

# Development Management Sub-Committee Report

**Friday 17 March 2023**

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

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

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

## **Reasons for Referral to Committee**

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

## **Recommendation**

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

## **Summary**

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

## SECTION A – Application Background

### Site Description

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

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

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

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

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

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

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

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

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

### Description of the Proposal

## Summary

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

## Office building

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

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

## Hotel building

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

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

## Landscaping/Amenity

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

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

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

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

## Access

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

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

### Services

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

### Car/Cycle Parking

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

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

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

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

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

### Energy-efficiency measures

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

### Demolition

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

### **Supporting Information**

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

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

### **Relevant Site History**

21/05661/PAN

20 Haymarket Yards

Edinburgh

EH12 5WU

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

Pre-application Consultation approved.

8 November 2021

### **Other Relevant Site History**

Planning Application 21/03756/FUL

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

9 Haymarket terrace, Edinburgh.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland

Flood Prevention Service

Environmental Protection

Network Rail

Archaeologist

Economic Development

Scottish Water

Scottish Power

Roads Authority

West End Community Council

Edinburgh World Heritage

Edinburgh Trams

Police Scotland

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

## **Publicity and Public Engagement**

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

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

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

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

**Number of Contributors:** 6

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## Assessment

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

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

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

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

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

### Haymarket Station

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

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

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

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

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

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

### Coates Gardens

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

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

### Other listed buildings

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

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

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

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

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

The relevant NPF4 and LDP policies to be considered are:

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



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

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

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

### **Principle of use**

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

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

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

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

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

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

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

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

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

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

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

### **Climate Mitigation and Adaptation**

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

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

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

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

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

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

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

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

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

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

### **Flooding and Drainage**

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

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

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

### **Biodiversity**

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

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

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

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

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

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

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

### **Design and setting**

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

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

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

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

### **Existing context**

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

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

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

## Sense of place

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

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

## Material palette

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

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

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

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

## Mass, height, and scale

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

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

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

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

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

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

#### Setting of listed buildings

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

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

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

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

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

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

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

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

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

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

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

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

#### Coltbridge and Wester Coates Conservation Areas

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

#### Gorgie and Dalry

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

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

### Protected Skyline Views

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

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

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

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

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

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



## **Archaeological Remains**

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

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

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

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

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

## **Coordinated development.**

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

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

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

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

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

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

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

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

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

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

### **Layout and Landscape**

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

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

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

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

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

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

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

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

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

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

### **Residential Amenity**

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

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

### *Daylighting*

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

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

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

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

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

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

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

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

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

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

### *Sunlight*

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

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

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

#### *Privacy/Overlooking/Outlook*

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

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

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

#### *Noise*

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

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

#### *Ventilation*

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

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

### *Ground Contamination*

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

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

The proposal complies with LDP Policy Des 5.

### Road Safety and Infrastructure

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

### *Access and Traffic Generation*

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

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

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

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

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

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

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

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

### *Car and Cycle Parking*

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

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

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

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

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

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

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

## *Waste/Serviceing*

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

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

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

## **Developer Contribution**

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

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

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

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

The proposal complies with LDP Policy Del 1.

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

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



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

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

The following matters have been identified for consideration:

#### **Emerging policy context**

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

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

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

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

#### **Public representations**

A summary of the representations is provided below.

##### West End Community Council

###### *material objections*

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

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

## **Material Comments**

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

### *non-material comments*

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

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

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

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

### **Overall conclusion**

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

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

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

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

## **Reasons**

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

## **Informatives**

It should be noted that:

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

### Transport

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

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
5. Three Rapid 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdEMO/Type 2) chargers shall be installed at the commercial parking areas.
6. The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
7. The proposed demolition/construction management plan should be discussed with adjacent properties to identify possible impacts and mitigation measures.

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

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

**Further Information - Local Development Plan**

**Date Registered: 23 September 2022**

**Drawing Numbers/Scheme**

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

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

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

## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland

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

DATE:

NAME: Flood Prevention Service

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

DATE:

NAME: Environmental Protection

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

DATE:

NAME: Network Rail

COMMENT: No objections were raised.

DATE:

NAME: Archaeologist

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

DATE:

NAME: Economic Development

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

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

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

DATE:

NAME: Scottish Water

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

DATE: 12 December 2022

NAME: Scottish Power

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

DATE:

NAME: Roads Authority

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

DATE: 1 March 2023

NAME: West End Community Council

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

DATE:

NAME: Edinburgh World Heritage

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

DATE:

NAME: Edinburgh Trams

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

DATE:

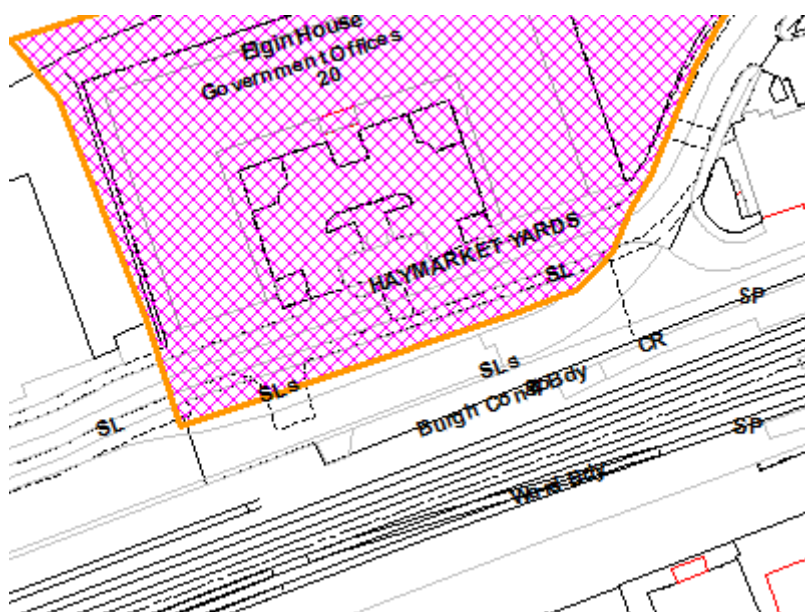
NAME: Police Scotland

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

DATE:

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

## Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

