm; based upon a typical ratio of net to gross internal area for office buildings of 0.825:1, this could be expected to represent a net internal area of 16,700 sqm.*

*The economic impact of the proposed replacement building at 9 Haymarket Terrace can be estimated. If fully-let as office space, the building could, based on a median employment density for offices occupied by the public/third sector (based on the tenancy of the existing building and surrounding offices) of one employee per 12 sqm (net), be expected to directly support approximately 1,392 full-time equivalent (FTE) jobs (16,700 ÷ 12). Based on a median GVA per worker for employees in the "public administration and defence" sector in Edinburgh of £71,316 (2019 prices) per annum, this could be expected to directly add approximately £99.3 million of GVA (2018 prices) to the economy of Edinburgh per annum (1,392 × £71,316) if fully occupied for this purpose.*

#### **SUMMARY RESPONSE TO CONSULTATION**

*It is estimated that the proposed development could 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). An office building of advanced age and outdated design would be replaced by a modern office building in a strategic location.*

#### **Network Rail response**

*Whilst Network Rail do not object to the principle of the development, we must object to the application on the grounds that the proposal as it stands could adversely affect the operation of neighbouring Haymarket Station and the public transport network during*

*special events. This is because the proposed plans show the removal of the existing station events queuing arrangements and the proposed alternative events queuing arrangement is not considered to be either workable or safe. There is also an ownership issue as who would own and manage the proposed stairs and terrace particularly during an event.*

*It is recommended that the applicant liaise with Network Rail and other key transport stakeholders directly to discuss these issues further and to agree alternative arrangements that should then be part of the current planning application.*

*Should the council be minded to grant this application, we request that the following conditions are attached:*

#### *Construction Method Statement*

*1. No construction work will commence until a construction method statement, which includes plant details, locations and lifting plans, is submitted to the council and agreed in conjunction with Network Rail's Asset Protection Engineers.*

*Reasons: To ensure construction can be carried out without adversely affecting the safety of, or encroaching upon, the operational railway.*

#### *Demolition Method Statement*

*2. Any demolition work must be carried out in accordance with an agreed method statement. This method statement is to be submitted to the Planning Authority for approval prior to works commencing and will require to be reviewed by Network Rail's Asset Protection Engineers.*

*Reasons: In the interests of public safety and the protection of Network Rail infrastructure.*

*The following should also be included as advisory notes:*

#### *Piling/Vibrations*

*Where piling works are required, this can have a significant impact on the safety of railway operations, Network Rail have vibration limits which would need to be adhered to. Details of proposed piling works would need to be submitted to Network Rail's Asset Protection Engineers for review and approval prior to works proceeding. Track monitoring may be required during piling works.*

#### *Overhead Power Line*

*The development is adjacent to an electrified line where all parts of the overhead line equipment are energised to 25kV at all times. The design and construction will need to take the additional associated risks in to account including the submission of any required bonding designs to Network Rail's Asset Protection Engineers for review and approval.*

#### *Lighting*

*Proposed lighting of the development will need to be designed so as to not cause any spillage out towards the railway track which will affect the safety of rail operations. A proposed Lighting Plan should be submitted to Network Rail for review and approval.*

#### *Access*

*During and after construction, the applicant must take care so as no existing access to any Network Rail's assets are blocked to allow for maintenance.*

#### *Vehicle Incursion Assessment*

*The Department of Transport recommends the provision of a safety barrier adjacent to the railway, alongside all roads, turning circles and parking areas where the railway is situated at or below the level of the development. The applicant should undertake a vehicle incursion assessment and where applicable, implement mitigation to ensure the safety of neighbouring railway infrastructure.*

#### *Construction*

*No part of any plant nor any temporary shall encroach or be able to fall within 4m of any Network Rail infrastructure. The Construction Plant-hire Association (CPA) Guidance should be consulted.*

*Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

### **Gorgie Dalry Community Council response**

*Gorgie Dalry Community Council have been consulted on this proposal and wish to object. The plans were discussed at our August 2021 public meeting and there were concerns raised by many attendees, and it was decided to object.*

*We wish to object to the following:*

#### *Impact on Residents - Size & Scale*

*Policy Des 4 states that permission will be granted for development that has a positive impact on the surroundings, having regards to a number of items. This proposal is inappropriate in scale and size, as the building is 8 storeys high to the rear, which directly and negatively impacts on the views from Dalry Road and more importantly, residents of the Caledonian Village. The Design and Access Statement mentions the step-back design and how it helps preserve the amenity of neighbouring residents (of Haymarket Terrace), yet no attempt has been made to do the same to the rear. Therefore, the amenity of residents within our boundary, notably of Caledonian Village, have not been considered in the design, which is evident in the austere rear 8 storey block. Part 5 of the D&AS, Viewpoint 7, mentions that the value of this view is considered to be low to medium. This viewpoint consists of many local residents' main views out across to Haymarket Terrace. We are disappointed that under 'Level of Effect', there is only*

*mention of the effects to a listed building, and not any mention or consideration of local residents and their amenity. Viewpoints 9 and 10 will drastically impact on the many users of Dalry Road, and local residents' properties here too. Whether or not this is a planned vista, the existing expansive view and open skies are lost and this adversely affects local residents and visitors to our area. We would consider this view to be of high sensitivity. The proposals contravene Policy Des 4.*

#### *Change in appearance of Caledonian Village*

*The size, scale and proximity of the proposed site would adversely affect the appearance of the village itself. A view to the site has been provided in the Visual Impact Assessment and it clearly demonstrates how imposing and overbearing this proposal will be (Viewpoint 7).*

#### *Scale and height*

*The building contravenes Policy Des11 Tall Buildings, as the scale of the building is not appropriate in its context. We have noted the height to the rear above, but to the front it was concluded in our meeting that residents present were concerned over the height, being 6 storeys versus the 4 storey plus attic height in the existing terraced buildings opposite or the 5 storey building on the corner of Haymarket Yards. We had noted in our September 2020 meeting that it was higher than the surrounding buildings, during a presentation from the design team. It appears very dominant in the area and detracts from the high quality existing buildings in this location and the surrounding area. It therefore contravenes policy Env1.*

#### *Lack of public space/realm*

*While the Planning Statement mentions an improved expansive public space to the front of the building which we welcome, we noticed from the plans that the building as existing is Z-shaped, while the new building infills these gaps in the Z shape, coming right up to the pavement line and taking up a much larger floor area, thus actually reducing the amount of public space. While we realise that improvements to the existing ramp and general pavement area are being proposed, the amount of public realm being lost is a concern for us. It was mentioned that the proposed building is not offering anything to our area except for jobs.*

#### *Quality*

*While we recognise that attempts have been made to articulate the facade and elevations to integrate it into the local area, it was noted by some that the final design is not high quality enough for this prominent site/our area. It was mentioned that it is similar to Argyle House on Lady Lawson Street in design. We realise it is an improvement on the existing, but had hoped for a better design for a building so prominent in our area.*

*We therefore wish to object to the proposal, as it contravenes Policies Des 1, Des 4, Des 8, Des 11 and Env 1 of the Edinburgh Local Development Plan, and adversely affects the amenity of local residents, views from our area, the possibility for an improved public realm, and views from properties within the Gorgie Dalry Community Councils boundary.*

## **Archaeology response**

*As discussed during pre-application meetings last year, this late 20th century office block is constructed on part the original 1840's Haymarket Station latter used as a major cattle yard and market during the Victorian period. Prior to this the area formed part of the lands associated with the medieval settlement of Coates. Evidence for the cattle market was recovered during the construction of the Edinburgh Trams in 2008/9 in the form of life-size carved stone bull/cattle heads. These originated from the cattlemarket which stood on the site and now form part of the City's Archaeological collections.*

*As such the site has been identified as within an area of archaeological potential. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*Although the construction of the current office building has had a significant impact upon any surviving remains, out with its footprint there is the potential for archaeological survival. Accordingly, it is recommended that a programme of archaeological mitigation is undertaken prior to demolition/development to excavate, record and analysis of any surviving archaeological remains that may be affected.*

*In addition, given the local importance of the former cattle-yards & market and public interest at the time of the discovery of the four life-size, stone, cattle architectural head sculptures opportunities to interpret this heritage within the final scheme is encouraged.*

*In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;*

*'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Historic Environment Scotland response**

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

This application proposes the demolition of the four-storey Rosebery House (No. 9 Haymarket Terrace) and its replacement with a substantially taller building.

Rosebery House is a post-war office block, designed by Michael Laird & Partners in 1977, on land once partly associated with the railway and thereafter other uses. As the building is not listed, nor within a conservation area, we have no role in considering the demolition of the existing building.

We have been consulted due to the likely impacts of a taller building on the setting of Haymarket Station (A listed) and on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site.

We provided pre-application advice to your Council on 9 June and 30 June 2020. In our second letter - as the scope of redevelopment was becoming clearer - we noted the scale of the proposed building on Haymarket Terrace (compared to other historic and more recent development) and advised a reduction in height due to likely adverse impacts on the historic environment.

The supporting information for this application includes a series of visualisations (more comprehensive than we have previously seen). While these illustrate that the proposed building would have adverse - and in places negative - impacts on the historic environment, we do not consider the setting of Haymarket Station or the OUV of the World Heritage Site would be significantly diminished, such that we would object.

Looking at these two designations in more detail:

#### Haymarket Station

The main station building is an important early classical railway building designed by John Miller and David Bell in 1840-1842. The immediate setting to the west of the original building has been altered by the recent major extension of the station. The station's classical frontage terminates views from West Maitland Street - this is the most significant view of the station.

Looking at the visualisations (Part 5 of the Design & Access Statement) we are pleased to note that the proposed new building would not be viewed directly behind the station frontage when viewed straight-on. Viewpoint 1 is taken from the junction of Morrison Street and Viewpoint 2 (the formal frontage of the station) is taken from Clifton Street, which is evidence that the proposed building would not be seen directly behind the station in that significant view from the west.

Viewpoint 11 illustrates the proposed building would be visible above the corner of the station (although the station's frontage is partly hidden by Ryrie's Bar) from the top of Dalry Road. However, would the upper storeys of the proposed building continue to be visible as pedestrians' approach the station? Any further visual impacts on closer views of the station's frontage are likely to be more damaging. We would recommend further assessment is undertaken to understand the likely impacts of the proposed building on these closer views of the station. We would be happy to provide further advice if this would be helpful.

In Viewpoint 10 on Dalry Road, the proposed new building would be seen directly behind the station's frontage (we understand that a new route to the station is to be created at this location from the Haymarket development). While this is a secondary view of the station, having a tall building behind the listed station building would nevertheless have a negative impact on views and its setting.

## OUV of the Old and New Towns of Edinburgh World Heritage Site

The site is directly south of the World Heritage site boundary within a built-up area of townscape (largely redevelopment following industrial and railway uses). As Rosebery House is set-back from the building line on a street of tall buildings, we do not consider the scale and height of the proposed replacement building would have any major impacts on the approach to the World Heritage site. While the proposed building would be visible in certain views from the World Heritage site, such as impacting on views down Rosebery Crescent, the information presented does not suggest there would be major impacts on more significant views.

## Conclusion

In summary, we do not consider the replacement building raises significant enough historic environment issues for us to object to the application. However, as mentioned above, we do see a series of adverse and negative impacts as a consequence of this proposed new building, mainly its height on the setting of the A listed station. (Further information and assessment would be useful). As suggested in the pre-app, reducing the height of the proposed building to better reflect its existing location on Haymarket Terrace, is likely to reduce these impacts.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals.

This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

## West End Community Council response

*Residents in the West End Community Council area appreciate the consideration given to their comments at the pre-application consultation stage. However, there remain some concerns that require an objection to be submitted.*

### *1 Proximity to Conservation Area and World Heritage Site*

*Given that there is no designated buffer zone to protect the WHS, it is important that nearby developments give adequate consideration to respecting the OUVs of the inscription. This is particularly relevant now, as there is a need to avoid the danger of EWH being placed on the endangered listing.*

*Refs: Applicant's Design & Access Statement p.11; ELDP Env 1; Env 3; Des 1*

## *2 Height and Mass*

*In spite of the stepping-back treatment to the upper storeys, the proposed height is still seen as dwarfing the residential tenements of Haymarket Terrace.*

*There is little enhancement of the setting of the important, characterful listed buildings around the Haymarket Junction, particularly the original Haymarket Station.*

*Ref: ELDP Env 3; Des 1; Des 4; Des 11*

## *3 Materials*

*While the link to the New Town façades and columns is appreciated, it is regretted that traditional materials such as sandstone and cast iron have not been specified.*

*Ref: Design & Access statement 4.11; 4.12; ELDP Des 4d)*

## *4 Amenity concerns*

### *4.1 Daylight and Sunlight Analysis:*

*WECC notes that 9 windows (out of?) at first floor level on the south facing Haymarket Terrace flats do not meet the target for winter sunlight hours.*

*Ref: Executive Summary 1.2.2; 3.2.4*

*The Report does not give detail of the effect on the public realm, e.g. at the tram and bus stops and footway.*

*Ref: ELDP Des 5a)*

### *4.2 Noise and privacy:*

*4.2.1 Plant is usually expected to be incorporated within new building, not located on the roof.*

*4.2.2 The stepped back area is described as benefitting the occupants, but we note that it creates the potential for nuisance in the evening for residents of the flats opposite.*

*Ref: Design & Access Statement 8.5 External amenity; ELDP Des 5a)*

### *4.3 Light emissions from large glazed area:*

*This could be improved by the introduction of time controlled blinds (where appropriate to the tenancy).*

## *5 Sustainability*

*We note the proposal for a photovoltaic array and query whether proximity to the WHS means that permission will be refused. (Residents have been unable to benefit from such installations.)*

*Ref: Design & Access Statement 8.5 Renewables*

## *6 Conditions*

*Ref: Planning Statement 2.19; 2.20*

*This scenario is of serious concern in the West End crescents and streets. There is already a traffic management issue, due to the considerable use of residential streets by construction-related and other heavy vehicles which cause vibration, health hazards and safety worries.*

*Enforcement by CEC officers will be essential, if the imposing of Conditions is to be successful.*

*WECC supports the concerns that have been detailed in reports from other consulted bodies.*

## **Edinburgh World Heritage Trust response**

*The scope and emphasis of our comments reflects our principal remit associated with impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site ('World Heritage Site).*

### **EDINBURGH WORLD HERITAGE ADVICE**

*The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here. The principal elements of OUV and associated attributes likely to be impacted by the development are the uniform/limited heights, response of heights to topography/natural features and historic roofscape character associated with Edinburgh's iconic skyline.*

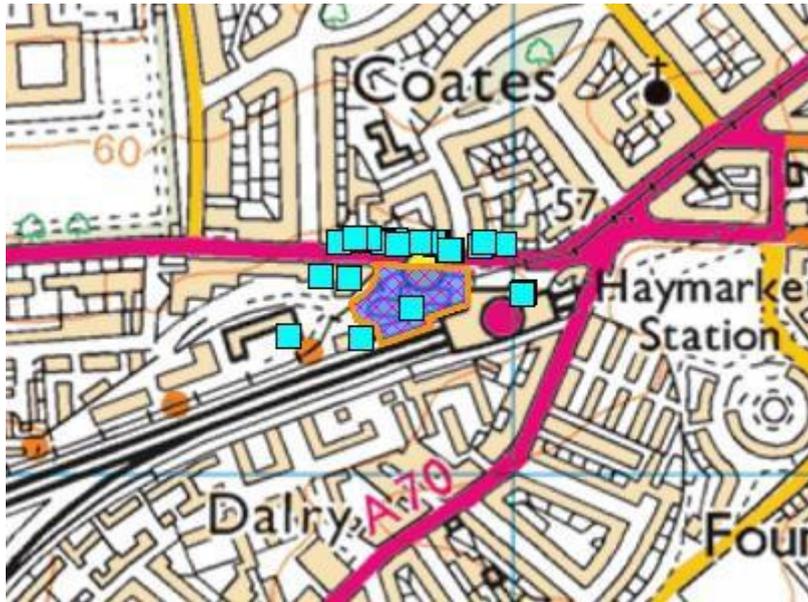
*The site is located within the immediate setting of the World Heritage Site, and given its location and proposed scale has the potential to impact on both local townscape character and the skyline/longer view elements associated with the OUV of the World Heritage Site outlined above.*

*The proposals therefore merit careful consideration with respect to their impact on OUV. The visuals provided are not sufficient to assess the impact of the proposals on the OUV of the World Heritage Site.*

*In order to enable a reasonable assessment of the proposals impact in line with relevant legislation and policies regarding managing change the historic environment, we advise that further information is provided by the applicant to inform consideration of this application.*

*Fully verified views from the relevant points identified in the Edinburgh Design Guidance, alongside those informed by the expertise within the planning development, would be advised.*

*Given the potential impact of the proposals on the World Heritage Site, we would welcome further engagement at such a time as more detailed visuals are available.*



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