

Development Management Sub-Committee Report

Wednesday 17 April 2024

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

Proposal: Erection of office (Class 4) and associated public realm, landscaping, and cycle parking.

**Item – Committee Decision
Application Number – 24/00297/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 proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with National Planning Framework 4 and the Local Development Plan and the relevant non-statutory guidance. The proposal will deliver a sustainable and well-designed office scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the area and contributes to a sense of place. Although the development will have a minor daylighting impact on some neighbouring properties, this is considered acceptable given the dense city centre location. The proposal would bring significant economic benefits to the city. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

Vacant brownfield site on the north-east side of Haymarket Yards. The site in the City Centre as defined in the Local Development Plan 2016 (LDP).

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-west of the site.

The site is not in a conservation area, however the New Town Conservation Area and World Heritage Site boundary is located to the northeast at Haymarket Terrace. Coltbridge and Wester Coates conservation area lies to the northwest of the site.

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

The proposal is for a new 6,285sqm (GIA) Class 4 office development. The building will be 83.5m AOD in height and comprise seven storeys.

The glazed office will be finished in buff tone aluminium cladding and includes a south-facing balcony system on each floor. The office will include a lobby area and break-out space on each level.

Plant will be contained at the rear of the building on the ground floor as well as a network of air source heat pumps located on the roof. Roof plant will be screened.

The proposal includes the creation of benches and raised planters along the south elevation.

A widened 3-4 metre (varied) shared use footway outwith the red line boundary will be created along the north side of Haymarket Yards (revised drawing number 24). The adopted footway will be finished in Hot Rolled Asphalt (HRA) with white chips.

There will be 45 secure cycle parking spaces on the ground floor including:

- 16 Sheffield stands for regular cycles;
- 4 Sheffield stands for non-standard cycles;
- 20 two-tier cycle racks; and
- 5 lockers for folding bikes.

There will also be 10 visitor parking spaces near the entrance.

Supporting Information

- Design and Access Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;
- Sustainability Statement;
- Contaminated Land Information;
- Transport Statement; and
- Noise Impact Assessment.

Relevant Site History

22/04595/FUL

20 Haymarket Yards

Edinburgh

EH12 5WU

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.

Granted

13 September 2023

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

N/a

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Roads Authority

Edinburgh World Heritage Trust

Historic Environment Scotland

Flood Planning

Environmental Protection

Police Scotland

Network Rail

Scottish Power

Scottish Water

Archaeologist

Edinburgh Trams

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

Publicity and Public Engagement

Date of Neighbour Notification: 31 January 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change - Setting

"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 east office at 20 Haymarket Yards is set back by 200 metres from the primary frontage of the station, such that it will have a moderate but acceptable impact on the setting of the building. The proposed buff aluminium facade further corresponds with the sandstone finish of the station entrance.

The roof plant will be enclosed by perforated steel screening specified to colour match elements of the building elevations. The visual impact of the roof plant is considered acceptable given the constraints around locating air source heat pump units.

It should be noted that the proposed redevelopment of Rosebery House on Haymarket Terrace has recently been granted planning permission on appeal by Scottish Ministers consent at Appeal (Appeal Reference: PPA-230-2431). If this development was built, it would alter the setting of the station and block out views of the 20 Haymarket Yards proposal from Morrison Street/West Maitland Street.

Historic Environment Scotland made no comments on the proposal.

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 above the south side of this tenement block and become visible from the north-end of Coates Gardens. From this viewpoint, the height of the building would not dominate the setting of listed buildings on Coates Gardens and the proposed buff aluminium cladding provides a contemporary interpretation of the existing sandstone palette on Coates Gardens.

Other listed buildings

There are other 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 harm 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 acceptable.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies

supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 7 Historic Assets and Places
- NPF4 Policy 14 Design, Quality and Place
- NPF4 Policy 27 City, Town, Local and Commercial Centres
- LDP Policy Des 5 Amenity
- LDP Policy Tra 3 Parking
- LDP Policy Emp 1 Employment
- LDP Policies Del 1 and Del 2 Developer Contributions and City Centre Development
- LDP Policies Env 21 and Env 22 Flood Risk and Contaminated Land

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is also relevant in the consideration of several Local Development Plan design and transport policies.

Principle of Development

The principle of use is acceptable. The proposed office (class 4) is in accordance with the previous office use on site.

The site in the City Centre which is a suitable location for new office developments. The site is well connected to a major transport interchange at Haymarket station, 200m away.

The proposal will enhance and improve the vitality and viability of the area as a commercial/retail hub. It is estimated that 420 people could be employed in this Grade A office development.

The proposal complies with LDP Policy Del 2, Emp 1 and NPF Policy 27.

Global Climate and Nature Crises

The building fabric is designed to be long-lasting and meet high standards of thermal efficiency. A cluster of air source heat pumps on the roof of the building will also provide low carbon space heating and hot water to the office.

The proposal includes a section of living roof as well as planting in the public realm which will deliver a net increase in soft landscaping.

The development site is near the City Centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO₂ and traffic from this development could feed into this AQMA. The car-free development and densified use in a strategic location beside a major transport intersection would lead to travel emission reductions over the existing scenario.

The proposal has a neutral impact with respect to NPF4 Policy 1, 2 and 3.

The proposal complies with NPF4 Policy 1, 2 and 3.

Design

The height, mass and scale of the building is very similar to the consented hotel on this site. Although the building height will rise above the existing sandstone tenement block on Haymarket Terrace, the site is 5 metres below Haymarket Terrace and the proposal will be situated within an existing and emerging cluster of commercial developments. The proposed east office will be approximately 8 metres lower in height than the consented west office at 20 Haymarket Yards, occupying a subservient position on the corner of the block.

The glazing system and articulation of the facade corresponds closely with the consented west office block under reference 22/04595/FUL. This reflects the commercial character of the area while the buff aluminium cladding provides a contemporary reference to the sandstone setting of Haymarket Terrace.

The public realm proposal includes a granite finish which will create a high quality environment and add character to the street. The introduction of seating and raised planters along Haymarket Yards will activate the frontage of the building in addition to a proposed ground-floor cafe on the corner of the building granted consent under reference 24/00298/FUL.

The proposal complies with NPF4 Policy 14.

Historic setting

The New Town Conservation Area and World Heritage Site is a planned urban concept characterised by Georgian formality. As above, the setting of the conservation area will be moderately impacted on Coates Gardens, facing south down the street.

The proposal would rise up above the south side of the tenement block which forms the setting of Coates Gardens. From this viewpoint, the height of the building would not dominate the setting of terraces on Coates Gardens and the proposed buff aluminium cladding corresponds to the existing sandstone palette on Coates Gardens.

Historic Environment Scotland made no comments on the proposal. Edinburgh World Heritage Trust do not object to the proposal however they consider that the building height should be reduced by two storeys. This is in order to minimise harm caused to the characteristically uniform/limited heights of the existing historic townscape and mitigate the impact on its Outstanding Universal Value. Although the proposal would alter the setting of Coates Gardens, given the above, it is considered that on balance, the impact is acceptable and localised to this particular street within the World Heritage Site.

It is considered that the moderate impact on the setting of the New Town Conservation Area is acceptable.

The proposal complies with NPF4 Policy 7.

Amenity

The surrounding area contains a mix of uses including retail, food and drink, assembly and leisure, student accommodation, offices, hotels and flatted development.

A daylight and sunlight assessment has been submitted as part of this application. The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council typically requires this to be more than 27% or 0.8 of its former value.

As a result of the proposal, it is anticipated that 7 out of 84 windows in the tenement block to the north will fail to meet the minimum VSC levels above. Given the dense, city centre location of the site, this level of impact is commonly found and considered acceptable in this instance.

If a proposed development would not meet these VSC requirements, particularly in the more sensitive and densely planned parts of Edinburgh, the Council requires more detailed information on the likely amount of daylight in affected rooms in existing buildings. This is assessed using the Average Daylight Factor (ADF) methodology.

A total of 21 out of 23 assessed habitable rooms in the tenement block passed the ADF assessment. The remaining 2 rooms fail to achieve the ADF recommended for kitchens (2%) with ADF of 1.4% and 1.6% achieved respectively. This is still considered to be a reasonable level of daylight given the high density urban location. These impacts are considered acceptable in this regard.

The proposal will permit at least 2 hours of sunshine on neighbouring outdoor amenity spaces at the Spring equinox. The proposal complies with the Edinburgh Design Guidance with respect to sunlighting.

The air source heat pumps on the roof of the proposed building are a sufficient distance from the nearest residential properties. Environmental Protection raise no objection subject to the condition that details of the plant specification are submitted and agreed in writing by the Planning Authority prior to occupation of the development.

The office will be more than 21m from neighbouring properties to the north and therefore overlooking is not considered to be an issue.

The use will not result in an adverse impact on the living conditions of the existing residents within the area.

The proposal complies with LDP Policy Des 5.

Transport and Access

The site is in a highly sustainable location within a short walk from Haymarket train station, bus stops, tram stops and active travel routes including NCR 1 and the City Centre West East Link under development.

The site has level-access from Haymarket station and tram stops. Site constraints are such that no parking provision has been proposed.

Given the accessible City Centre location of the site and the level access available, it is considered that accessible parking bays are not required. Furthermore, a loading and drop-off bay will be formed on Haymarket Yards as part of the wider site under development which will service this office. There are also public parking spaces nearby on Haymarket Terrace which can be used by Blue Badge Holders.

There are 45 secure cycle parking spaces proposed and 10 visitor cycle parking spaces. No more than 50% of secure parking will be two-tier and space has been provided for non-standard cycles. Provision of cycle parking is in line with guidance. The Roads Authority raise no objection to the proposal.

The proposal complies with LDP Tra 3.

Flood risk and Water Management

The Applicant has submitted a flood risk self-assessment declaration form. The submitted Flood Risk Assessment confirms that in the event of a 1:200 year flood, the building would not flood. Furthermore, flood depths on the road would mean that flow is held within the carriageway itself, below the kerb level. This confirms that dry access to the unit will be maintained during flood events.

The surface water management plan is considered acceptable given the constraints of the site. Flood Planning raise no objection.

Scottish Water raise no objection, however the Applicant must make a formal connection application.

The proposal complies with LDP Policy Env 21.

Contaminated land

The Applicant has submitted a contaminated land report as part of the original site consent under reference 22/04595/FUL. The report suggests that no further investigation and/or remediation will be necessary to ensure that the development is suitable for use. Environmental Protection were satisfied that no further mitigation measures were required and discharged the original condition.

However, the Council must treat this application as a stand-alone proposal. For this reason, a standard contaminated land condition will be attached to this application.

The proposal complies with LDP Policy Env 22.

Archaeology

The site overlies part of the former Haymarket Railway Goods Yards, which date back to the 1840's. Prior to this the site formed part of the lands associated with the medieval Coates and Dalry Estates. Accordingly, the site is regarded as being of archaeological significance. However, the results of the monitoring of the demolition of the adjacent Elgin House by AOC in December 2023 (AOC report 26541) demonstrated that the construction of these late 20th century offices has significantly disturbed any early deposits.

Given these results it is considered unlikely that the scheme will impact upon any significant Railway era or earlier remains. Therefore, it has been concluded there are no, known, archaeological implications regarding this application. The archaeology officer has raised no objection.

Tram and trainline

The proposal will not alter the carriageway or tramline. Edinburgh Trams and Network Rail raise no objection to the proposal subject to compliance with non-planning requirements and advisory notes set out in their consultation letters. A condition will be applied to ensure that the lighting design is agreed with the Planning Authority prior to installation.

Electricity sub-station

The proposal will re-locate the existing electricity substation to the rear of the site but provide 24 hour access. Scottish Power raises no objection.

Legal agreement

A tram contribution of £539,757 (based on 6,705sqm office use in Zone 1) will be required in the event of planning permission being granted.

Conclusion in relation to the Development Plan

The proposal complies with National Planning Framework 4, the Edinburgh Local Development Plan and the relevant non-statutory guidance and has no adverse impact on amenity.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

No letters of representation were received.

Conclusion in relation to identified material considerations

The proposal does not raise any issues in relation to other material considerations.

Overall conclusion

The proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with National Planning Framework 4 and the Local Development Plan and the relevant non-statutory guidance. The proposal will deliver a sustainable and well-designed office scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the area and contributes to a sense of place. Although the development will have a minor daylighting impact on some neighbouring properties, this is considered acceptable given the dense city centre location. The proposal would bring significant economic benefits to the city. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No part of the development hereby granted will be occupied until such time as the adopted footway on the north side of Haymarket Yards is upgraded in accordance with the revised landscape plan (drawing number 24). The 3-4m (varied) shared use footway will be finished in Hot Rolled Asphalt with white chips.
3. A further assessment of the plant noise and mitigation should be undertaken once the plant specifications have been confirmed. These measures should be submitted and agreed with the Planning Authority prior to occupation of the development. Air source heat pumps must comply with NR25 noise limits.
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. A lighting scheme shall be submitted to and approved in writing by the Planning Authority prior to lighting works being installed. The lighting scheme shall be carried out only in full accordance with such approved details.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to comply with the Council's adopted roads policy.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to protect occupier amenity from contamination.
5. In order to ensure that any lighting proposals including floodlighting does not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains.

Informatives

It should be noted that:

1. A legal agreement must be concluded that addresses the following matters:

A tram contribution of £539,757 (based on 6,705sqm office use in Zone 1) will be required in the event of planning permission being granted.

2. The Applicant shall out carry out an upgrade of the adopted footway on the north side of Haymarket Yards as outlined in the revised proposal (drawing 24). 3-4m (varied) shared use path in Hot Rolled Asphalt).

3. 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.

4. 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 January 2024

Drawing Numbers/Scheme

01-24

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail:simon.wasser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Roads Authority

COMMENT: No objections to the proposal subject to the requirement that adopted footways are finished in Hot Rolled Tarmac with white chips. The proposal does not involve any works to the carriageway. The proposal will provide level access from public transport links and a drop-off bay. Parking provision is therefore not required. The applicant will be required to contribute the sum of £539,757 (based on 6,705sqm office use (£539,757) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions guidance.

DATE: 15 March 2024

NAME: Edinburgh World Heritage Trust

COMMENT: No objection but concerns over height.

DATE: 26 March 2024

NAME: Historic Environment Scotland

COMMENT: No comments.

DATE: 15 March 2024

NAME: Flood Planning

COMMENT: No objection.

DATE: 15 March 2024

NAME: Environmental Protection

COMMENT: No objection.

DATE: 15 March 2024

NAME: Police Scotland
COMMENT: No objection.
DATE: 15 March 2024

NAME: Network Rail
COMMENT: No objection.
DATE: 15 March 2024

NAME: Scottish Power
COMMENT: No objection subject to ensuring that the development allows access to the electricity sub-station on site.
DATE: 15 March 2024

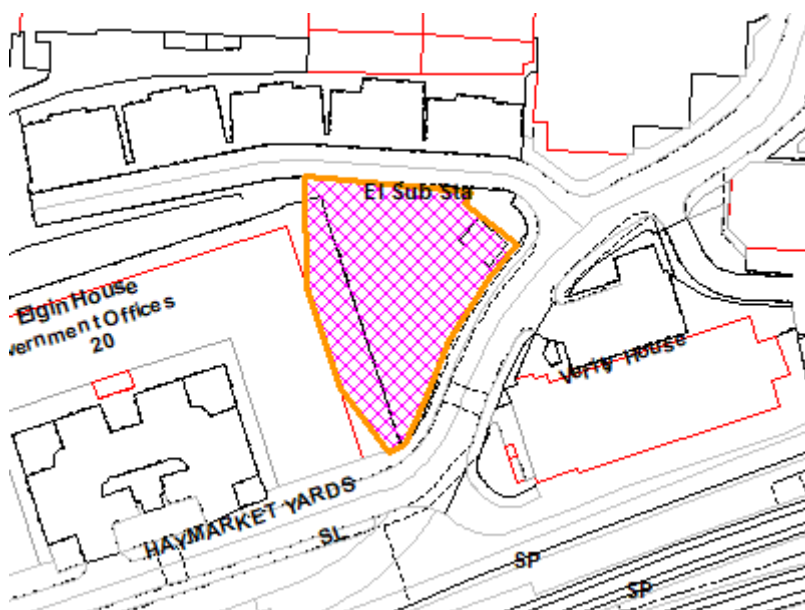
NAME: Scottish Water
COMMENT: No objection.
DATE: 7 February 2024

NAME: Archaeologist
COMMENT: No objection. A programme of archaeological investigations has been carried out and no remains of archaeological significance have been uncovered.
DATE: 15 March 2024

NAME: Edinburgh Trams
COMMENT: No objection. The Applicant should view additional informatives in the consultation letter. Edinburgh Trams will need to be closely consulted prior to and during construction.
DATE: 15 March 2024

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

Location Plan



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