

# Development Management Sub Committee

Wednesday 18 December 2019

**Application for Planning Permission 19/02623/FUL  
at 189 Morrison Street Edinburgh, EH3 8DN  
Redevelopment of site comprising hotels, offices, retail,  
leisure, public houses, restaurants, car parking and  
associated works.**

**Item number**

**Report number**

**Wards**

B11 - City Centre

## Summary

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The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The development is appropriate in terms of design, scale and materials. The proposals are a well considered modern development that will establish a sense of place on a site that has failed to contribute to the central heart of Haymarket. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LEN01, LEN03, LEN06, LEN09, LTRA02, NSG, NSGD02, NSLBCA, CRPNEW, CRPWEN, LEMP01, LEMP10, LTRA01, LTRA04, LTRA03,

# Report

## **Application for Planning Permission 19/02623/FUL at 189 Morrison Street, Edinburgh, EH3 8DN Redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares. There are railway tunnels that run under the site at its northern end in an east-west direction.

The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. The properties from 266 Morrison Street onwards and around to West Maitland Street are category C(s) listed and were listed on 14.12.1970 (LB Ref: 47727).

To the north-west is Clifton Terrace with two storey properties rising to four storeys at the corner of Grosvenor Street. The uses are mixed commercial. Grosvenor Street is characterised by three storey Georgian properties with attic accommodation. 1-25 and 2-24 Grosvenor Street are category B listed buildings, listed on 10.12.1964 (LB Ref: 28977 and 28978).

To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction, listed on 09.02.1993 (LB Ref: 26926). Haymarket railway station sits further to the west and is A-listed, listed on 27.10.1964 (LB Ref: 26901). Properties on Dalry Road are predominantly commercial with two storey residential use on the upper levels; these form part of the Dalry colonies.

To the south are wholly residential properties in the Dalry colonies, which are category B-listed; and the four storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing. The Dalry Colonies are also designated as a separate conservation area.

Morrison Link, to the east, is solely occupied by a five storey hotel.

The site is not within but is immediately adjacent to both the West End Conservation Area, the boundary of which runs along the north side of Morrison Street, and the New Town Conservation Area, which has its boundary along the north side of Haymarket Terrace. Likewise, the site abuts the World Heritage Site, along Morrison Street, but does not lie within the site.

This application site is located within the Dalry Conservation Area.

## **2.2 Site History**

5 November 2003 - Planning Permission was refused by the DQ Sub-Committee, contrary to officer recommendation, for the clearance of the existing car park and ancillary buildings to form a comprehensive redevelopment comprising retail, office, leisure, licensed premises, car parking and replacement public conveniences incorporating re-grading the site to adjacent street levels (application number: 02/03210/FUL).

The development consisted of a seven-storey office development over the site, with a major public arcade running west to east through the building.

The reasons for refusal related to:

- no positive contribution to the mixed-use character of the surrounding area by failing to provide cultural or public uses;
- broad composition and detailed design is not of an appropriate quality and distinction;
- not create new public spaces and points of interest;
- did not relate to the established character of the surrounding area and
- did not address transportation infrastructure issues.

11 August 2004 - An application was recommended for approval at the Development Management Sub Committee for a comprehensive redevelopment comprising: retail, office, leisure, licensed premises, car parking and replacement public conveniences, proposals incorporate re-grading of the site to adjacent street levels. The application was referred to the Scottish Ministers and was subject to a Public Inquiry (application number: 04/00681/FUL).

31 July 2006 - Scottish Ministers granted planning permission following a Public Inquiry for the above development. (P-PP-75-96-LA-84).

27 August 2008 - An application was recommended for approval at the DM Sub-Committee for the demolition of existing buildings and structures, re-grading of the existing car park and a comprehensive redevelopment comprising hotels, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 07/03848/FUL).

The application was called in by Scottish Ministers to consider the merits and impacts of the proposed development on the prominent gateway to the city centre, and on the city's skyline.

27 October 2009 - Scottish Ministers refused planning permission for the above development following a Public Inquiry.

The reasons for refusal related to:

- the 5-star landmark hotel failed to respect the grain and scale of the surrounding townscape and
- the 5-star landmark hotel would not enhance the City's skyline and would not preserve the setting of the World Heritage Site or prominent listed buildings.

28 March 2011 - Planning permission was granted for the demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 10/02373/FUL).

7 December 2015 - Planning permission granted for amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4) (application number: 14/03230/FUL).

31 May 2016- Listed building consent granted for alterations to existing boundary wall and associated erection of handrails (application number: 16/01733/LBC).

31 May 2016- Listed building consent granted for alterations to existing boundary wall and associated erection of handrails. (application number: 16/01733/LBC).

02 May 2019 -Planning permission granted subject to the conclusion of a legal agreement for Amendment to the detailed Planning Permission 10/02373/FUL to include revised car park layout, design amendments to H1, H2, H3, H4 AND H5, revised vehicular access arrangement, materials and hard and soft landscaping proposals (application number: 16/01510/FUL).

02 May 2019- Planning permission granted subject to the conclusion of a legal agreement for Amendment to 10/02373/FUL to enable changes to buildings H1, H2, H3, H4 and H5 as amended) (application number: 18/00715/FUL).

04 July 2019- Non material variation approved for the alteration to building H1 (now referred to as B1) to alter the fenestration and external detailing of the building (application number: 18/00715/VARY).

## **Main report**

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### **3.1 Description of the Proposal**

The application seeks permission for a mixed-use scheme for the "Comprehensive redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.

The proposal will create 365 sq.m Gross Floorspace of Class 7 (Hotel) Use, 52,445 sq.m Gross Floorspace of Class 4 (Business) Use, and 560 sq.m of Gross Floorspace for Class 11 (Leisure) Use. The proposal will also create approximately seven retail units measuring 350 sq.m each.

The development comprises five buildings referred to as Buildings B1, B2, B3, B4, B5 and an atrium located between B4 and B5.

#### Building 1 (B1)

Located on the corner of Dalry Road and Morrison Street, nearest to Haymarket Station. This building contains offices on the upper levels and retail units on the ground floor. A small south facing terrace is proposed in front of the retail units. The building will be eight storeys in height and reach a maximum height of 95m AOD, dropping down to 88.2m AOD.

#### Building 2 (B2)

Located on the southwest edge of the site north of the Dalry Colonies. This building would comprise of a hotel and retail usage. At six storeys, the maximum height of the building is 77.8m AOD. The building has a stepped drop down to 65.45m AOD on the southern boundary.

#### Building 3 (B3)

Located on the southeast corner of the site. This building would contain an apart-hotel and retail. A service yard to the south of this building and B2 will provide access and serving for the hotel and adjacent retail uses. At eight storeys, the maximum height of the building measures approximately 85m AOD.

#### Building 4 (B4)

Located north B3 along Morrison Link. The building proposes eight storeys containing offices on the upper levels and retail units on the ground floor. At maximum height the proposed building will reach 96.25 metres AOD.

#### Building 5 (B5)

Located at the northeast corner of the site, at the junction of Morrison Street and Morrison Link. The eight storeys will contain offices on the upper levels and retail units on the ground floor. At maximum height the proposed building will reach 95.25 metres AOD.

#### Atrium

An atrium will be located between building 4 and 5 creating a shared office entrance and amenity spaces.

#### New public square

The public open space will be located to the centre of the site and measure approximately 2,594 sq.m. A further two forecourts measuring 883sq.m and 1,059 sq.m will be located at the Morrison Street entrance and the Dalry Road entrance. In total public amenity space accounts for 36% of the overall site area.

The space will contain hard and soft landscaping elements including paving, a series of green areas, street furniture and public lighting. The public realm will have two main routes running from the south eastern corner of the site from Morrison Link towards Dalry Road, and a route running from the corner of Morrison Street and Morrison Link south west towards Dalry Road. Formal and informal break out spaces have been created through the formation of a platformed areas.

#### Basement

Providing parking for 55 cars and 688 bicycles together with plant. The basement would be under building 4 and 5 with direct access from Morrison Link.

### Supporting Documents

The applicant has submitted the following information in support of the application; this information is available to view on the Planning and Building Standards Online Services.

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- View cones of Protected Views
- Sustainability Form S1;
- Daylight, privacy and overshadowing information;
- Transport Statement;
- Waste management information;
- Ground investigations/Site investigations;
- Flooding risk and drainage information;
- •Noise/air quality information;
- Detailed hard and soft landscape plan and planting schedule;

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

#### **Determining Issues**

- a) the principle of development is acceptable in this principle in terms of meeting the Council's objectives for this central location
- b) the proposal will not have an adverse effect on the City's skyline;
- c) the proposed design, scale, layout and materials are acceptable;
- d) the proposal will not have an adverse impact upon the setting of neighbouring listed buildings, or the character and appearance of adjacent conservation areas and of the UNESCO World Heritage Site;
- e) the proposal does not raise any issues relating to neighbouring amenity;
- f) the proposal is acceptable in terms of transport, traffic or road safety;
- g) the proposed development will not adversely impact upon air quality;
- h) the proposed development will not result in increased flood risk;
- i) there are any other material considerations;
- j) the proposal meets sustainability criteria;
- k) there are any impacts on equalities or human rights and
- l) issues raised in material representations have been addressed.

#### **a) Principle**

Whilst the application must be considered on its own merit, the principle of the development of this site was established when the consented masterplan application was determined. A live permission is in place, with works having commenced on site.

The site is a brownfield site that falls within the Urban Area of the Local Development Plan (LDP). Proposals in the urban area must accord with the relevant policies of the LDP and non-statutory guidance.

LDP Policy EMP 1 'Office Development' supports high quality office development located in the City Centre. The policy recognises the important role of the financial sector and other office based businesses in providing jobs and contributing to economic growth. The city centre is a prime location for office development, due to its proximity to other office, service and transport hubs. The proposal fully complies with LDP Policy Emp 1 through its creation of high-quality office development in this city centre location.

The proposal complies with LDP Policy Emp 10 'Hotel Development' which supports hotel development in the city centre where developments may be required to form part of mixed-use schemes, maintaining city centre diversity and vitality. This policy aims to support Edinburgh's tourism sector.

## Other considerations

The Haymarket Urban Design Framework (HUDF) states that proposals should establish strategic pedestrian connections towards Fountainbridge; establish local connections; and contribute to the creation of a sequence of spaces. The HUDF also requires proposals to contribute to the definition and refinement of the Haymarket space and to establish edges that complement the existing townscape.

Policies in the Local Development Plan support the principle of the proposed mix use development of the brownfield site. The scheme meets the objectives of the HUDF, as further considered in the design section below, and the principle is therefore acceptable.

### **b) Height, Scale and City Skyline**

LDP Policy Des 4 Development 'Design- Impact on Setting' requires new development to demonstrate that it will have a positive impact on its surroundings. This includes the potential impact upon the character of the wider townscape and landscape, along with the impact upon existing views. The policy has regards to height and form, scale and proportions, the position of buildings, and proposed materials and detailing.

The surrounding area is not characterised by any prevailing building height. To the south, the Dalry Colonies sit at two storeys, to the north along Morrison Street, the properties rise to three storeys. Four and five storey developments occupy the south east of the site, along Morrison Link and Morrison Circle.

The proposal provides for development ranging from six to eight storeys. It will have regard to the height of its neighbouring buildings and will introduce a significant development on the corner site. In addition, the development intends to create a positive gateway development to the area and its height will contribute to achieving this. The previous schemes on the site have been consistent in establishing large scale buildings on this site with a strong focus on a commercial core. This scheme retains the previously agreed approach to the overall development of this site.

The hotel building B2 has been designed to step down as it approaches the western boundary, effectively addressing the sensitivity of its boundary relationship with the Dalry Colonies. The massing and relationship to the Dalry Colonies was previously agreed as part of the previous proposals on the site. This scheme has respected this position.

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

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

Following a decision by Scottish Ministers in May 2009 on the site, a study was commissioned to review the proposed development of the site. This identified height thresholds above which any development could impact on strategic protected views across the city. This was then embedded within the Haymarket Urban Design Framework February 2009.

Each of the views has been assessed and considered in the context of this work and the base threshold of 91.7 metres.

Buildings B4 and B5 exceed this 91.7 threshold, rising to 96.250 metres at their maximum height through the formation of the stair core with a vertical emphasis. These largest buildings have a varying height, with sections increasing to 95 metres for elements of the main accommodation. The infringement in height has been fully tested and assessed on the impact on the skyline and important keyviews of those buildings.

A series of viewpoints from around the city were agreed to establish the impact of the proposals upon the skyline; including a long view from Corstorphine Hill. Following assessment of these views, it is concluded that the development will sit against a backdrop of existing buildings and will not detract from the key skyline features such as St Mary's Cathedral, Edinburgh Castle or the Pentland Hills. As such, the impact of the proposals on the distant views into and from the World Heritage Site are set within the existing development context and will not detract from any important skyline features.

In terms of local views, a series of views within the locality were submitted, with an additional two views west along Morrison Crescent and north from Dalry Place prepared in support of the proposals.

Grosvenor Street to the north of the site falls within the World Heritage Site. The view along this street looks directly across to the site. However, it is considered that the proposal represents an improved vista. The views now submitted establish that there is no altered impact from that of the previous consented schemes on the site. As such, the assessment of the view cones confirms the proposals will sit comfortably in the context of the surrounding townscape.

It is therefore concluded that the proposal will not be to the detriment of the skyline or key views. The approach to massing and the use of materials to articulate the storeys are successful in reducing the overall massing of the building. The facades are horizontally expressed, resulting in a less imposing building, particularly on key corners. As a result, the proposal will not represent an incongruous addition to the site or its locality.

Overall, the proposed height, scale and massing is acceptable in this location, in compliance with LDP Policy Des 4 and the Edinburgh Design Guidance. The proposal also complies with LDP Policy Des 11 and will not adversely affect the city's skyline.

### **c) Design, Layout and Materials**

LDP Policy Des 1 'Design Quality and Context' supports new development where it is demonstrated that the proposal will create or contribute towards a sense of place and reflects the positive characteristics of the surrounding area.

The Haymarket Urban Design Framework (HUDF) states that proposals should: -

- Define a southern edge of Haymarket space;
- Reinforce the south west edge of the Haymarket space to create an entrance to Dalry Road;
- Retain important character forming 'fragment' buildings and features: railway station, Ryrie's public house and Hearts War Memorial;
- Respond to the prominent building edges to the north of Haymarket and ensure that the potential redevelopment site at Haymarket House contributes to the definition of space;
- Establish edges that complement the existing townscape and defines the route from Haymarket to the Exchange along Morrison Street; and
- Promote edges that make provision for street level activity.

### Layout

The site layout and position of buildings is significantly influenced by the presence of the railway tunnels which sit below B1 and a section of B5.

The key change to this application to that of the previously consented scheme is the positioning of the buildings on the Morrison Link edge of the site, which allows a strong focus on a central area of public space. This will provide a public realm at the heart of the development. This layout effectively utilises any voids between the buildings through the creation of informal public space and break out areas for use by the office workers, as well as local residents. Previously proposals included vehicle access into these areas. This scheme removes vehicular access through the site and allows the free flow of pedestrian movement and activation of the spaces. The positioning of buildings B1 and B2 are previously consented.

The layout provides an edge to the site, with the proposed facades creating entrance gateways when approaching the area, thereby creating a new sense of place. Street level activity is maximised, with all the proposed buildings incorporating retail uses on the ground floor.

The proposed layout meets the objectives of the HUDF, along with LDP Policies Des 1 and Des 4.

Policy Des 7 'Layout Design' seeks to ensure that new development, through its layout of buildings, streets, paths and open spaces will direct pedestrian flow and create safe and convenient connections to other networks. The layout should encourage walking and cycling and promote public transport.

LDP Policy Des 8 'Public Realm and Landscape Design' states planning permission will only be granted for development where all external spaces and features including streets, footpaths, civic spaces, green spaces boundary treatments and public art are design as an integral part of the scheme.

The site is located adjacent to a primary transport hub in the city centre and therefore connectivity has informed the layout of the site. The public realm will have two main routes going through the development, one running from the south eastern corner of the site from Morrison Link towards Dalry Road, and a route running from the corner of Morrison Street and Morrison Link towards Dalry Road. These two pedestrian routes, in conjunction with the pavements around the site, allows pedestrian flow between Haymarket Station and Fountainbridge, as well as towards the Lothian Road area.

The permeability of the site ensures connections through overlooked public spaces and footpaths. The public spaces and the pedestrian routes through the development will be overlooked by the offices, hotel and retail functions. The development will also provide further overlooking onto the existing pedestrian footway around the site. This will encourage pedestrian usage and active travel, achieving both the objectives of HUDF and complying with LDP Policy Des 7.

The proposal sets to achieve a high quality public space containing hard and soft landscaping elements including paving, a series of green areas, street furniture and public lighting.

The space has been designed to maximise pedestrian use and integration, with raised platforms, steps and green areas creating formal and informal break out spaces. This results in a public space that acts as a destination as well as an attractive and safe route connecting to the wider network.

A condition is recommended to ensure approved landscaping works are properly established on site.

The key spaces are activated through the use of retail and restaurants at ground floor level to ensure a vibrant core and welcoming public route through the site. The positioning of building B1 is unaltered from the previous permission although further consideration has been given to activation at the junction of Morrison Street and Dalry Road. This has been achieved through internal reconfiguration to provide office space at these levels.

The scheme achieves the outcomes of the HUDF through positive interaction with the edges of the site and complies with LDP Policy Des 7. The proposed public realm complies with LDP Policy Des 8.

### Architectural Detailing and Materials

The surrounding built context is urban in character with a mix of building materials, palates and styles. There is a mix of commercial and residential buildings with Georgian and Victorian tenements constructed of stone with pitched, slated roofs.

The proposal is a strikingly contemporary development which uses high quality metal framed glazed facades. The scheme will utilise differing arrangements of solid infill panels and assorted glass on each of its buildings to provide distinction between vertical and horizontal elements, to reduce massing and to protect privacy dependent on the use and location of the building. The previous scheme was amended to revise the material expression of building B1 and this was accepted as a non material amendment to the approved scheme. This amendment retained the key principles of the design but allowed further refinement following advancement of the design of the proposals. As part of this assessment key viewpoints were analysed.

Large glass panels will form the facades directed northwards towards the public square, Morrison Street and Morrison Link ensuring maximum light and overlooking of the street. A greater degree of solidity and small panels of glass are proposed to the southern elevations which overlook the neighbouring residential properties. Ground floor retail frontages will have a mix of solid and folding glazed frontages to allow active functions.

The Haymarket junction and Morrison Street form the entry point to the city's financial district where there is a concentration of modern office development and the proposals continue this. The design expression for the development of this establishes a modern quarter within this area of the city through a quality development which maximises the sense of place. It is the correct design response to establish a modern development whilst respecting the adjacent historic context.

The proposal is a strikingly modern development that will contrast positively with surrounding positive architecture. The proposal complies with LDP Policies Des1 and Des 4 as it will create a sense of place and visually connect the area to the adjacent financial district and wider townscape.

### Urban Design Panel

The proposal was presented at pre application stage to the Urban Design Panel in January 2019. The Panel was supportive overall of the scheme and the site's potential to create a positive and high-quality addition to the city's public realm. The initial analysis of pedestrian flows and the opportunity to create direct links from Haymarket Station and the reduction in on-site parking provision in recognition of Haymarket's excellent public transport and sustainable travel links was welcomed. The final proposal has addressed these issues.

### Design Conclusion

The proposed design, scale, layout, and materials proposal are acceptable within the context of the site and its locality. The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The proposals comply with all relevant design policies within the LDP. In addition the proposal is in accordance with the Edinburgh Design Guidance and achieves the outcomes of the EUDF.

## **d) Historic Environment**

### Listed Buildings

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

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

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

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

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

- Identify the historic assets that might be affected;
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

Historic Environment Policy Scotland (HEPS) Policy HEP4 ensures that any changes to specific assets protects the historic environment and should be enhanced where possible.

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

A number of Category A, B and C Listed Buildings lie within proximity to the site.

### Category A

Within the immediate area there is one property that is recognised to be of national significance, the Victorian Haymarket station. The primary vista of the station from West Maitland Street will be unaffected by the proposals.

### Category B

There are a large number of regionally important buildings in the Haymarket area. These include the Dalry colonies, Grosvenor Street, West Maitland Street and Ryrie's Bar. The rear of the proposed hotel, Building B2, will be stepped in order to reduce the massing alongside the colonies. In terms of Grosvenor Street, the setting of the buildings will be preserved due to the size of the Haymarket space that separates them from the application site. The properties on West Maitland Street will be largely unaffected by the proposals.

## Category C

The Hearts War Memorial, the Haymarket Inn and the residential properties 252-270 Morrison Street are recognised as locally important. The war memorial will be unaffected by the proposals given the sense of space that surrounds it. It is the properties on Morrison Street that are likely to be the most affected due to the development of a site which has previously always been open. However, the proposals will provide a greater degree of definition to Morrison Street and the impact will be acceptable.

Historic Environment Scotland was consulted on the proposals and commented that the Category A Listed Building, Haymarket Station, will not be significantly impacted.

The proposals will not impact upon the historical character of the surrounding Category B and C Listed Buildings.

## Conservation Areas

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.*

The edge of the New Town Conservation Area runs adjacent to the site Haymarket Terrace and West Maitland Street. The West End Conservation Area, runs along Morrison Street.

LDP Policy Env 6 'Conservation Areas' seeks to preserve or enhance the character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal, in this instance being the West End Conservation Area (WECA) and New Town Conservation Area (NTCA) appraisals.

The West End Conservation Area Character Appraisal states that the area is characterised by mixed, residential commercial buildings with the Georgian and Victorian tenements being mainly four-six storeys, constructed of stone with pitched, slated roofs. In the central section of the conservation area, there is a major modern financial section consisting of modern offices, which spills over the conservation area to the south.

It is important that where there are development opportunities lying adjacent to the conservation area boundary, the design of new buildings should reflect the scale, massing and materials of the conservation area. Development opportunities both within and adjacent to the conservation area must respect views out of and into the conservation area.

The WECA is characterised by a wide mix of uses within buildings of differing scales, which is consistent with the proposals. The Haymarket junction and Morrison Street form the entry point to the city's financial district (situated within WECA) where there is a concentration of modern office development and the proposals are a continuation of this. The creation of a south side to Morrison Street enhances the appearance of the southern boundary of the WECA over the present vacant site.

The New Town Conservation Area Character Appraisal states that the uniform character of the New Town is built up on the application of the standards for tenemental form, streets and public realm that were accepted and applied for over one hundred and fifty years. The grid layouts, defined by perimeter blocks, were designed with a concern both for buildings and the public realm and the relationship between built form, streets and open spaces.

While there are a considerable number of prominent buildings and focal points in the area, the sloping topography means that punctuation above the skyline is limited. The New Town can also be viewed from above at locations such as the Castle and Calton Hill showing uniformity in design and materials. This makes the roofscape and skyline very sensitive to any modern intrusion rising above the tenemental heights.

An important characteristic of the NTCA is its regulated skyline with limited protrusions breaking through. However, as identified previously, the proposals will only have a limited impact upon the skyline. A readily identifiable feature of the NTCA, acknowledged in the character appraisal, is the designed relationships between buildings, streets and open spaces. It has been demonstrated within this report that the proposals actively encourage these relationships.

The conservation area is characterised by traditional stone buildings. As such, the architectural contrast of the modern glass and metal clad buildings will sit positively in its surrounds, preserving the appearance and character of the neighbouring traditional buildings.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. There are no adverse impacts on the setting of the conservation area. The proposals will therefore not only preserve but also enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

### UNESCO World Heritage Site

The site lies outside, but adjacent to the UNESCO Edinburgh World Heritage Site (WHS), which ends at Morrison Street.

Accordingly, an assessment has been undertaken in relation to the impact of the proposed development upon the neighbouring UNESCO World Heritage Site.

LDP Policy Env 1 'World Heritage Sites' aims to protect the setting of the World Heritage Site. The historic centre of Edinburgh, including the medieval Old Town and the Georgian New Town, was inscribed on the UNESCO's List of World Heritage Sites in December 1995, representing international recognition that the site is of outstanding value. Townscape is identified as a key element of the WHS's Outstanding Universal Value.

The proposal promotes a relationship with the WHS by anchoring the new streets with areas of public realm and orienting the main entrances of the flanking buildings around these spaces. The impact of the proposals on the views into and from the WHS will be minimal and will not detract from any important skyline features.

HES were consulted on the proposal and commented that the scale and massing of the development reflects the scale and massing of the previously consented scheme. Whilst, in HES's view, the proposals could impact on the immediate setting of this part of the WHS, it was considered that this impact would not be significant, or that it would have a detrimental effect, on the Site's Statement of Outstanding Universal Value.

Given the above, the proposal is in compliance with LDP Policies Env 1, Env 3 and Env 6.

#### **e) Neighbouring Amenity**

LDP Policy Des 5 'Amenity' supports proposals that have no adverse impact on neighbouring developments.

#### Noise

A Noise Impact Assessment was submitted as part of the application. The site is located within the city centre, which already has an established mix of street level activities and associated noise. However, conditions have been recommended to ensure that the proposed development will not result in unsatisfactory noise disturbance to neighbouring residential properties.

Representations from neighbouring residents and Environmental Protection have raised issues about noise from delivery activities within the service yard as a potential issue to the neighbouring residential colonies to the south.

In light of this, acoustic measures are proposed to mitigate the noise impact from vehicles using the facility, including a 3.5 metres acoustic barrier proposed along the southern boundary. A condition is attached requiring detailed specification of the proposed barrier to be submitted and approved by the planning authority.

A management plan will be required to reduce noise disturbance from delivery activities including loading/unloading, trolleys and vehicles reversing to minimise the potential disruption. A condition is recommended restricting the hours of deliveries and collections, including waste collections, to and from the main service yard between the hours of 07:00- 22:00 Monday to Saturday and 10:00-17:00 on Sundays.

Neighbours on the southern boundaries have raised concern with regards to plant machinery upon the roof of buildings B2/B3. A condition is therefore recommended in order to safeguard the amenity of neighbouring residents and other occupiers.

Neighbours have raised concern with regards to potential noise from neighbouring Class 3 uses or licensed premises. The layout of the development has positioned these premises away from boundaries which face residential properties. Windows and entrances to the Class 3 premises will be into the centre of the development to avoid disturbance to any neighbouring residents.

Subject to the conditions recommended, the proposed development will not have an unacceptable impact upon neighbouring amenity.

### Daylight and Sunlight

The impact of the proposals upon the levels of daylight entering surrounding neighbouring properties has been assessed. A Daylight and Sunlight Analysis report was submitted which considered the potential impact upon residential properties in proximity to the site.

The most impacted properties are four properties situated on Morrison Street, along the northern boundary of the site. These first and second storey south facing windows will see a varying degree of reduction in daylight. Whilst assumptions are made on property layouts, these rooms are made up of bedrooms, living rooms, kitchens and bathrooms.

However, the level of daylight currently enjoyed in these rooms is due to the site being vacant. Due to their proximity to proposed development, these properties would inevitably see a reduction in daylight if any significant development is erected upon the site.

In addition, the assessment drew comparison between the consented proposal and the proposed development. Whilst the reduction in daylight associated with the proposed development is slightly higher in comparison with the previously consented scheme, this increase is not significant and is acceptable. Given the urban context of the site, these potential reductions are not unreasonable given the wider benefits of regenerating the site.

In terms of sunlight, the assessment found that the majority of the properties would see a minor change in the sunlight that is BRE compliant, whilst some properties would see an improvement in sunlight to that of previously consented proposals. As such, the proposal will not result in harmful overshadowing onto neighbouring properties.

## Privacy

Concerns have been raised by residents along the southern boundary with regards to potential overlooking and a loss of privacy as a result of the hotel development B2.

In order to address this, the design of the B2 incorporates a step down in height as the building approaches the southern boundary, thereby pulling the hotel windows off the boundary. There is no direct overlooking between window to window. Furthermore, the southern facade was designed with smaller windows than that proposed elsewhere in the development, in order to reduce overlooking and protect neighbouring privacy.

The proposal complies with Edinburgh Design Guidance and will not result in a detrimental loss of privacy to neighbours.

Overall, it is concluded that the proposal will not cause a significant adverse impact upon the amenity of neighbouring properties. Whilst some properties will see a reduction in availability of daylight, a reduction would inevitably occur with any substantial development on the site. When compared to that of the consented scheme, the additional impact is not significant enough to warrant a refusal of the scheme.

## **f) Traffic, Road Safety and Active Travel**

Policy Tra 1 'Location of Major Travel Generating Development' states planning permission for major development which would generate significant travel demand will be permitted on suitable sites in the City Centre.

A Transport Statement was submitted as part of the proposal. This was assessed and accepted by the Roads Authority. It is concluded that the development will not generate significant traffic, being located adjacent to one of the city's railway stations, connecting the site to the local and national rail network. The site is also well served by the bus network. An informative is attached recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes.

## Parking

Policy Tra 2 'Private Car Parking' requires that parking provision does not exceed the parking levels as set out in the Parking Standards, with lower levels pursued. Tra 4 'Design of Off-Street Car and Cycling Parking' states that car parking should be located at basement level where it would not be at the expense of an active frontage onto a public street or public space.

A total of 55 car parking spaces are proposed within the basement level of the site, below blocks B4 and B5. There will be no surface level parking. Car parking is accessed from the east of the site, from the Morrison Link. Out of these 55 spaces, 3 bays will be accessible with ramped access.

The Roads Authority has commented that three electric vehicle charging outlets are required for this development including dedicated parking spaces with charging facilities, ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

In terms of motorcycle parking spaces, five spaces are proposed. This falls short of the minimum requirement but is acceptable given the location of the site and its proximity to public transport links.

These arrangements are in compliance with LDP Policies Tra 2 and Tra 4.

Policy Tra 3 'Private Cycle Parking' requires proposed cycle parking and storage provision to comply with the Council's standards. Policy Tra 4 seeks to promote high quality cycle parking that is designed in accordance with the Council guidance.

Bike stores will be located on the corner of Morrison St and Morrison Link, as well as on Dalry Road. The applicant proposes 688 cycle spaces which exceeds the minimum requirements.

Cycle parking arrangements are acceptable and in compliance with Tra 3 and Tra 4.

### Site Access and Servicing

Servicing of the buildings will be achieved 'on street', with laybys/drop offs proposed on Morrison Street and Morrison Link. These laybys will allow small to medium deliveries to office buildings, B1, B4 and B5 which have street access adjacent to these facilities.

These laybys will enable taxi drop off, in addition to coach drop offs serving the hotels. Waste collection will also be from these access points.

The proposal also includes a service yard to the south side of the hotel blocks B2 and B3, with access from Morrison Link.

The above arrangements are acceptable.

### Developer Contributions

The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365 bed hotel in Zone 1) to the Edinburgh Tram in line with the finalised 'Developer Contributions for Infrastructure Delivery' Supplementary Guidance.

In addition, the applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary
- c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of four car club vehicles in the area;

## Active Travel

The proposal provides safe, convenient routes for pedestrians to walk from Haymarket Station, through the development towards the financial sector at Fountainbridge, or towards the city centre, promoting active travel through the area.

The applicant is required to design and build single stage pedestrian and cycle crossings on Dalry Road and Morrison Street, secured via a Section 75 legal agreement.

## Road Safety

Subject to securing the contributions and infrastructure above, there are no road safety issues that arise from the proposed development.

## Roads Authority Conclusion

The proposal complies with LDP Policies Tra1, Tra2, Tra 3 and Tra 4. The development will promote active travel and public transport options in the area, and the parking arrangements are acceptable. The Roads Authority raises no objection to the proposal.

## **g) Air Quality**

LDP Policy Env 22 'Pollution and Air, Water and Soil Quality' aims to ensure that development will not result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise adverse impacts.

An Air Quality Impact Assessment was submitted as part of the application. The site falls within a designated Air Quality Management Area and mitigation is required to ameliorate the impact of the development on air quality in the area.

Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the LDP to mitigate adverse effects on air quality.

Concerns were raised with regards to a localised area on Morrison Street being adversely impacted by a slight/moderate increase in pollutants because of the proposed development. Environmental Protection acknowledges that this increase would occur as a result of development regardless of height. In response, the applicants have designed the façade on Morrison Street with breaks to allow air circulation.

The development has been designed to mitigate operational impacts through the provision of cycling spaces and limited car parking which is best practice. The proposed number of parking spaces is acceptable, and the site is well served by public transport.

A Green Travel Plan should be produced to incorporate the following measures to help further mitigate traffic related air quality impacts: -

- Keep car parking levels to a minimum;
- Car Club facilities (Electric and /or low emission vehicles);
- Provision of electric vehicle charging facilities;
- Public Transport incentives for residents;
- Improved cycle and pedestrian facilities; and
- Taxi specific rapid electric charging points in the service area.

SEPA has raised no objection to the proposal in relation to its impact upon air quality. Overall, the impact on air quality is acceptable.

## **h) Flood Risk and Surface Water Management**

Policy Env 21 'Flood Prevention' states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impede the flow of flood water or be prejudicial to existing or planned flood defence systems.

A condition is recommended that a maintenance schedule for the SUDs infrastructure be submitted for approval by the local authority.

The proposal will not result in increased flood risk. SEPA do not object to the proposal.

## **i) Other Material Considerations**

### *Archaeology*

The site is identified as being of archaeological significance primarily due to its Victorian Railway heritage but also for its potential for containing earlier medieval remains.

A condition was attached to the previous planning permission requiring the undertaking of a phased programme of archaeological work. Phase 1 was carried out by CFA Archaeology and recording the remains of the Victorian Railway goods yard was completed in 2014. However, the Phase 2 fieldwork and reporting started by CFA has still to be fully completed.

Accordingly, a condition is attached recommending that a programme of archaeological work is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.

### *Waste*

Waste storage provision is proposed internally, with access to refuse vehicles located within the service area to the south of the site. This will include provision for residual and segregated recycling bins. Waste Services was consulted on the proposed development and the information submitted raised no objections.

## *Sustainability*

The applicant submitted a sustainability statement in support of the application. The proposal accords with LDP Policy Des 6 'Sustainable Buildings'.

### **j) Equalities**

There are no impacts relating to equalities.

### **k) Issues raised in representations**

The application attracted 53 comments which consisted of 52 objections and 1 neutral comment.

#### Material objections

- height of buildings; addressed in Section 3.3b
- mass and scale of building; addressed in Section 3.3b
- buildings will be overbearing on neighbouring properties; addressed in Section 3.3b
- visual impact on cityscape; addressed in Section 3.3b
- adverse impact on castle and St Marys spires; addressed in Section 3.3b
- poor quality design; addressed in Section 3.3c
- modern architecture not appropriate; addressed in Section 3.3c
- relocation of crossing do not suit pedestrians; addressed in Section 3.3f
- width of pathway on Morrison Street/ Morrison Link not being widened; addressed in Section 3.3f
- loading bays on Morrison St and Morrison Link not required if service bay to the south, interrupting footway and cycle way; addressed in Section 3.3f
- pavements not wide enough; addressed in Section 3.3f
- inclusion of wheelie ramp; suggested a 1 in 20 gradient as alternative; addressed in Section 3.3f
- unnecessary loading bay on Morrison street; addressed in Section 3.3f
- suggested alternative uses such a good interchange hub; addressed in Section 3.3a
- glass not appropriate material; addressed in Section 3.3c
- design not in keeping with west ends architecture; addressed in Section 3.3d
- impact upon UNESCO World Heritage Site; addressed in Section 3.3d
- impact upon conservation area; addressed in Section 3.3d
- impact on daylight and amenity; addressed in Section 3.3e
- loss of privacy for neighbouring colonies; addressed in Section 3.3e
- potential noise from plant on rooftop of hotel; addressed in Section 3.3e
- insufficient detail on cycle facilities and cycle routes; addressed in Section 3.3f
- concern raised with regards to appearance of screening on southern side of service yard; addressed in Section 3.3e
- concern raised about potential noise disturbance from service yard; addressed in Section 3.3e
- concern raised about quality of public realm and proposals being aspirational; addressed in Section 3.3c
- not enough space to allow trees to grow; addressed in Section 3.3c

- potential noise from neighbouring bars and cafes; addressed in Section 3.3e
- concern raised over location of substations; addressed in Section 3.3e
- lack of information of maintenance; addressed in Section 3.3c
- potential pollution from service yard; addressed in Section 3.3g
- inconsistent viewpoints photomontages, documents being unavailable and wrongly numbered; issue addressed and additional time allowed for response.
- lack and quality of CGI's; addressed in Section 3.3b
- lack of detail of cycle parking; addressed in Section 3.3f
- cycle network does not connect to inner square and is not easily accessible to all footway users because of steps; addressed in Section 3.3f
- level of parking; addressed in Section 3.3f
- request that site is used for new homes; use of site for mixed use commercial was established in Masterplan for area.
- requires more active frontages; addressed in Section 3.3c

### Non- Material objections

- request for condition that rooftop is not accessible to staff or visitors; not controlled through planning legislation.
- request for a public toilet in public space; not part of proposal and not controlled through planning legislation.
- lack of clarity if there will be a rooftop bar on the hotel; not part of proposal.
- request for parking permits; not controlled through planning legislation.
- potential glare of glass resulting in hazard to pedestrians and drivers; not controlled through planning legislation.
- suggestion that proposal is put on hold until outcome of City Transformation consultation to identify a better use.

### Support

- accessible ground level uses;
- ensuring bus stops are not disturbed welcomed;
- access and connectivity of the site;
- promotion of active travel;
- creation of public space;
- development is long overdue;
- level of cycle bike provision welcomed;
- use of brownfield site welcomed.

### West End Community Council

WECC is generally supportive of this latest approach to the development of the last major city centre gap site and made the following comments:-

WECC welcome the proposal to make the site pedestrian and cyclist friendly, with good permeability. However, concerns were raised with regards to the control of vehicle access for servicing and maintenance purposes in the main concourse (e.g. avoiding early morning rush hour pedestrian traffic) and in particular for the service yard beside the Dalry Colonies.

Support the retention of the hotels design with its consideration of resident amenity, with concern raised with regards to overlooking and greening. To address the issue over light pollution, WECC suggested measures for the hotel bedroom windows such as automatic lighting control/blinds.

WECC acknowledged that the central triangular public space would contribute to Edinburgh's flow of green spaces in the City Centre, although the triangular shape is not in keeping, and comment that tree and plant choices will need careful consideration. It was recommended extending tree specimen provision to include the Morrison Street edge.

Objections were raised with regards to the following matters:-

- Building design, height and materials: loss of use of stone to reflect the tradition of locality;
- Extensive use of glass to be inappropriate;
- The opportunity to reflect the railway history of the site has also been lost;
- The new height of block B1 on Morrison Street;
- Concern proposed seating but is not user-friendly and specified materials not preferable;
- Request for art work to be included;
- Request that paving materials provide interest, to include the use of railway-related materials such as cast iron for handrails and litter bins;
- Point raised with regards to condition relating to the original sale of the land and requirement to replace the the public toilets now demolished at the corner of Morrison Street;
- Request that if permission is granted, conditions should be placed to ensure use to be free provision to be adequate to cope with events such as football matches, concerts etc;
- Concern raised with regards to overshadowing;
- Concern raised with regards to submission of viewpoints and availability on planning portal;
- Concern raised about impact of B1;
- Concern raised in relation to Views 3, 4, 7 etc and overwhelming effect on the Dalry Road streetscape and the Hearts War Memorial.

Gorgie and Dalry Community Council

Comments were received in relation to:-

- Concerns that there is no provision within this scheme for dedicated / identifiable cycle routes;

- Concern that cycling routes around the site, such as on Dalry Road, but these lanes are shared with buses, and involve crossing the tram lines when cycling into the city, which is unsafe and has caused accidents;
- Cyclists would therefore choose to cycle through this proposal, as it offers a safe, direct route from Dalry Road to Morrison Street and the CBD causing affect pedestrian safety;
- Concerns over the height of Block B1, which has a roof datum level of +95.000;
- Height difference between B1 and the Dalry Colonies, Ryrie's and the buildings along Haymarket Terrace and at the corner with Morrison Street.

## **Conclusion**

The proposal complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the setting of adjacent listed buildings and does not have an adverse impact on the setting of the conservation area.

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The development is appropriate in terms of design, scale and materials. The proposals are a well considered modern development that will establish a sense of place on a site that has failed to contribute to the central heart of Haymarket. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. Prior to commencement of work on each building, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority. Thereafter sample panels of the materials are to be erected and maintained on site as agreed by the Council.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development..
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, reporting and analysis, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

4. Details including the exact location, materials (mass and density) and design of the proposed 3.5m high acoustic barrier on the southern side of the site shall be submitted and approved by the Planning Authority.
5. The acoustic barrier adjacent to the main service yard should be erected prior to the operation of the service and maintained effectively thereafter
6. Hours of deliveries and collections, including waste collections, to and from the main service yard shall be restricted to between the hours of 07:00- 22: 00 Monday to Saturday and 10:00-17:00 on Sundays
7. The hotel and class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises as agreed by the Council, as planning authority.
8. Prior to the commencement of development details of the proposed plant and plant enclosure on the roof of B2/B3 shall be submitted for approval by the local authority. This may include the submission of noise acoustic analysis.
- 9.

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.
10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

**Reasons:-**

1. In order to enable the Head of Planning to consider this/these matter/s in detail.
2. In order to ensure the approved landscaping works are properly established on site.
3. In order to protect the archaeological significance of the site.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the Head of Planning to consider this/these matter/s in detail.
10. In order to enable the Head of Planning to consider this/these matter/s in detail

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);

The applicant will be required to:

- a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
- c. In support of the Council's LTS Cars<sup>1</sup> policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;

The applicant to design and build single stage pedestrian and cycle crossing on Dalry Road to the satisfaction and at no cost to the Council (see Note c);

The applicant to design and build pedestrian and cycle crossing on Morrison Street to the satisfaction and at no cost to the Council;

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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. 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.
5. Roads Authority Informatives

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/cycle tracks, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification

Details of measures to restrict parking and waiting on the shared footway/boulevard area are required. This shall be submitted to the Head of Planning for approval in writing prior to the opening of the Development

The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist.

The proposed layby on Morrison Link is subject to detailed design and approval by the Council's Locality (footway width should not to be reduced to less than 2.5m wide on strategic street P3-footways ESDG); the applicant should explore the possibility of providing the layby to the immediate south of the proposed access to the underground car park on Morrison Link

Continuous footway crossing will be required on the proposed access to the underground parking to provide pedestrian priority.

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

The applicant should note that new Street names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.

The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Access to the development underground car park will be via Morrison Link left in only vehicle access to reduce peak hour congestion due to right turn vehicle accessing the underground car park.

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

The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

[http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point).

All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

#### TRAMS - Important Note:

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

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;

- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

## 6. Environmental Protection Informatives

A Green Travel Plan should be produced to incorporate the following measures to help further mitigate traffic related air quality impacts: -

- Keep car parking levels to a minimum;
- Car Club facilities (Electric and /or low emission vehicles);
- Provision of electric vehicle charging facilities;
- Public Transport incentives for residents;
- Improved cycle and pedestrian facilities; and
- Taxi specific rapid electric charging points in the service area.

The applicant must provide plans showing the location of the charging points and power outputs of each charger. The installation of wall mounted chargers in a basement is a very cost-effective method.

Environmental Protection recommend that 7Kw (type 2 sockets) charging provision are installed for all spaces with a number rapid 50Kw electric vehicle charging points installed to charge taxis and service vehicles. The site will be well served by taxis due to the proposed use. Electrification of Edinburgh taxis is growing as is the demand for rapid (50KW) electric vehicle chargers. Information on chargers is detailed in the Edinburgh Design Standards Technical Information Design Standards.

Environmental Protection also advise the applicant that any energy centres must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. Environmental Protection would support the introduction of other renewable energy systems especially intelligent power systems that would work along with the electric vehicle infrastructure.

Details should be submitted to the local authority on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), again Environmental Protection will not support biomass and if a large gas-powered energy centre is required then secondary abatement technology will need to be incorporated to ensure NOx emissions are minimised

## 7. Network Rail Informatives

There must be no additional loading/surcharge on Haymarket Tunnels (including sidewalls) by the proposed development. All proposed works above/adjacent the tunnels must be subject to further discussions and agreement with Network Rail.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to Haymarket Tunnels must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

## 8. Scottish Water Informatives

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

## Financial impact

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

This planning application is subject to a Section 75 Legal Agreement.

## Risk, Policy, compliance and governance impact

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

## Equalities impact

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

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

## Sustainability impact

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

There has been 53 letters of representation received in relation to the proposal. These include 52 objections and one neutral representation.

### **Background reading/external references**

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

<b>Statutory Development Plan Provision</b>	The Adopted Edinburgh Local Development Plan
<b>Date registered</b>	5 June 2019
<b>Drawing numbers/Scheme</b>	1-32,  Scheme 1

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

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

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

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

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

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

### **Relevant Non-Statutory Guidelines**

**Non-Statutory guidelines** Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

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

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

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

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

# Appendix 1

## **Application for Planning Permission 19/02623/FUL at 189 Morrison Street, Edinburgh, EH3 8DN. Redevelopment of site comprising hotels, offices, retail, leisure, public houses, restaurants, car parking and associated works.**

### **Consultations**

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#### **Edinburgh Urban Design Panel - January 2019**

##### *1 Recommendations*

*The Panel welcomed the opportunity to comment on revised proposals for this strategically important site in the city's west end and to review the emerging site layout through a physical scale model. Due to the existing consent, changes to the height mass and scale of the buildings were not discussed at length. It was also clarified that extensive basement parking will not feature in the revised scheme and that waste and servicing will be achieved on-street.*

*Overall, the Panel strongly supported the introduction of a central area of public realm within the scheme.*

*However, the Panel felt that further steps should be taken to integrate the proposals with the context of the World Heritage Site to the north, the character and activity of adjoining streets and the wider walking and cycling network.*

*In particular the Panel supported:*

*the site's potential to create a positive and high quality addition to the city's public realm and appropriate events use;  
the initial analysis of pedestrian flows and opportunity to create direct links from Haymarket Station; and  
the reduction in on-site parking provision in recognition of Haymarket's excellent public transport and sustainable travel links.*

*In developing the proposals, the Panel suggested the following matters be considered further:*

*the need to address views from the World Heritage Site, in particular from Grosvenor Street and those experienced from Haymarket Terrace upon arrival to the city from the west;  
the activation and articulation of prominent corners onto Haymarket junction and Morrison Street and Morrison Link; and  
the integration with wider walking and cycling networks, including link to the southeast from Fountainbridge.*

## *2 Planning Context*

*The proposal seeks to deliver c.650,000 sq. ft. of office, hotel and retail/leisure space - in line with the existing consent (10/02373/FUL), whilst creating a destination public space and taking account of below ground rail tunnels.*

*The Panel previously reviewed the Haymarket Urban Design framework in January 2010 and the 2010 planning application in April 2010 (application number: 10/02373/FUL). This included demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (application number: 10/02373/FUL).*

### *Site Description*

*The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares and is currently vacant. There are railway tunnels that run under the site at its northern end in an east-west direction.*

*The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. To the north-west is Clifton Terrace with 2-storey properties rising to 4-storeys at the corner of Grosvenor Street in mixed commercial use. Grosvenor Street is predominantly a residential street, characterised by 3-storey Georgian properties with attic accommodation. To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction. Haymarket railway station sits further to the west.*

*Properties on Dalry Road are predominantly commercial with 2-storey residential use on the upper levels; these form part of the Dalry Colonies Conservation Area. To the south lie the 4-storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing. Morrison Link, to the east, is solely occupied by a hotel within a 5-storey, sandstone building.*

*The site is not within, but is immediately adjacent to, both the West End Conservation Area, which runs along the north side of Morrison Street, and the New Town Conservation Area, which runs along the north side of Haymarket Terrace. Likewise the site bounds the Old and New Towns of Edinburgh World Heritage Site, on Morrison Street, but does not lie within its confines.*

### *Planning Policy*

*The proposal is located in the urban area of the Edinburgh Local Development Plan and therefore should comply with the relevant LDP policies. It also sits within the Haymarket Urban Design Framework.*

*No declarations of interest were noted.*

*This report should be read in conjunction with the pre-meeting papers.*

*This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.*

### *3 Panel Comments*

*The Panel had detailed comments as follows:*

#### *Layout and Urban Form*

*The Panel noted the reduction in height and mass to buildings to the centre of the site but also expressed some concern that the detailed articulation of the proposed blocks needed to respect the context of lower rise buildings, in particular the Dalry Colonies.*

*The Panel felt there is an opportunity for a greater setback to the development at the junction of Dalry Road and Morrison Street and that this prominent corner should have an active frontage. The current conditions for pedestrian movement were considered to be overcrowded and there was also potential for overshadowing from the development.*

*The Panel considered that the proposed projecting corner 'portico' at the junction of Morrison Street and Morrison Link, overhanging the main pedestrian link to the northeast, required careful treatment to suitably define Morrison Street, create a welcoming entrance to the site and avoid creating a windswept space.*

*The need to activate Morrison Link opposite the Royal Leonardo Hotel and expand uses along this street given the change in ground levels was also raised by the Panel. The Panel considered that the proposals should demonstrate excellence in terms of sustainable design.*

#### *Relationship to the World Heritage Site*

*The Panel noted with some concern that the proposals required further refinement in terms of their impact on the views from the World Heritage Site, in particular the channelled street view from Grosvenor Street, which terminates on the largest office building.*

*The proposals will be experienced on gateway views into the city from the west and with backdrop views to the Castle and the approach from Haymarket Terrace needs to be considered.*

*The Panel felt that the model highlighted the mass and scale of the proposals in relation to the surrounding context and other landmark buildings in the west of the city. The proposed architectural treatment would therefore require ongoing visual and sectional analysis.*

#### *Connectivity with wider area and public realm*

*With regard to Haymarket's excellent public and sustainable transport links, the Panel supported reductions in car parking capacity to approx. 50-60 spaces.*

*The use of computer aided footfall modelling was welcomed, in particular to demonstrate safe and direct links from Haymarket Station through the proposed public realm and onwards to Morrison Street. However, the Panel raised that modelling was reliant on accurate assumptions about surrounding pedestrian flows.*

*The Panel considered the form and aspect of the proposed public realm, together with ground floor active uses to present the opportunity to create a new destination public space in the west end of the city. This could accommodate appropriate events and disperse activity from the city centre. There is also the opportunity to incorporate rooftop spaces and green roofs. Professional expertise in landscape architecture was considered essential.*

*The Panel expressed some concern that the potential success of the proposed public realm, coupled with the high levels of traffic on Morrison Street and at Haymarket, could detract from retail offer and reduce footfall in the surrounding streets rather than being a catalyst for renewal.*

*The Panel requested that review of active travel links through the southeast of the site to Morrison Link and the Western Approach Road would be essential to provide better access between Haymarket and redevelopment at Fountainbridge. Steps in this location could present a barrier to movement. The Panel noted the potential for a covered walkway to be included between buildings to the east of the site.*

*Consideration should be given to how the proposals fit with wider review of traffic, streetscape and active travel priorities at the Haymarket junction and the historic role of this space as a meeting point. The impact of current one-way system was recognised as outwith the applicant's control.*

### **Scottish Water comment**

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water*

*There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Foul*

*There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. Due to the size of the development, the developer may need to carry out network investigations on both the water and wastewater network to identify what, if any, mitigation is required to support the new development and protect the service provided to our existing customers. It is recommended that the developer submit a Pre-Development Enquiry application as early as possible.*

*The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.*

#### *Infrastructure within boundary*

*According to our records, the development proposals impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).*

*The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.*

#### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

#### *Non Domestic/Commercial Property:*

*Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk).*

#### *Trade Effluent Discharge from Non Dom Property:*

*Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.*

*Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.*

*For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.*

*The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com).*

### **Police Scotland comment**

*We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.*

### **Archaeology comment**

*The application site has been identified as being of archaeological significance primarily due to its Victorian Railway heritage but also for its potential for containing earlier possible medieval remains. Accordingly, a condition was attached to consent requiring the undertaking of a phased programme of archaeological work.*

*Accordingly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policy ENV9.*

*In response to a condition attached to the 2010 application 10/02373/FUL for the redevelopment of the site, an archaeological mitigation strategy was agreed. This required the undertaking of a phased programme of archaeological work. Phase 1 was carried out by CFA Archaeology recording the remains of the Victorian Railway goods yard was completed in 2014. However, the Phase 2 fieldwork and reporting started by CFA has still to be fully completed.*

*Accordingly, it is essential that the following condition is attached to this applicant to ensure the completion of the required programme of archaeological work;*

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

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

## **SEPA comment**

*We have no objection to this planning application. Please note the advice provided below.*

### **1. Sustainable Urban Drainage System (SUDS)**

*1.1 We provided an email to all local authorities on 30 March 2017 confirming that from May 2017 our standing advice for SUDS would be extended to include major developments and that we would no longer be providing site specific SUDS advice on major developments, excluding EIA. We therefore refer your authority to our standing advice on SUDS.*

*1.2 We advise that developers should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals are in compliance with The Controlled Activities Regulations General Binding Rules 10 and 11. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.*

*1.3 Construction phase SUDS should be used on site to help minimise the risk of pollution to the water environment. Further detail with regards construction phase SUDS is contained in Chapter 31 of SUDS Manual (C753). The applicant may also need to apply for a construction site licence under CAR for water management across the whole construction site. Please refer to Section 4.3 below for further details.*

*1.4 Comments should be requested from Scottish Water where the SUDS proposals would be adopted by them and, the views of your authority's roads department and flood prevention unit should be sought on the SUDS strategy in terms of water quantity and flooding issues.*

### **2. Waste water drainage**

*2.1 The planning application details that the proposed development will be utilising the public sewer for foul drainage. The applicant should consult with Scottish Water to ensure a connection to the public sewer is available and whether restrictions at the local sewage treatment works will constrain the development. If the proposals should change we would wish to be consulted at the earliest opportunity.*

### **3. Air quality**

*3.1 We note that an air quality assessment has not been included with the application documents. The local authority is the responsible authority for local air quality management under the Environment Act 1995. We would therefore recommend that air quality issues should be discussed in more detail with the Council's air quality specialists.*

*We would welcome the opportunity to comment on any assessment requested to be undertaken by the planning authority.*

*Regulatory advice for the applicant*

#### *4. Regulatory requirements*

*4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).*

*4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.*

*4.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:*

- o is more than 4 hectares,*
- o is in excess of 5km, or*
- o includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.*

*See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.*

*4.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.*

*Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website.*

### **West End Community Council**

*WECC is generally supportive of this latest approach to the development of the last major city centre gap site. There remain, however, concerns with and objections to some aspects.*

*Comments and Concerns:*

*1 Transport:*

*We welcome the proposal to make the site pedestrian and cyclist friendly, with good permeability, as described in the Transport Statement. We would expect strict time control of vehicle access for servicing and maintenance purposes in the main concourse (e.g. avoiding early morning rush hour pedestrian traffic) and in particular for the service yard beside the Dalry Colonies.*

## *2 Amenity (blocks adjacent to the Dalry Colonies):*

*We support the retention of the hotels design with its consideration of resident amenity, e.g. overlooking and greening We assume that there would be no issue over light pollution and that design measures re bedroom windows will be incorporated, e.g. automatic lighting control/blinds.*

## *3 Landscape Design:*

*The centre triangle would contribute to Edinburgh's flow of green spaces in the City Centre, although the triangular shape is not in keeping. Tree and plant choices will need careful consideration (as detailed in an earlier WECC submission). We recommend extending tree specimen provision to include the Morrison Street edge.*

## *4 Archaeology:*

*We trust that the second phase of these works will be completed as necessary.*

### *Objections:*

#### *1 Building design, height and materials:*

*We regret the move away from the use of stone to reflect the tradition of Morrison Street, the Dalry Colonies and Dalry Road - the site is on the edge of both a Conservation Area and the World Heritage Site. The opportunity to reflect the railway history of the site has also been lost. The new height of block B1 on Morrison Street will have an over-powering effect on facing residential properties.*

#### *2 Public realm:*

*2.1 The proposed seating would be easy to maintain, but is not user-friendly for all members of the public. The elderly and those with physical impairment need seating with arms. Seat backs provide support. The height of bench seating can make it difficult to use. What provision is there for young children?*

*2.2 The specified materials can be cold to sit on whereas railway sleepers are not - and there is a sustainability bonus in recycling.*

*2.3 Art work should be included as was envisaged in earlier schemes. Both green spaces and monuments are a characteristic of the city centre. Edinburgh Policy has talked of incorporating public art to "add to the visual interest and quality". The Haymarket Goods Yard is an important relic of Edinburgh's industrial past. It is often forgotten that Edinburgh is Scotland's second city in terms of industry and transport. A culturally substantial sculpture or railway history mosaic would be appropriate.*

*2.4 The paving materials provide interest, but it would be appropriate to include the use of railway-related materials such as cast iron for handrails and litter bins (supporting local industry).*

*3 Amenity:*

*3.1 Public toilet provision:*

*We understand that there was a condition placed on the original sale of the land that public toilets be provided to replace those now demolished at the corner of Morrison Street. Considering the widespread loss of such provision in recent years in the city, it is unacceptable that the developer is avoiding re-instatement and expecting the local population, tourists, commuters and sports fans to resort to cafés and restaurants.*

*Mother and baby facilities need to be included in the provision. If permission is granted, conditions should be placed:*

*use to be free*

*provision to be adequate to cope with events such as football matches, concerts etc.*

*signage to be prominently displayed on entries to the site and on café frontages*

*clause in the leases requiring adherence to this provision*

*(We note that in the past it has been suggested that Haymarket Station toilets are nearby. This is only available, however, by purchasing a train ticket to allow platform access. We are also aware of the on-going abuse of some of the Dalry Colonies paths.)*

*3.2 Sunlight and Daylight Report:*

*In Section 7.00 Surrounding Properties we query the acceptability of, for example, "12 residential buildings fall short of BRE guidelines"*

*Section 6.0 refers to Block B1 having 7 storeys. We query whether the actual height is ground plus 7 storeys and the effect should be re-assessed.*

*Refs: ELDP Policies Des 1; Des 4; Des 5; Des 7; Des 8; Des 11; Env 9*

*We trust that the above will be considered material and will be taken into consideration.*

### **West End Community Council updated comment**

*The additional documents lodged in September 2019 reinforce our opinions of 01.07.2019.*

*In particular the West End CC considers the extensive use of glass to be inappropriate in this location on the edge of the Edinburgh World Heritage Site and Conservation Areas.*

*The height and mass of Block B! does not respect the setting of the surrounding Listed Buildings.*

*With reference to the photomontages:*

1 Views 1 and 2 Haymarket Terrace looking east: the position from which the photographs are taken gives advantage to the idea that there is little adverse impact from B!. There is currently an anticipatory glimpse of Arthur's Seat on approach from the west. This is lost if the height and mass of B! are allowed.

2 Views 3, 4, 7 etc. show the overwhelming effect on the Dalry Road streetscape and the Hearts War Memorial.

3 View 9 Morrison Street shows that the materials do not even reflect the use of stone on the contemporary hotel building at the junction (Morrison Crescent and Torphichen Place).

4 The logging of the photomontages is confusing for the user, with inconsistent numbering and ordering.

5 The WECC Planning Convenor is aware of three occasions when the photomontages have come up on the CEC web-site as "document unavailable". This does not help members to study and comment.

Refs: ELDP Policies Des 1; Des 4; Des 11

We trust that the above will be considered material and will be taken into consideration.

## **HES comment**

### *Background*

To the north of the proposed development site, a section of Morrison Street forms the southern boundary of the Edinburgh World Heritage Site's (WHS) western New Town area. We provided an assessment on a previous, consented scheme for the site (10/02373/FUL including more recent consented amendments), noting that, in our view, those proposals did not raise significant issues.

### *Our Advice*

The scale and massing of the current proposed development reflects the scale and massing of the previously consented scheme. Whilst, in our view, the proposals could impact on the immediate setting of this part of the WHS, we do not consider that this impact would be significant, or that it would have a detrimental effect, on the Site's Statement of Outstanding Universal Value.

The setting of the category A listed Haymarket Station would not, in our view, be significantly impacted by the proposals.

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

local policy on development affecting the historic environment, together with related policy guidance.

#### *Further Information*

*This response applies to the application currently proposed. An amended scheme may require another consultation with us.*

#### **Environmental Protection comment**

*Environmental Protection has previously commented on similar planning applications for this site which have been consented subject to conditions (10/02373/FUL). It is noted that many of the conditions recommended by Environmental Protection would no longer be accepted by planning as they may be unenforceable or not specific enough for a detailed planning application.*

*Environmental Protection had raised concerns during previous applications for this site which included a high-rise hotel building. One application was rejected by Scottish Ministers however subsequent applications removed the high-rise element and replaces it with a 7-storey office block at Morrison Street edge of the site. The rest of the development site remains broadly the same as before. Concerns had been raised due to the new building heights creating additional canyon effects at this busy Haymarket junction, especially at Morrison Street. The development site is within an Air Quality Management Area which was declared for the failure to meet traffic related pollutant nitrogen dioxide objective levels.*

*The last planning application included a supporting air quality impact assessment. That air quality modelling assessment highlighted that a small localised area on Morrison Street (close to the junction with Dalry Road) will be subject to slight/moderate increase in nitrogen dioxide levels due to the increased canyon effect which would have occur with the erection of the previously proposed office block. Although the developer had sought to break up that office facade on Morrison Street, some adversely impact is simply unavoidable due to the new buildings. This impact would occur regardless of final building height. This will be an issue for this proposed development as the building footprints are similar.*

*While the number of car parking spaces proposed has significantly reduced from the consented 450 parking spaces to just 55 car parking spaces for this latest proposal. The site is essentially an open piece of ground with no formal road layout or marked car parking bays. The new development will have around 55 spaces located in the basement floors beneath blocks B4 and B5. This will serve the new commercial units and a portion of the car park may remain available for public access. The new office, retail and leisure units will be serviced either from the newly formed internal street (this can be controlled to restrict entry times by a traffic management system), or from a newly created service yard created at the edge of the site. A condition has been recommended to restrict the service yard hour's operation to exclude late night deliveries.*

*The applicant should be made aware that there are now requirements stipulated in the Edinburgh Design Guidance must be achieved. Edinburgh has made progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of*

*extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of emissions will contribute to improving air quality, furthermore their quieter operation will mean that a major source of noise will decrease.*

*The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions. As the site is in an AQMA the applicant must do more than the minimum with regards reducing impacts on local air quality.*

*Environmental Protection recommend that 7Kw (type 2 sockets) charging provision are installed for all spaces with a number rapid 50Kw electric vehicle charging points installed to charge taxis and service vehicles. The site will be well served by taxis due to the proposed use. Electrification of Edinburgh taxis is growing as is the demand for rapid (50KW) electric vehicle chargers. Information on chargers is detailed in the Edinburgh Design Standards -Technical Information Design Standards.*

*Any application must keep the numbers of car parking spaces to a minimum, commit to providing good cycle provisions, electric vehicle charging facilities for bikes/road vehicles and supported with an up to date travel pack. The introduction of car club spaces can reduce the overall requirement for car parking numbers. It should be noted that the car club currently operates many electric vehicles in its fleet. Any allocated car club spaces shall be supported with an electric vehicle charging point.*

*The potential impacts traffic generated by the site will have on the nearby AQMA is not known. The reduced proposed number of parking spaces is welcomed but the site is extremely well served by public transport. The applicant must fully have considered the full range of mitigation measures open to them. We would normally encourage developers to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate traffic related air quality impacts;*

- 1. Keep Car Parking levels to minimum.*
- 2. Car Club facilities (electric and/or low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents.*
- 5. Improved cycle/pedestrian facilities and links.*
- 6. Taxi specific rapid electric vehicle charging points*
- 7. Rapid charger located in the service area.*

*Before Environmental Protection can support the application, the applicant must provide plans showing the location of the charging points and power outputs of each charger. The installation of wall mounted chargers in a basement is a very cost-effective method.*

*Environmental Protection also advise the applicant that any energy centres must comply with the Clean Air Act 1993 and that Environmental Protection will not support the use of biomass. Environmental Protection would support the introduction of other renewable energy systems especially intelligent power systems that would work along with the electric vehicle infrastructure. A development of this size and scale would be able to produce renewable energy and store it in the electric vehicles.*

*We will need details on the proposed centralised energy centre, for example the proposed fuel and size (energy in/output), again Environmental Protection will not support biomass and if a large gas-powered energy centre is required then secondary abatement technology will need to be incorporated to ensure NOx emissions are minimised. It is recommended that the applicant submits a chimney height calculation at the earliest possible stage to ensure planning are satisfied with any proposed chimney which may need to be sizable.*

*If you are proposing an energy centre or centralised boilers you will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD -Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).*

*Environmental Protection have raised issues about noise from delivery activities from the service yard as a potential problem to the neighbouring residential properties in the Colonies. The commercial units should be serviced by delivery vehicles during daytime in order minimise the impact on current residential neighbours and hotel guests. The applicant has undertaken an updated acoustic assessment which recommends that an acoustic barrier of about 3.5m high will help protect residential amenity. Environmental Protection will require specific details on the proposed acoustic barrier including the exact location, materials (mass and density) and details of the design of the barrier.*

*In order to protect residential amenity, we will also recommend that late night deliveries are prohibited.*

*Conditions can be recommended to deal with contaminated land. The applicant has provided details on the kitchen ventilation risers to serve all the food outlets this can be conditioned the applicant must ensure that this includes the proposed public houses. Music breakout from the public houses will need to be further investigated and modelled to ensure noise breakout will not be audible in the nearest residential properties. If mitigation is required then this must be detailed. Office and hotel uses will require substantial plant/equipment a noise impact assessment must model the likely noise impacts based on the general location of the plant. This must be in the form of a frequency analysis and allow for neighbouring windows to be open. Environmental Protection cannot recommend the previously accepted conditions we will require more detailed information upfront to enable us to produce specific enforceable conditions.*

*Therefore, Environmental Protection recommends the application is continued until more detailed information is submitted.*

## **Gorgie Dalry Community Council comment**

### **CYCLE ROUTES**

*There are concerns that there is no provision within this scheme for dedicated / identifiable cycle routes. We note that the transport statement mentions the provision of cycling routes around the site, such as on Dalry Road, but these lanes are shared with buses, and involve crossing the tram lines when cycling into the city, which is unsafe and has caused accidents. Cyclists would therefore choose to cycle through this proposal, as it offers a safe, direct route from Dalry Road to Morrison Street and the CBD. This could affect pedestrian safety, whereby cyclists would share this space in an uncontrolled manner, which has had detrimental impacts in other areas of the city.*

## **HEIGHT AND MASSING**

*We have concerns over the height of Block B1, which has a roof datum level of +95.000. This is extremely tall and very out-of-keeping with any of the surrounding buildings to all sides, contravening Policy Des 4 Development Design - Impact on Setting. This disparity is clear in Site Elevations 1 and 2, whereby the height difference between B1 and the Dalry Colonies, Ryrie's and the buildings along Haymarket Terrace and at the corner with Morrison Street is extreme, towering over any surrounding building, often at more than twice the height. This difference is the most detrimental at the top of Dalry Road, opposite Ryrie's, as it completely dwarfs this historic low-rise property and those nearby. It is a very open corner, offering great views and wide skies, which will be masked completely.*

## **IMPORTANCE OF 4\* HOTELS**

*From our presentation and discussions with the Planning Consultant at our meeting, their representative informed us that this current proposal includes provision of a 4\* Hotel(s), which is welcomed by the GDCC. This is a higher specification than previous applications, which had 3\* hotel provision. We are happy to see higher quality hotels on offer at this site.*

## **MATERIALS**

*While we were assured by the Planning Consultant that the Client and Foster + Partners will be having detailed discussions on the final materials for the proposal, we wish to note that the all-glass facades within this proposal are out-of-keeping with the area, and help this to stick-out even more so from the surroundings, contravening Policy Env 6 Conservation Areas - Development. We would appreciate efforts to make the proposal blend in more with the urban landscape, with a mix of sandstone and other good-quality materials that characterise the area, Conservation Area and World Heritage Site bordering the site.*

## **DELIVERY TIMES**

*There seems to be a lack of information regarding the management and running of the site, with regards to deliveries. We are concerned that with at least 2 hotels on the site, that there may be numerous deliveries at all hours, which may be mismanaged and cause continual disturbance to nearby Neighbours, especially those in the Dalry Colonies and Morrison Crescent. We wish to be included in discussions on the running of this site with the Council, to ensure that delivery times are set and strictly enforced, to protect the quality of life of nearby residents.*

## **Network rail comment**

*Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to Haymarket Tunnels, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:*

*There must be no additional loading/surcharge on Haymarket Tunnels (including sidewalls) by the proposed development. All proposed works above/adjacent the tunnels must be subject to further discussions and agreement with Network Rail.*

*Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.*

*Details of all changes in ground levels, laying of foundations, piling works and operation of mechanical plant in proximity to Haymarket Tunnels must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.*

## **Roads Authority Issues**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);*
- 2. The applicant will be required to:*
  - a. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - c. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £22,500 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
- 3. The applicant will be required to submit design and modelling of Dalry Road/Morrison Street/Clifton Terrace/W Maitland Street junction including the two proposed crossing to the satisfaction and at no cost to the Council;*
- 4. The applicant to design and build single stage pedestrian and cycle crossing on Dalry Road to the satisfaction and at no cost to the Council (see Note c);*

5. *The applicant to design and build pedestrian and cycle crossing on Morrison Street to the satisfaction and at no cost to the Council;*
6. *The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist;*
7. *The proposed layby on Morrison Link is subject to detailed design and approval by the Council's Locality (footway width should not to be reduced to less than 2.5m wide on strategic street P3-footways ESDG); the applicant should explore the possibility of providing the layby to the immediate south of the proposed access to the underground car park on Morrison Link;*
8. *The applicant to provide 688 cycle spaces and complies with the minimum cycle parking requirement of 477 spaces; details on the number, type, location and layout of the cycle parking to be submitted to the satisfaction of the Head of Planning. These should comply with the Parking standards for Development Control (see Note h);*
9. *55 car parking spaces including 3 accessible bays to be provided at ramped access underground car park and complies with the Council's parking standards which could permit a maximum of 215 spaces;*
10. *3 electric vehicle charging outlet is required for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
11. *5 motorcycle spaces will be required for the proposed development instead of the expected 69 spaces due to the constraints of the site (see Note h below);*
12. *Continuous footway crossing will be required on the proposed access to the underground parking to provide pedestrian priority;*
13. *Details of measures to restrict parking and waiting on the shared footway/boulevard area are required. This shall be submitted to the Head of Planning for approval in writing prior to the opening of the Development;*
14. *Access to the development underground car park will be via Morrison Link left in only vehicle access to reduce peak hour congestion due to right turn vehicle accessing the underground car park;*
15. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable footways/cycle tracks, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.*
16. *The applicant should note that the Council acting as Roads Authority will not accept maintenance responsibility for underground water storage / attenuation;*

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

18. The applicant should note that new Street names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;

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

20. The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.

21. Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [http://www.edinburgh.gov.uk/downloads/file/1263/apply\\_for\\_permission\\_to\\_create\\_or\\_alter\\_a\\_driveway\\_or\\_other\\_access\\_point](http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point)

22. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

23. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

A transport statement has been submitted in support of the application. This has been assessed and considered to be an acceptable reflection of estimated people trips generated by the development and correct accessibility review. The submitted document is generally in line with the published guidelines on transport statement. The proposed development is predicted to generate a total people trips of (1,783, 298), (361, 1,533) during morning (08:00-09:00) and evening (17:00-18:00) peak hour periods respectively. Lower parking provision and proximity of the site to sustainable modes of transport means significant proportion of predicted people trips is expected to be by sustainable modes of transport (tram, bus, rail, walking and cycling).

- a) Tram contribution in Zone 1;
  - o 365bed hotel =£1,098,173.91
  - o 50,413sqm =£3,488,579.60

- o 2893sqm = £264,865.73
- o Total =£4,851,620; it is understood that tram contribution will not be required for this development;

b) A pedestrian route (12m wide) to be provided to link Dalry Road to Morrison Street; and at least 6m wide stepped route with cycle wheel ramped to be provided to link Dalry Road to Morrison Link; ramped access is preferred however, planning is of the view that the quality of public realm will be compromised with if ramped access is provided;

c) The proposed single stage pedestrian crossing on Dalry Road leads to a stepped access within the proposed development and does not provide direct levelled access to the car free pedestrian route within the development linking Dalry Road to Morrison Street. It is understood that the disused tunnel under the site will not allow provision of desired levelled access within the site adjacent the proposed crossing;

d) Vehicles servicing buildings 2 and 3 will utilise the service yard to the south of the development, entering via the access point on Morrison Crescent. This yard has been designed to accommodate various delivery and refuse vehicles;

e) The loading bay on Morrison Link will be used to service Buildings 4 and 5

f) The proposed loading bay on Morrison Street will be used to service Buildings 1 and 5 (see item 6 above);

g) Emergency and maintenance vehicles access to the site are from Morrison Street, Morrison Crescent, Dalry Road, Service yard at Morrison Crescent and north eastern pedestrian route;

h) 63 motorcycle spaces required for the office; 3 for the retail use; and 3 for the hotel use;

i) 688 cycle spaces to be provided complies with the minimum requirement of 477 cycle spaces;

- o Office cycle spaces = 336+50=386

- o Retail cycle spaces =12+6= 18

- o Hotel cycle spaces = 73

#### *TRAMS - Important Note:*

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

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

### **Roads Authority Issues - updated**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

1. *The applicant will be required to contribute the sum of £4,851,620 (based on proposed 50,413sqm office, 2,893sqm retail and 365bed hotel in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see Note a);*
2. *The applicant will be required to:*
  - a. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
  - b. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
  - c. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £28,000 (£1,500 per order plus £5,500 per car) towards the provision of 4 car club vehicles in the area;*
3. *The applicant will be required to submit design and modelling of Dalry Road/Morrison Street/Clifton Terrace/W Maitland Street junction including the proposed two crossings (per item 4 and 5 below) to the satisfaction and at no cost to the Council;*
4. *The applicant to design and build a single stage pedestrian/cycle crossing on Dalry Road (to replace existing 2 stage crossing on Dalry Road further south and align with the proposed footway within the development that links Dalry Road to Morrison Street) to the satisfaction and at no cost to the Council (see Note c);*
5. *The applicant to design and build pedestrian/cycle crossing on Morrison Street close to its junction with Dalry Road to the satisfaction and at no cost to the Council;*
6. *The proposed layby on Morrison Street is subject to detailed design and approval by the Council's Locality. The applicant should explore 0.5m wide clearance/buffer between the proposed layby and road to safeguard future cycle route on south side of Morrison Street from potential risk of dooring cyclist;*

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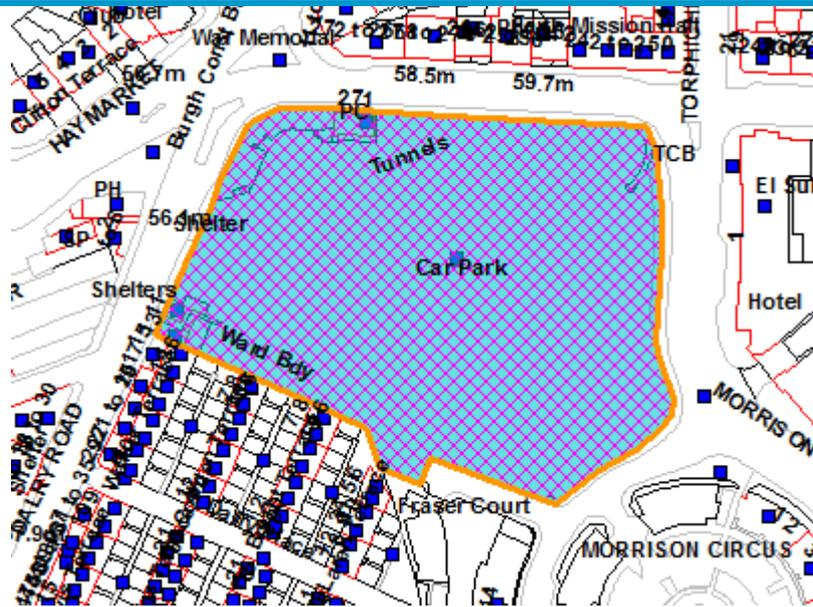
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## Location Plan

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**END**