

Development Management Sub-Committee Report

Wednesday 15 June 2022

**Application for Planning Permission
GF 9 Haymarket Terrace, Edinburgh, EH12 5YA**

Proposal: Proposed erection of hoarding on site boundary.

**Item – Committee Decision
Application Number – 21/06588/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application requires a Committee decision due to the objection from Network Rail, a statutory consultee.

Recommendation

It is recommended that this application be **Minded to grant - Scottish Ministers** subject to the details below.

Summary

The proposal does not harm the setting of the adjacent listed building. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the development is acceptable as it will not result in an unreasonable impact on neighbouring amenity. There are no transport issues. The proposals comply with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

Prior to the approval of planning permission the application must be referred to Scottish Ministers.

SECTION A – Application Background

Site Description

The application site is Rosebery House office block located on the south side of Haymarket Terrace adjacent to Haymarket Station. The Haymarket tram stop is immediately to the north of the application site. To the south is an access road to Haymarket Station and an office block.

Haymarket Station is a category A listed building (listed 27/10/1964 ref 26901)

Description Of The Proposal

The amended application proposes the erection of hoarding and heras fencing around the perimeter of the land ownership boundary of Rosebery House. The proposed hoarding will be a maximum height of 2440mm. Vehicle access gates are proposed in the western boundary of the hoarding. The proposals have been amended to remove any structures from the public road (footway).

Supporting Information

No information has been submitted in support of the application.

Relevant Site History

No relevant site history.

Other Relevant Site History

Planning Application 21/03756/FUL - Proposed Demolition of Existing office and redevelopment of site for office development - pending consideration.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Network Rail

Historic Environment Scotland

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 22 December 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

This report will then consider the proposed development under Sections 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 consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

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

The following HES guidance is relevant in the determination of this application:

- Managing Change: Setting

The proposed fencing is adjacent to the existing Rosebery House. The nearest part of the A listed Haymarket Station to the fence is that of the new extension. The fence is of an appropriate scale and position to ensure that the setting of Haymarket Station is unaffected by the proposals.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policy Env 3
- LDP Design policies Des 4 and Des 5
- LDP Transport Policy TRA 9

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policy Env 3.

Listed Building

The impact on the listed building, its setting and the setting of neighbouring listed buildings has been assessed in section a) above which concluded that the special architectural and historic interest of the building would not be harmed and the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy ENV3.

Amenity

Policies Des 4 and Des 5 seek to ensure that any proposed development will not have an adverse impact on the overall setting of the area. The areas of hoarding have been revised to reduce the visual impact. Heras fencing has been introduced in places and the building line is also used to create a boundary edge. The building is positioned away from any residential property and there are no issue relating to daylighting/sunlight from the proposals. The proposals have been appropriately amended to reduce the impact on the area.

Concerns have been raised with regard to the long term maintenance of the hoarding and the opportunity the hoarding creates for graffiti in the area. The applicant advises that the hoarding will be painted. However, no specific details of the finish have been submitted. A condition is proposed that requires further details of the finish of the hoarding to be agreed along with a scheme of maintenance.

Transport Matters

Policy Tra 9 of the LDP seeks to ensure that no development will obstruct a public right of way or route. The application has been amended to remove some areas of hoarding from the footway and use the building as a means of security boundary. The hoarding has also been positioned back from the entrance to the west of the site to allow a vehicle to pull off the public road. Transport Planning has reviewed the application and have no comments to make.

Network Rail has submitted an objection to the application on the basis that the current arrangements for event queuing at Haymarket Station would be adversely impacted by the proposals. The queuing crosses over private land, the application site, and the hoarding would remove the ability to use the site for queuing. Whilst recognising that Network Rail has objected to the application it is considered that this is a separate matter outwith the planning system in terms of the access arrangements between the applicant and Network Rail. The matter cannot be resolved as part of the consideration of a planning application.

Due to the objection received from Network Rail the application requires to be referred to Scottish Ministers should Committee determine to approve the proposals.

Conclusion in relation to the Development Plan

The proposed development has been amended to ensure that there is no adverse impact on pedestrian movement within the area. The proposals comply with the Development Plan.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 is being consulted on at present and has not been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

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

Public representations

West End Community Council have raised the following matters:

material considerations - addressed in part b) above

- neighbourhood blight - hoarding may be in place for a number of years:
- Match day station access
- appearance and finish
- sustainability - the proposal has been amended to reduce the amount of hoarding proposed and has introduced heras fencing and parts of the building to provide security.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal does not harm the setting of the adjacent listed building. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The principle of the development is acceptable as it will not result in an unreasonable impact on neighbouring amenity. There are no transport issues. The proposals comply with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

Prior to the approval of planning permission the application must be referred to Scottish Ministers.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. Prior to the erection of the hoarding a scheme of the painting and ongoing maintenance shall be agreed in writing with the Planning Authority and shall be implemented thereafter.
2. The proposed hoarding and heras fencing shall be removed within 3 years of the date of this permission.

Reasons :-

1. In the interest of the amenity of the area.
2. In recognition of the temporary nature of the proposals.

Background Reading/External References

To view details of the application go to the Planning Portal

Further Information - [Local Development Plan](#)

Date Registered: 16 December 2021

Drawing Numbers/Scheme

1 and 2a

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Elaine Campbell, Team manager
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Summary of Consultation Responses

NAME: Network Rail

COMMENT: Network Rail object to the application on the 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. Proposed Hoarding will block the existing events queing arrangement.

DATE: 29 April 2022

NAME: Historic Environment Scotland

COMMENT: No comments on the proposals.

DATE: 17 January 2022

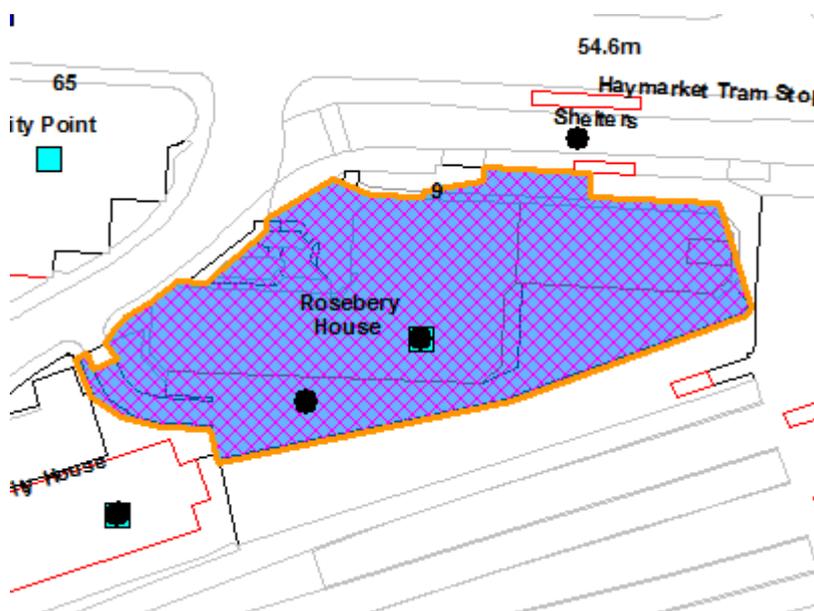
NAME: Transport Planning

COMMENT: No objections to the proposed development subject to informatives.

DATE: 25 February 2022

The full consultation response can be viewed on the Planning & Building Standards Portal.

Location Plan



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